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| 13 | Proposed Conservation Area at Watlands Park, Wolstanton and Consideration of an Immediate Article 4 Direction at number 7 Park Avenue, Wolstanton. | (Pages 85 - 110) |
| 14 | Draft Brampton Conservation Area Appraisal and Management Plan Supplementary Planning Document | (Pages 111 - 136) |
| 15 | Appeal Decision -Appeal by St. Quentin Residential Homes Ltd against the decision of the Council refusing planning permission for a two storey extension to provide a 24 bedroom elderly mentally infirm (EMI) unit and replacement conservatory at St Quentin Residential Home, Sandy Lane, Newcastle | (Pages 137 - 138) |
| 16 | Appeal Decision - Appeal by Aspire Housing against the decision of the Council to refuse Planning Permission for 4 no., 2 bedroom, semi-detached properties at a site off Queensway, Newcastle | (Pages 139 - 140) |
| 17 | Appeal against the decision of the Council to refuse Planning Permission for two detached 4/5 bedroom dwellings at Wrekin House, off Mucklestone Wood Lane, Loggerheads | (Pages 141 - 142) |
| 18 | Provisional Planning Committee site visit dates - 2016-17 | (Pages 143 - 144) |
| 19 | Quarterly Report on extensions to time periods within which obligations under Section 106 can be entered into. | (Pages 145 - 148) |
| 20 | Application for Financial Assistance (Historic Buildings Grant) - The Barracks, Barracks Road, Newcastle (Ref: 15/16007/HBG) | (Pages 149 - 150) |
| 21 | URGENT BUSINESS | |

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, 29th March, 2016

Present:- Councillor Marion Reddish – in the Chair
Councillors Braithwaite, Cooper, Hambleton, Mancey, Northcott, Owen, Simpson, Williams, Williams and Winfield

1. APOLOGIES

Apologies were received from Councillors' Fear, Heesom, Pickup, Snell and Welsh.

2. DECLARATIONS OF INTEREST

Councillor Holland declared an interest on application 15/01085/OUT as a Governor of Friarswood Primary School.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 1 March, 2016 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - HAMPTONS AND LAND ADJACENT TO HAMPTONS, OFF KEELE ROAD, THISTLEBERRY, NEWCASTLE. MR JN AND NW HAMPTON. 15/01085/OUT

Resolved:

(a) That the application be refused for the following reasons:

- (i) 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.
- (ii) In the absence of a 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, which can be supported by the development without rendering it unviable, towards primary school provision, contrary to policy.
- (iii) In the absence of a planning obligation the development fails to provide 20% of the total number of proposed dwellings as affordable dwellings which can be supported by the development without rendering it unviable and which are required to provide a balanced and well-functioning housing market.
- (iv) In the absence of a planning obligation towards Travel Plan monitoring costs, the required contribution to sustainable transport measures, which can be supported by the development without rendering it unviable, would not be secured in accordance with policy.

- (v) In the absence of a planning obligation securing the long term maintenance and management of public open space on the site, the development would not be acceptable
 - (vi) In the absence of a planning obligation which provides an appropriate future reappraisal mechanism to secure further affordable housing provision (to a maximum 25% provision in accordance with policy) to allow for changed financial circumstances in the event that the development does not immediately proceed, the development may not provide what it could and should (to comply with policy).
- (b) 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.
 - (c) That the Council no longer intends to argue, at the appeal against the decision on application 14/00948/OUT, that a contribution toward off site public open space improvement and maintenance is required
 - (d) That the Council should submit, at the appeal against the decision on application 14/00948/OUT, that an appropriate contribution towards Travel Plan Monitoring Costs is justified
 - (e) To give authority for the Council to enter into a S106 obligation to secure the following:
 - (i) An education contribution of £319,899 towards Primary School provision within Friarswood Primary School/ Hassell Community Primary School / St Giles' and St George's CofE Academy.
 - (ii) 20% affordable housing provision
 - (iii) Travel Plan monitoring fee of £6,300
 - (iv) Appropriate arrangements for the long term management and maintenance of the Public Open Space on the site
 - (v) An appropriate reappraisal mechanism to secure further affordable housing provision (to a maximum 25% provision in accordance with policy) to allow for changed financial circumstances.

5. APPLICATION FOR MAJOR DEVELOPMENT - LAND AT END OF GATEWAY AVENUE, BALDWINS GATE. KIER LIVING LTD. 15/01106/REM

Resolved: That the application be deferred in order to obtain further information on Tree planting within the scheme, design of layout, affordable housing provision including location and house types, external facing materials, street lighting, and floodrisk; and in the case of tree planting, design of layout and affordable housing either revised proposals or additional justification for that proposed

6. **APPLICATION FOR MAJOR DEVELOPMENT - AUDLEY WORKING MENS CLUB, NEW ROAD, BIGNALL END. WW PLANNING. 15/00692/FUL**

Resolved: (a) That, subject to the applicant first entering into a section 106 obligation, by 10th May 2016, to secure a review mechanism of financial contributions if the development is not substantially commenced within 12 months from the date of the decision, the application be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development
- (ii) Approved plans
- (iii) Submission and approval of external materials
- (iv) Boundary treatments
- (v) Prior submission and approval of a landscaping scheme
- (vi) Removal of permitted development rights for hardstandings within all front gardens
- (vii) Removal of permitted development rights for extensions, roof alterations and outbuildings for all plots
- (viii) Provision of access prior to occupation
- (ix) Provision of parking and turning areas
- (x) Surfacing details
- (xi) Access road shall remain un-gated
- (xii) A surface water interceptor
- (xiii) Submission and approval of Construction Method Statement
- (xiv) Tree Protection (overhanging trees)
- (xv) Tree pruning (overhanging trees)
- (xvi) Design measures to secure noise levels
- (xvii) Construction/ Demolition Hours
- (xviii) Drainage – foul and surface water
- (xix) Full contaminated land

(b) Should the above planning obligation not be secured by the 10th May, the Head of Planning be given delegated authority to refuse the application on the grounds that without a review mechanism there would be no up to date justification for development with no policy compliant financial contributions towards public open space and education.

7. **APPLICATION FOR MAJOR DEVELOPMENT - DAVID WEATHERALL BUILDING, KEELE UNIVERSITY, KEELE. KEELE UNIVERSITY ESTATES DEPARTMENT. 16/00164/FUL**

Resolved: That the application be permitted subject to the undermentioned conditions:

- (i) Approved drawings
- (ii) All other conditions associated to permission 15/00583/FUL continue to apply.

8. **APPLICATION FOR MINOR DEVELOPMENT - HOLLY BARN, HOLLY LANE, HARRISEAHEAD. MR D RILEY. 16/00099/FUL**

Resolved: That the application be approved subject to conditions withdrawing permitted development rights for external alterations, extensions and outbuildings, & requiring approval and implementation of landscaping scheme, and approval of any boundary treatments and external materials, and reference to approved plans.

Reason for grant of planning permission – it is considered that whilst it would be inappropriate development in the Green Belt, sufficient very special circumstances (the condition of the building, the presence of an unexpected coal seam underlying the building necessitating the partial rebuilding of that section, and the appearance of what would otherwise remain) outweigh the very limited harm to the Green Belt that would result from granting planning permission

9. **APPLICATION FOR MINOR DEVELOPMENT - LOCK UP GARAGE SITE OFF SUSSEX DRIVE, KIDSGROVE. WAVERLEY REALITY LTD. 16/00174/OUT**

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

The development of seven dwellings is unlikely to provide adequate amenity standards for the residents, in terms of distances between principal windows and side walls of existing dwellings, contrary to the standards as set out in the Space Around Dwellings Supplementary Planning Document and the aims and objectives of the National Planning Policy Framework.

10. **ARTICLE 4 DIRECTION IN RELATION TO CHANGES TO SMALL HOUSES IN MULTIPLE OCCUPATION (HMOS) IN SIDMOUTH AVENUE, GOWER STREET, GRANVILLE AVENUE, NORTHCOTE PLACE AND PART OF KING STREET.**

Consideration was given to a report informing Members of comments received in relation to the Article 4 Direction and seeking the Committee's confirmation of the Direction.

Resolved: That the Article 4 Direction be confirmed.

11. **APPEAL DECISION - 40A SANDS ROAD, HARRISEAHEAD - 14/00792/FUL**

Resolved: That the decision be noted.

12. **APPEAL DECISION - CENTURION HOUSE, WEST STREET, NEWCASTLE. 15/00203/FUL**

Resolved: That the decision be noted.

13. **APPEAL DECISION - 64 BASFORD PARK ROAD, NEWCASTLE. 15/00595/FUL**

Resolved: That the decision be noted.

14. **TECHNICAL CONSULTATION ON IMPLEMENTATION OF PLANNING CHANGES.**

Consideration was given to a report advising Members of a consultation by the Government on the implementation of planning changes associated with the Housing and Planning Bill.

Resolved: That the Head of Planning and Head of Finance, in consultation with the Chairman and Vice Chairman, draw up and submit responses to each of the questions posed by the Government taking into account any comments made by members of the Committee by 5pm on 5th April 2016

15. **TREE PRESERVATION ORDER 25 WALTON WAY, TALKE. TPO174**

Resolved: That Tree Preservation Order No.174 (2015) - 25 Walton Way Talke be confirmed as made and owners of the site to be informed accordingly.

16. **URGENT BUSINESS**

There was no Urgent Business.

COUNCILLOR MARION REDDISH
Chair

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**LAND AT END OF GATEWAY AVENUE, BALDWIN'S GATE
KIER LIVING LTD**

15/01106/REM

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 113 dwellings.

This approval of reserved matters follows the granting at appeal of an outline planning permission in January 2015 (Ref. 13/00426/OUT). Details of access from the highway network were approved as part of the outline consent.

The site, of approximately 5.6 hectares in extent, is within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

A decision on the application was deferred at the meeting of the Committee held on 29th March for further information on tree planting within the scheme, design of the layout, affordable housing provision including location and house types, external facing materials, street lighting and flood risk and in the case of tree planting, design of the layout and affordable housing either revised proposals or additional justification for that proposed.

The 13 week period for this application expired on 14th March 2016, but the statutory period has been extended by the applicant to the 29th April.

RECOMMENDATION

Subject to consideration of any further comments from the Baldwins Gate Action Group and/or Whitmore Parish Council received by 20th April 2016 on the additional material received from the applicants following the above deferral, PERMIT subject to conditions relating to the following:

- **Link to outline planning permission and conditions**
- **Approved plans**
- **Details of the tie in of access of the site with Gateway Avenue**
- **Integral garages of the Suckley house type to be retained for the parking of vehicles**
- **Materials (facing, roofing and surfacing)**
- **Details of street lighting**
- **Landscaping conditions**

Reason for Recommendation

The principle of the use of the site for residential development has been established with the granting of the outline planning permission. The design and layout of the proposal is considered acceptable in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. There would be no material adverse impact upon highway safety as a consequence of the internal layout or to residential amenity and the landscaping and open space provision within the site is considered acceptable. There are no other material considerations which would justify a refusal of this reserved matters submission.

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

Amendments have been promptly sought from the applicant and obtained and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

1.1 The Application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 113 dwellings. The principle of the residential development of the site has been established by the granting of outline planning permission 13/00426/OUT at appeal in January 2015. Details of access from the highway network were approved as part of the outline consent.

1.2 The outline consent for the site was granted subject to a condition that required any reserved matters applications for the site to accord with the principles set out in the Design and Access Statement, taking into account the comments of the Highway Authority on certain drawings that accompanied that application. Objections have been received on the grounds that it is considered that the application fails to accord with the principles of the Design and Access statement and the drawings as conditioned in the appeal decision and as such, it is in clear breach of Condition 4 and the application should not have been validated. The condition requires any reserved matters application to accord with the principles of the Design and Access Statement. Your Officer has considered the application against those principles and is satisfied that it accords with Condition 4 of the outline consent granted at appeal and that the Authority could not have refused to validate or entertain the application, which now falls to be determined. Some of the detailed reasons why objectors consider that the application does not accord with those principles will be considered further below.

1.3 A number of objections have been received from local residents relating to the impact of a housing scheme of this size upon the surrounding highway network, local amenities and the capacity of the sewerage system. These are matters that were considered and accepted as not grounds for refusing the outline planning permission and therefore, cannot be revisited now. Issues of impact on views and on property values have also been raised but these are not material planning matters.

1.4 As stated above, a decision on the application was deferred at the meeting of the Committee held on 29th March for further information and amendment on various matters. In response, the applicant has submitted updated landscaping proposals, an updated site layout and tenure masterplan and a technical response which addresses six topics. A very brief summary of the applicant's response follows, with more detail provided within the relevant sections of the report: all of this material is available to view on the Council's website as associated documents to the application.

- **Tree planting**
Kier have made provision of the planting of 200 trees across the development which exceeds the 184 trees shown on the indicative masterplan at the outline stage.
- **Design considerations**
It is contended that there is a clear consistency between the indicative masterplan and the final detailed design. The final layout comfortably fits within the broad design parameters and principles that were established at the outline stage and the reasoning for this is detailed in a technical response.
- **Affordable housing**
The configuration of the affordable housing was not a fixed parameter of the outline permission. The Section 106 makes provision for the type and quantum of affordable housing but distribution throughout the final layout remains at the discretion of Kier, the Council and the registered provider (Aspire). Kier have sought to respond to the comments of Members and some of the plots have been swapped within the layout to achieve more dispersal.
- **Materials**
The technical response provides further justification for the proposed materials and house type designs.
- **Flood Risk**
Any suggestion that the proposed drainage strategy is inappropriate or insufficient is not founded upon any technical evidence. The attenuation basins are standard features on major housing developments across the country and in the absence of any objections from the relevant statutory consultees, they are entirely appropriate in this instance.
- **Street lighting**
It is not necessary at this stage for the applicant to provide details of the proposed street lighting strategy. This could be dealt with by condition and ultimately the County Council, as the Highway Authority, will have full control over the specification to ensure that it is to adoptable standards.

1.5 The key issues for consideration now are:-

- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Would the proposed layout have any adverse impact upon highway safety and does the detailed scheme promote sustainable transport choices?
- Is the proposed landscaping and open space within the site acceptable?

2. Is the proposal acceptable in terms of its design and impact on the form and character of the area?

2.1 The NPPF at paragraph 56 indicates that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

2.2 Policy CSP1 of the CSS lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

2.3 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

2.4 Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are

- a. To respond to the unique character and setting of each*
- b. Development should celebrate what is distinct and positive in terms of rural characteristics and topography in each location*
- c. Generally to locate new development within village envelopes where possible and to minimise the impact on the existing landscape character*

It goes on to state that new development in the rural area should respond to the typical forms of buildings in the village or locality.

2.5 R12 of that document states that residential development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists already and has a definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area.

2.6 R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

2.7 The development would comprise 113 dwellings with a density of 26 dwellings per hectare (dph). A variety of house types are proposed which would be predominantly 2-storey with bungalows adjacent to the existing bungalows on Hillview Crescent and Sandyfields. Higher density development would be situated centrally within the site with the larger detached properties along the northern edge and facing the public open space.

2.8 Regarding density, and further to the concerns expressed by some Members at the 29th March Committee meeting, the applicant makes the following points:

- Whitmore Parish Council and Baldwin's Gate Action Group have compared the density of the indicative outline masterplan with the reserved matters application and concluded that in the north easterly blocks the overall density has increased by 53%. The applicant has examined the density comparison and highlights a number of errors and in particular notes that the exercise has been carried out using an early concept drawing that proposed 117 dwellings, rather than the approved outline masterplan.
- A density comparison has been submitted which uses the correct masterplan and assessment of numbers and it is stated that the total number of units in each block are either an exact match to the outline plan or fluctuate up or down by very small percentages.
- The reserved matters scheme reduces the physical building mass and scale from that in the outline masterplan. The number of bungalows has increased and whilst the footprints of the bungalows are greater, they are visually less dense than two-storey houses.

2.9 The applicant goes on to state that the massing and siting of the proposed dwellings has been adhered to with the use of similar building heights, including bungalows, along the southern boundary to relate to existing lower storey massing. Areas of single storey, two-storey and focal point buildings have been located in agreement with the vision of the outline application and whilst exact building footprint overlay is unattainable with detailed design, the concept and principles of the outline masterplan have been realised. For these reasons, the applicant strongly contends that the proposed layout is entirely commensurate with the design principles established at the outline stage.

2.10 Given the variety of dwelling size, density and style currently in the village, it is considered that the layout proposed would respect local character. In allowing the appeal (13/00426/OUT), the Inspector was satisfied that 113 dwellings would result in a density that would strike an acceptable balance between reflecting the character of the village housing and making efficient use of housing land. Notwithstanding the comparisons made by both residents and the applicant of the density of various areas within the site in the outline scheme and the current scheme, it is the case that the density of the overall development remains the same as that accepted by the Inspector. Your Officer's view is that the layout adjacent to the existing dwellings, which includes a number of bungalows, is appropriate.

2.11 The principal facing material would be red brick with rendered projections and gable fronts at the junction of key internal vistas and the addition of weatherboarding on the dwellings along the countryside boundaries. Detailing would be simple and unfussy with double-frontage dwellings at prominent locations, providing focal points and features to enhance legibility through the development. Concerns have been raised by local residents on the grounds that it is considered that the materials do not reflect the wide variety of brick and tile finishes in the vicinity.

2.12 In response, the applicant has stated that the eclectic nature of architectural style in the area has been reflected in the proposed development through the use of a number of different material choices and house types to deliver variety both in visual appearance and streetscene. As the immediate context gives little in the way of useable design influence, a unique, yet contextual, response was required. Material choices have been drawn from the surrounding context and re-interpreted with a modern approach into the elevational design of the development. The applicant highlights the selection of materials as recommended in the Design and Access Statement and states that the proposed materials adhere to those recommended with the addition of timber effect boarding to provide further variety and identity. There is a significant use of red brick in the surrounding area and therefore the proposed development has incorporated the use of red brick to provide a solid and robust feel. The 'features' recommended in the Design and Access Statement have been regarded with many of those features employed in the design and varied throughout the streetscene. The applicant concludes by stating that whilst a considerable amount of thought and design development sympathetic to the surrounding context has been carried out to produce material choices which are believed to be fitting for this development, Kier are keen to work with the Council and would anticipate determination of this detail to be achieved via condition.

2.13 Your Officer's view is that the design of the dwellings and the materials palette proposed would provide a consistency throughout the site and would also provide sufficient articulation and focal points to create variety and interest in the street scene.

2.14 Concern has been expressed stating that the majority of parking is now in front of properties rather than to the side. Whilst there are some dwellings where parking is to the front, particularly the smaller semi-detached units, car parking and garages would generally be to the side of dwellings and it is not considered that the street elevations would be dominated by parking.

2.15 The layout as originally submitted included dwellings in the north-western corner of the site, encroaching into the landscape buffer that was shown on the indicative masterplan to extend along the full length of the northern boundary of the site. Your Officer was concerned that the incursion of development into this area would have an adverse impact on the continuity of the landscape buffer and therefore would have a detrimental effect on the relationship of the development within the landscape. The layout has been amended so that the landscape buffer extends fully into the north-western corner of the site. The dwellings on Plots 89 and 90 would face towards the open space and whilst there would now be less space for tree planting along the western boundary of the site, it is considered that sufficient planting could be incorporated elsewhere along that boundary.

2.16 In allowing the appeal, the Inspector stated that the indicative layout showed that breaks in the built development could maintain visual corridors to extend the public views from the 4 cul-de-sacs that lead to the site boundary out into the countryside beyond. Concerns have been raised by residents stating that the proposed dwellings project forward of the building line of Sandyfields, Gateway Avenue and Hillview Crescent and that public views from the existing avenues towards Madeley Park Wood are now obstructed.

2.17 The applicant has stated that the proposed development has extended the building lines and completed the block pattern into the site using proven urban design principles of frontage to frontage and backs to backs. It is asserted that this integrates the development into the established urban fabric and creates a legibility which aids orientation through the site. These principles set out in the outline Design and Access Statement have been maintained in the reserved matters layout. The applicant states that the retention of views through the site from the existing cul-de-sacs have been maintained. Whilst the positions of some units have been adjusted they have been sited so as to maintain the views across the site to the POS beyond to the north, insofar as it is possible to do so. The layout in the south-west corner of the site has followed the principles of the Design and Access Statement with the view opening up as travel is continued northwards through the new development to provide interest and legibility.

2.18 Your Officer notes that similar to the scheme now proposed, the illustrative layout considered by the Inspector showed the proposed dwellings forward of the existing properties on Sandyfields and Gateway Avenue. Whilst the dwellings adjacent to Hillview Crescent now project forward of the existing bungalows contrary to what was shown on the indicative masterplan, views would be maintained from Hillview Crescent across the public open space and beyond to the countryside.

2.19 The layout of the site follows closely that of the illustrative Masterplan drawing and the design parameters set out in the Design and Access Statement are reflected in this detailed scheme. The layout and density of the proposed scheme and the proposed house types reflect local character and it is considered that the proposal would be acceptable in terms of its design and impact on the form and character of the area.

3. Would there be any adverse impact on residential amenity?

3.1 This falls into 2 elements – the residential amenity of existing adjacent occupiers and the residential amenity of future residents of the development.

Existing occupiers' amenity

3.2 Concerns have been raised by residents on the grounds of impact on light and privacy. Specific reference is made to the impact of two-storey houses proposed in locations previously designated for bungalows and to what is perceived to be an inadequate separation distance from No. 14, Gateway Avenue.

3.3 The two-storey houses referred to are those on plots 5, 6 and 7. The rear elevations of those properties would be 18m from the gardens of the adjacent dwellings on Gateway Avenue and Hillview

Crescent and such a distance is considered to be sufficient to ensure that there would be no significant adverse impact on the amenity of the occupiers. Although there is a window in the side elevation of No. 14, Gateway Avenue, it is not a principal window as defined in the Council's SPG and no windows are proposed in the side elevation of the dwelling proposed on Plot 1. There would be no significant adverse impact on light or privacy therefore.

Amenity of future occupiers of the development

3.4 The proposed dwellings would generally provide amenity areas which comply with the lengths/areas recommended in the SPG. Although there a limited number of dwellings that have a garden length or area marginally less than the recommended figures, the level of private amenity space would be sufficient for the family dwellings proposed.

4. Would there be any adverse impact upon highway safety and does the detailed scheme promote sustainable transport choices?

4.1 The means of access to the site was determined at outline stage, with vehicular access provided via Gateway Avenue and an emergency access from Hillview Crescent that would serve as an alternative pedestrian/cycle access. Therefore although objections have been received regarding increased traffic and the inadequate width of Gateway Avenue, the site benefits from outline consent, and an objection to the principle of such a use in terms of its impact upon the highway network could not now be sustained.

4.2 Concerns have been raised on the grounds that it is considered that the road layout is unimaginative, is urban in character and does not reflect that of a rural village. The internal road layout differs from that illustrated in the outline application, in that it provides a continuous loop around the northern part of the site rather than comprising a series of cul-de-sacs. This is further to discussions with the Highway Authority who wished to see the internal roads linked to provide a connected layout with the need to reverse kept to a minimum. The Highway Authority has no objections to the detail of the proposal subject to conditions and the proposal is considered acceptable in terms of impact on highway safety.

4.3 Regarding highway matters, the applicant states that road layout principles and character areas have been retained in the proposed layout and where subtle differences from the outline occur, this has been the result of detailed discussions with the Highway Authority and motivated by the requirement to provide clear and compliant navigation within the development. The most significant change from the outline plan is the continuous road fronting the open space to the north which has been necessary to fulfil highway requirements and enable refuse to safely service the site. The road layout has been modelled to assess the suitability of the layout whilst accommodating full access for refuse collection vehicles. The roads here are designed to be shared surface with a change to material to provide a more private and rural feel. It is highlighted that in order to satisfy the requirements of the Highway Authority at this detailed design stage, small adjustments in the interpretation of the illustrative Masterplan at reserved matters stage are to be expected and standard practice.

4.4 Objection has been raised on the grounds that there is no indication that the public right of way between the site and the A53 is to be upgraded. In allowing the appeal, the Inspector did not consider it necessary to impose a condition requiring the upgrading of the public footpath and therefore it is not considered that such a requirement could be imposed at this stage.

4.5 Residents have expressed concern regarding the lack of detail of street lighting. The applicant has responded by confirming that all the roads will be adopted and as such the street lighting will need to be provided to the satisfaction of Staffordshire County Council. Initial discussions with the street lighting department have been held to confirm the standards required for the scheme. Low level lighting would not be acceptable but the scheme would use a lighting standard which provides a low level of lighting expected in a residential area. The columns will be to the latest specification which is typically 6m columns with LED heads which provide excellent directional lighting in order to provide light to the highway and reduce light spill into surrounding areas. The applicant highlights that the Highway Authority needs to consider several aspects when evaluating lighting proposals and their standards are carefully produced to provide a balance between safety, nuisance, pollution, economy,

maintenance and energy consumption. It is not proposed to provide lighting to the open space areas or right of way adjacent to the railway, to balance the relationship of the site to the existing environment.

5. Is the proposed landscaping and open space within the site acceptable?

5.1 In consideration of the appeal proposal, the Inspector made reference to the present village fringe comprising a mix of garden vegetation interspersed with the hard built form of dwellings adjoining the boundary and timber fences. He stated that the landscaped perimeter shown on the indicative scheme should in due course lead to a more attractive village fringe than at present. He went on to state that the proposed mitigatory planting would help to integrate the proposed development into the wider landscape without undue harm to the rural surrounds of the village.

5.2 Concerns have been expressed by local residents and the Parish Council on the grounds that in comparison with the indicative masterplan in the outline scheme, the open space is reduced and the landscaping plans have changed significantly. It is stated that the layout fails to indicate tree planting to create the "tree-lined" streets and garden planting of ornamental species to create "landscape layers" that were promised.

5.3 Officers are however satisfied that the amount of open space proposed is acceptable and accords with the dimensions indicated on the Pegasus drawing referred to by the Inspector in Condition 4 of the outline consent. However, regarding the plans as originally submitted, Officers shared residents' concerns that the landscaping had been significantly reduced from that indicated in the outline application. In particular, the landscaping along the northern perimeter had been reduced to a single line of trees and very little street tree planting and rear garden planting was proposed.

5.4 Amended plans were then submitted which indicate additional tree planting within the area of open space along the north-western boundary of the site. Whilst the original plans showed just a single line of trees along the boundary, the revised plans include further tree planting to the other side of the proposed swales.

5.5 Following discussion of the issue of landscaping at the Committee meeting of 29th March and the suggestion by a party to the meeting that the number of trees proposed is one-third of the total shown on the indicative outline masterplan, the applicant has noted that it is actually closer to two-thirds with 118 trees proposed on the reserved matters layout compared to 184 in the outline application. Further amended landscaping drawings have now been submitted with additional tree planting in garden areas and within the streets to provide a total of 200 trees which exceeds the number shown on the outline plan.

5.6 Your Officer is satisfied that the revised landscaping provides a more robust buffer between the built development and the open countryside and that the additional street and rear garden tree planting would help to soften the development and provide an attractive street scene.

5.7 The Landscape Development Section (LDS) has expressed concern that the open space containing the SUDS does not provide sufficient public access and lacks a meaningful public use. Reference has been made to the illustrative layout in the outline application which indicated a footpath through the open space. As referred to above, the internal road layout differs from that illustrated in the outline application, in that it provides a continuous loop around the northern part of the site to provide a connected layout. This has resulted in the provision of informal shared surfaces adjacent to the open space and therefore the provision of a footpath through the open space is not considered necessary.

5.8 The LDS initially raised concerns regarding the Locally Equipped Area of Play (LEAP) to the east of the site and in particular the offset distances from the dwellings. The location and design of the play area have been amended and the LDS are satisfied that the proposed play area now accords with Fields in Trust guidance.

6. Other Issues

6.1 Network Rail had expressed concern initially that the increased surface runoff will be generated from the development and there is a possibility of it flowing towards the railway cutting. They stated that the developer has not proven to Network Rail's satisfaction that their expectations for the drainage on the proposal area can be met and therefore further clarification was required regarding the swales. The applicant's agent wrote to Network Rail providing them with a detailed explanation of the proposed drainage system which includes an infiltration tank system and attenuation basins. Following a review of the drainage comments and documentation from the developer, Network Rail has withdrawn their objection. They state that they have no further comments regarding drainage to add but all their other asset protection comments still apply (which will be addressed separately between the 2 parties).

6.2 Objections have been raised from residents on the grounds of adverse impact on drainage. Baldwin's Gate Action Group (BGAG) has stated that the Preliminary Drainage Strategy raises serious questions about both surface water drainage and foul water drainage and that plot levels may need to be lifted to allow gravity drainage to the existing foul water sewer. It is suggested that it will be necessary for properties to have permitted development rights removed so as to preserve the functioning of soakaways and porous pathways.

6.3 The applicant's Drainage Consultant has responded in detail to the comments of BGAG but in summary has stated as follows:

1. All surface water drainage has been designed in accordance with the latest Environment Agency guidelines and follows the SUDS hierarchy for new developments. There will be no increase in surface water discharge from the site due to the full use of SUDS/infiltration drainage throughout.
2. All surface water drainage has been designed to accommodate storms up to and including the critical 1:100 year storm plus a so% allowance for climate change.
3. All surface water and foul drainage pipe networks will be checked, approved and adopted by United Utilities.

6.4 Following the concerns expressed by some Members at the Planning Committee of 29th March the applicant has submitted further comments. A summary of the additional points made is as follows:

- Even in a severe rainfall event, due to the levels on the site, the swale section of the SUDs system would not be filled.
- The storage tanks are located under the swales.
- The planting requirements around the swales and tanks have been taken into consideration within the detailed landscaping proposal.
- Further permeability testing has been carried out on the site to ensure that the locations of the infiltration tanks and swales will perform as expected. The work was carried out in the winter (January 2016), the worst time of year for water retention in the ground and they demonstrated that soakaway drainage is most certainly feasible at this location.
- Ponding on this site is due to there being an area of peat up to 1m in depth which covers around one third of the site which prevents the surface water percolating through to the permeable soils below. The ground in the areas where there is peat will be removed which will improve its ability to permeate storm water into the ground.
- There is also anecdotal evidence that the existing highway drain crossing the site has been blocked in the past exacerbating the ponding problem. The highway drain is to be diverted and replaced with a new drain which will offer considerable benefits.
- The open space areas will be placed with a management company who will maintain the areas, drainage tanks and swales. The drainage system within the adopted roads and up to the outfall into the tanks will be adopted by United Utilities under a Section 104 agreement. They will require assurance that the tanks and swales will be suitably maintained in order to prevent a risk to their infrastructure.
- It is not normal to fence off and secure a swale. They are designed as dry swales with shallow sloping sides that would aid exit for children and wildlife. The pond on the other side of Baldwin's Gate, adjacent to residential development, is protected by a knee rail fence and the swale is considered to offer a considerably lower risk than a deep water pond.

6.5 With respect to the safety issue, your officer notes that express guidance exists for the consideration of health and safety principles for SuDS features and this in turn is being incorporated into a revised SuDS Manual Guidance. This guidance seeks to put possible risks into an appropriate context, discuss the balance of risks against the important environmental and social benefits delivered by SuDS; and demonstrate how, with good design, the risks associated with SuDS should be extremely low. When dealing with the design of public amenity space, it is important to weigh up the risk of harm against the benefits of provision, i.e. with the objective of balancing positive attributes against the inevitable risk of injury which any public activity generates.

6.6 The swales referred to are temporary open water features which will only hold water in extreme (i.e. very unusual) conditions (the so called 1 in 100 year events). That is not to say that drowning cannot occur in normally dry areas where they contain water temporarily during and after rainfall events. The sides of the swales would have a gradient of no steeper than 1:3 as the applicant points out and the open and accessible location with the roads and the housing development would provide a high degree of natural surveillance of these features. The play area, more than 15 metres away from the nearest swale, would be surrounded by a fence. Any designer of SuDS has the responsibility to address health and safety under the Construction Design and Management Regulations and must be able to demonstrate that any risks have been identified, assessed and mitigated/ameliorated. The drainage approving body (in this case SCC as the Local Lead Flood Authority (LLFA)) is also expected to undertake a health and safety assessment. The LLFA were consulted on the planning application and they had no comments to make upon it.

6.7 The issue of drainage and flood risk was considered in relation to the outline application and the Inspector was satisfied that subject to the design and installation of suitable drainage systems, there would be no undue additional risk of flooding. He imposed conditions requiring the submission of drainage details and requiring the development to be carried out in accordance with the approved Flood Risk Assessment. The Environment Agency has raised no objections to this reserved matters application subject to the receipt of the additional information required by the conditions of the appeal decision. Your Officer has written to both Severn Trent Water and United Utilities providing them with the comments of BGAG on this matter and inviting their comments but no responses have been received. Given that their period for comment has expired, it must be assumed that they have no comments to make. Your Officer is satisfied that the matter of drainage has been robustly addressed by the applicant's consultants and subject to compliance with the relevant conditions of the outline consent, it is not considered that the proposed development would create any additional risk of flooding.

6.8 Concern has been expressed that the affordable housing is not sufficiently "pepper-potted" across the development. In response to Members' concerns at Committee regarding the positioning of the affordable housing, a tenure comparison plan has been submitted to demonstrate that the reserved matters and outline layouts are nearly identical with two main clusters of affordable housing across the site. However, the applicant has resolved to reposition two affordable properties to create three identifiable clusters and contends that this now provides an even better spread of affordable units throughout the site than shown on the original outline proposal.

6.9 In addition, Kier's preferred Registered Provider, Aspire Group, who are lined up to purchase and manage the affordable housing on site, have reviewed the reserved matters masterplan and have written an e-mail of support for the location of the affordable housing. They advise that the location and number of plots within a cluster as identified on the application masterplan is preferred by Aspire as it assists their future asset management and maintenance costs.

6.10 The applicant states that the scheme has been carefully masterplanned to a high standard and provides all key elements to ensure the creation of a mixed and inclusive community. The affordable housing has external features in keeping with the character area in which it is located to achieve a 'tenure blind' scheme that is indistinguishable from market housing. There are no differences in external finishes or design of the units that will cause an affordable or private sale property to be identifiably different.

6.11 The Council's Housing Strategy is satisfied that the layout achieves an acceptable level of integration and your Officer is satisfied that the revised proposals are satisfactory in regard to affordable housing.

6.12 With respect to the setting up of a Liaison Committee, it is probable that the developer will in any case wish to deal in a bespoke way with any issues that may arise that they consider will impact upon the existing community. However the suggestion (of the Parish Council) is that the Borough Council should expressly require such a Committee. It is the case that some very long term projects such as quarries and landfill sites can be subject to a requirement to set up a Liaison Committee (which is normally set out in a Section 106 agreement). Your Officer does not consider such an approach would be justified in the case of what is a relatively modest housing development that should be completed within three or so years. However a condition could be used to secure such an arrangement if the Committee notwithstanding these points, and the resources required, still considered that appropriate.

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 CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local Species
Policy N17: Landscape Character – General Considerations
Policy N21: Areas of Landscape Restoration
Policy T16: Development – General Parking Requirements
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Documents (SPDs)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

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

Relevant Planning History

13/00426/OUT Outline application for up to 113 no. dwellings and associated works and subsequent appeal allowed on 12th January 2015 Refused

Views of Consultees

The **Highway Authority** has no objections to the proposal subject to conditions requiring full details of the tie-in of the access of the site with Gateway Avenue and stating that the integral garage of any Unit D shall be retained for the parking of motor vehicles and cycles.

The **Housing Strategy Officer** states that the affordable housing accords with the terms of the Unilateral Undertaking submitted at the appeal and the layout achieves an acceptable level of integration.

The **Environment Agency** has no objections.

Network Rail initially stated as follows:

- Increased surface runoff will be generated from the development and there is a possibility of it flowing towards the railway cutting. The developer has not proven to Network Rail's satisfaction that their expectations for the drainage on the proposal area can be met. Further

clarification is required regarding the swales. Should any issues result from the proposal then the developer will be liable for all mitigation costs.

- Any excavation adjacent to the cutting crest/railway boundary will require supervision by Network Rail to ensure the stability and safety of the railway is not adversely affected.
- The 1.8m high fence proposed by the developer is acceptable to Network Rail.
- It is for the developer and the LPA to ensure mitigation measures and conditions are in place to ensure that noise and vibration from the existing railway are mitigated appropriately prior to construction.
- No trees should be planted next to the boundary with Network Rail land and the operational railway. Only evergreen shrubs should be planted and they should be a minimum distance from the boundary that is equal to their expected mature growth height.
- The developer should submit a Risk Assessment and Method Statement (RAMS) which would consider all works to be undertaken within 10m of the operational railway.

Following a review of the drainage comments and documentation from the developer, **Network Rail** has withdrawn their objection. They state that they have no further comments regarding drainage to add but all other asset protection comments still apply. A Basic Asset Protection agreement will need to be agreed between the developer and Network Rail.

The **Landscape Development Section** states that the revised planting proposals are an improvement on the previous submission and the overall scheme is generally acceptable. The proposed street trees are predominantly very small growing species and there is scope for some larger growing trees to be included. There are concerns that the transitional open space containing the SUDS on the northern boundary does not provide sufficient public access and lacks a meaningful public use. The design for this space should be developed further, more in line with the outline proposals. The proposed play area appears to satisfy the requirements of the Fields in Trust LEAP.

The **Education Authority** states that a Unilateral Undertaking was submitted at the time of the appeal and the education contribution amount and terms should be calculated in line with this.

The **Crime Prevention Design Advisor** states that it is pleasing to note that the applicant has clearly sought to address crime prevention within the design layout. A number of elements are listed that accord with 'Secured by Design' guidance and principles. One aspect of the development that might benefit from some further thought is the boundary treatment where the two ends of Sandyfields will meet the new development. Perhaps providing a formal pedestrian linkage at one of these points might have been beneficial and need not undermine security. In the absence of a link there is a danger that informal paths/desire lines will be created. If there are to be no pedestrian linkages at these points, it may be prudent to reinforce the relevant site boundaries.

Joint responses have been received from **Whitmore Parish Council** and **Baldwin's Gate Action Group**. The following is a summary of their comments:

- The application fails to accord with the principles of the Design and Access statement and drawing as conditioned in the appeal decision and as such, it is in clear breach of Condition 4 and the application should not have been validated.
- The plan should be subject to further independent assessment by a third party, as was carried out by MADE during the outline stage.
- The layout fails to protect views towards Madeley Park Wood and views of the oak tree on the SW boundary of the site.
- Two-storey dwellings are proposed in an area shown on the Pegasus drawing to be single-storey dwellings.
- Plot levels may need to be lifted to allow gravity drainage to the existing foul water sewer. This would significantly affect the landscape and visual impact of a large area of the development.
- The existing properties in the area are a variety of finishes and brick colours and the proposed red brick is unsympathetic and does not reflect the surrounding rural context.

- The mews type properties are not compatible with the form and character of the existing village.
- Some plots are forward of the building line and some have frontage car parking spaces rather than front gardens.
- The separation distance from 14, Gateway Avenue has not been observed.
- The density of the NE end of the development has been increased significantly to the detriment of existing residents and new occupants. Overall density is irrelevant; it is actual density that matters and it is proposed to increase the actual density in the two north-easterly blocks by over 50%.
- The affordable housing units would not be “pepper-potted” across the development.
- The proposed landscape buffer would comprise a single line of trees rather than the in depth landscaping varying between 20 and 50m in depth that was shown in the outline scheme.
- No street trees or garden trees are shown.
- No improvements are proposed to the existing Public Right of Way linking the site to the A53.
- More information is required regarding boundary treatments.
- The Preliminary Drainage Strategy raises serious questions about both surface water drainage and foul water drainage. It will be necessary for properties to have permitted development rights removed so as to preserve the functioning of soakaways and porous pathways.
- Clarification is required regarding future maintenance responsibilities for the landscaped public open spaces, children’s play area, play equipment and swales.
- Child safety concerns relate to the proximity of the play area to the West Coast Main line and to the swales.
- Traffic calming measures are considered necessary at the junction of Hillview Crescent and Gateway Avenue.
- The existing highways and footways in Gateway Avenue should be repaired and resurfaced.
- No information has been provided regarding street lighting.
- The application refers to cars queuing to leave Gateway Avenue exceeding seven vehicles but this is contrary to Condition 5 of the Inspector’s Appeal Decision.
- The application refers to work starting in May 2016 but Condition 23 of the Appeal Decision states that no work should be carried out during the bird nesting season (1st March to 31st July).
- Any developer contributions towards maintenance of the public open space should be adjusted to assist in the maintenance and enhancement of sites across the whole of Whitmore Parish and not restricted to the development site.
- The establishment of a formal Liaison Committee with the developer should be required.
- HS2 Ltd should be consulted to identify whether the proposal conflicts with any plans for the construction of HS2 Phase 2A and its associated infrastructure.

They also submitted a document (referred to in the applicant’s response referred to in the Key Issues section) that compared the property densities shown on the illustrative masterplan submitted with the outline application and those proposed in the reserved matters application. They divided the layout into eight areas and calculated the density of each area. They comment as follows:

- It can be seen clearly that the proposal is to increase the density significantly in the northern part of the site, to the detriment of existing residents and new occupants.
- Overall density is irrelevant; it is actual density that matters and it is proposed to increase the actual density in the two north-easterly blocks by over 50%.
- This makes it impossible for the developers to comply with several principles in the original Design & Access Statement which says they intend to:
 - Extend existing building lines and complete housing blocks so that streetscapes appear contiguous and are easy to read
 - Carefully position new blocks so that generous building separation distances are achieved to respect adjacent houses
 - Create new linear streets which retain and safeguard views across the site towards Madeley Park Wood

Whitmore Parish Council (WPC) has expressed concern with the consideration of their previously voiced safety concerns with respect to the swales. The depths of the attenuation basins, if achieved after heavy rainfall, are more than enough to raise the spectre of death by drowning should toddlers gain access to them. WPC were also disappointed that their request for a Liaison Committee be officially set up for the duration of the development's construction was not expressly addressed in the report to the previous committee (Members will note that it is now).

No comments have been received from the **Waste Management Section** of the Council, the **Environmental Health Division**, the **Staffordshire County Council Flood Risk Team**, **United Utilities**, **Severn Trent Water**, **Chapel and Hill Chorlton Parish Council** and **Maer & Aston Parish Council**. Given that the period for comment has expired, it must be assumed that the above have no comments to make.

Representations

Approximately 58 letters of objection have been received including two submissions from **Baldwin's Gate Action Group**. Objection is made on the following grounds:

- The plans differ greatly to those in the outline consent. There are a considerable number of instances where the developer has deviated from the originally agreed plan. The layout fails to comply with Condition 4 of the Inspector's decision and the application is therefore invalid.
- The public views from the existing avenues towards Madeley Park Wood are now obstructed by buildings which protrude beyond the existing building line.
- The proposed dwellings project forward of the building line of Sandyfields, Gateway Avenue and Hillview Crescent.
- There is an increase in housing density of over 50% next to the existing estate boundary.
- The majority of parking is now in front of properties rather than to the side.
- The introduction of two-storey houses in locations previously designated for bungalows leads to a loss of privacy.
- The materials do not reflect the wide variety of brick and tile finishes in the vicinity. A wider variety of brick and tile should be used to blend in with the locality.
- Impact on light and privacy
- No connection is shown to the public right of way between the site and the A53 and there is no indication of how it may be upgraded
- Adverse impact on drainage. No satisfactory solution has been offered to deal with the sewerage and surface water produced by the development. No information has been provided on whether the existing pumping station is capable of dealing with the extra sewerage. The Council will be sued for damages and costs if any property suffers flooding due to this development.
- Flooding concerns
- The open space is reduced and the landscaping plans have changed significantly. A straight row of trees is proposed rather than the complex landscaping scheme approved as part of the outline.
- The layout fails to indicate tree planting to create the "tree-lined" streets and garden planting of ornamental species to create "landscape layers" that were promised.
- The play areas appear to present a danger to children with the swales on the one hand and the railway on the other
- Traffic impact
- The crossing and loop is now to accommodate up to 7 vehicles which would block 3 driveways and back up to Hillview Crescent
- No details of street lighting are provided
- The central roads appear to be only 5m wide meaning that larger commercial vehicles and service vehicles will be unable to pass each other without mounting the footpath.
- The road layout is unimaginative, lacks character, is urban in character and does not reflect that of a rural village.
- Traffic calming measures are considered necessary at the junction of Hillview Crescent and Gateway Avenue.
- The width of Gateway Avenue is inadequate for the volume and type of vehicles using it
- Impact of traffic noise, dust, fumes and disturbance to views from construction access

- Impact of debris and mud on the roads
- Pressure on local amenities such as school and doctor's surgery
- Boundary treatment needed to stop residents creating an access route through Sandyfields
- Affordable housing is not interspersed with other properties
- HS2 should be contacted to identify whether the proposals conflict with any future proposals.
- A liaison group should be established to ensure a good working relationship and responsible development of the site.
- Impact on view
- Impact on property values
- All parties agreed to the conditions imposed by the Inspector and many of those conditions protected the interests of the local community. Now the applicant is attempting to make changes which are to the further detriment of existing residents.
- The original application was unanimously rejected by the Planning Committee but was granted following the appeal due to a technicality i.e. the lack of a five-year housing land supply. Had this not been the case, the village would not have faced this unnecessary and unwanted development.
- The Committee is asked to ensure that all the safeguards incorporated in the Inspector's decision are implemented.

Sir William Cash M.P. objects to the proposal for the following reasons:-

- The application should not have been validated and is detrimental to the interests of residents.
- The Local Planning Authority has responsibility for ensuring that any development is in accordance with the conditions set by the Inspector and despite a number of constituents writing to the Council pointing out that conditions have not been adhered to, this still requires explanation.
- Although further plans have been submitted, very little has changed and residents feel strongly that this application should not have been validated.
- The changes from the Design and Access Statement submitted with the outline application are to the detriment of local residents.

Applicant's/Agent's submission

The application was accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Noise and Vibration Impact Assessment

All of these documents, together with the 'response' given after the 29th March meeting, are available for inspection at the Guildhall and as associated documents to the application via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/15/01106/rem>

Background Papers

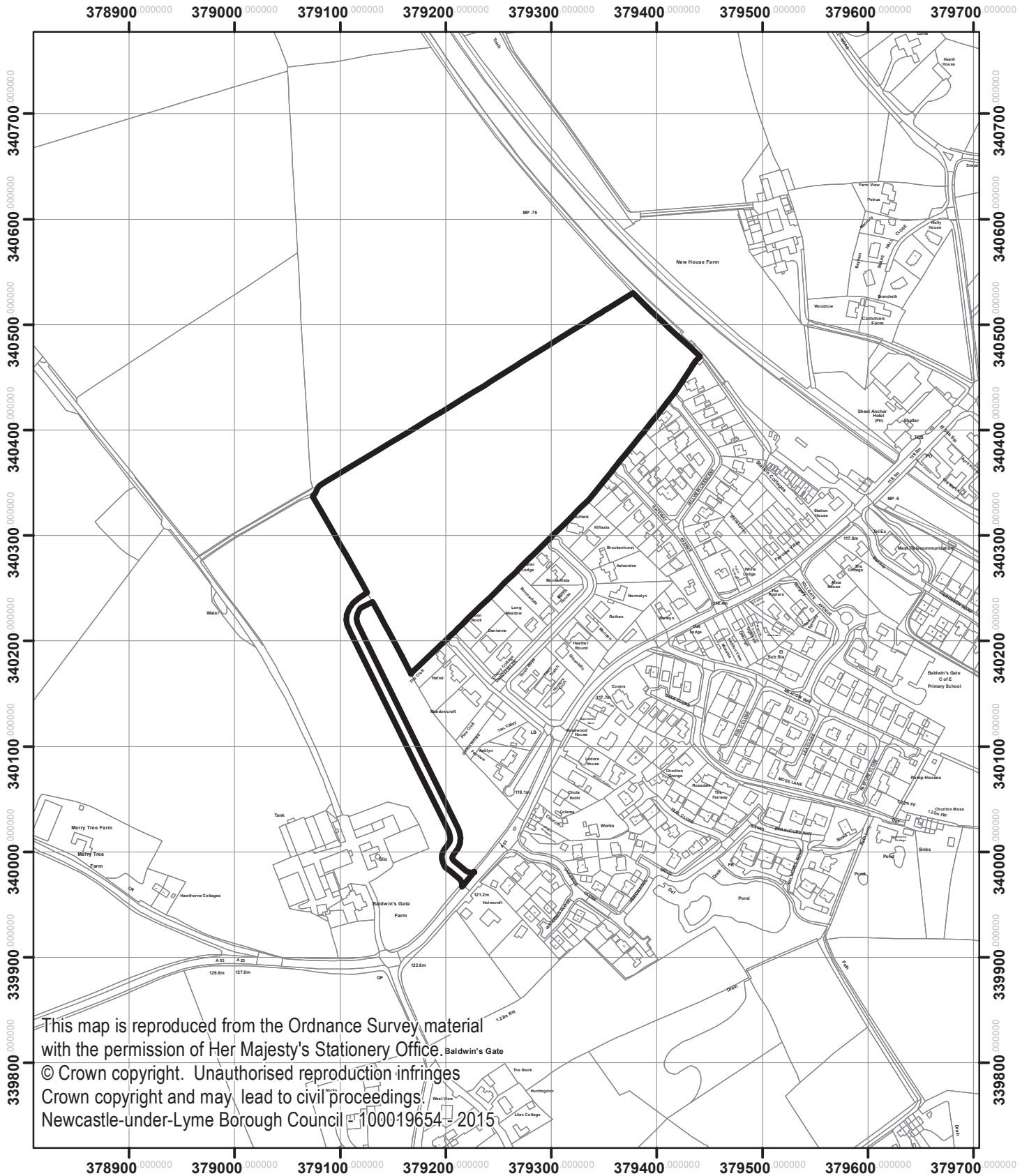
Planning files referred to
Planning Documents referred to

Date report prepared

14th April 2016

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Land at end of Gateway Avenue, Baldwins Gate 15/01106/REM



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Newcastle-under-Lyme Borough Council 100019654 - 2015

26th April 2016



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Agenda Item 5

**THE ORME CENTRE, ORME ROAD, NEWCASTLE-UNDER-LYME
GSG ORME CENTRE LIMITED**

15/00700/OUT & 15/01078/LBC

The report considers two applications. One is a hybrid application for full planning permission for conversion of the former Orme Centre/School into student accommodation involving demolition of a single storey toilet block and outline planning permission for a new building for student accommodation (total of 94 rooms) (15/00700/OUT) replacing a part two storey/ part single storey building, and the other application is for listed building consent for the alteration and selective demolition of part of the Listed Building (15/01078/LBC). The site backs onto Buckley's Row, and has frontages to Higherland, Pool Dam, and Orme Road.

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

The Orme Centre is a Grade II Listed Building.

The 13 week period for the planning application expires on 25th April 2016, and the 8 week determination period for the listed building consent application expired on 21st March 2016 but the statutory period for both has been extended by the applicant to the 29th April 2016.

RECOMMENDATIONS

A. With respect to the application for listed building consent 15/01078/LBC

PERMIT subject to conditions relating to the following:

- 1) Time limit for commencement of development**
- 2) Approved plans**
- 3) Conditions arising further to the comments of the Conservation Officer**

B. With respect to the planning application 15/00700/OUT, subject to the applicant first entering into a Section 106 obligation by no later than 3rd June 2016, to secure the following:

- (i) financial contributions to the enhancement and maintenance of Queen Elizabeth Park of £91,462 and a travel plan monitoring fee of £2,200**
- (ii) a financial contribution of £50,000 to be used to fund a Resident Parking Zone in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems**

PERMIT subject to conditions relating to the following matters:

- 1) Standard time limits for submission of application for approval of reserved matters and commencement of development**
- 2) Reserved matters submission**
- 3) Approved plans**
- 4) Occupation to be restricted to students only**
- 5) Residential parking survey of streets to be agreed prior to first occupation of the development and a second survey 12 months later when fully occupied**
- 6) Provision of access**
- 7) Off-site highway works**
- 8) Details of surfacing materials, surface water drainage and delineation of parking bays**
- 9) Closure of existing access**
- 10) Car park access to remain ungated**
- 11) Provision of secure weatherproof cycle parking**
- 12) Travel plan**
- 13) Construction method statement**
- 14) Landscaping scheme to include replacement trees**
- 15) Additional information regarding trees on adjacent site**
- 16) Revised parking layout to ensure retention of tree**
- 17) Contamination conditions with respect to controlled waters**
- 18) Building recording**
- 19) Written scheme of archaeological investigation**
- 20) Construction and demolition hours**
- 21) Piling**
- 22) Dust mitigation**
- 23) Dwelling noise levels**
- 24) External materials**
- 25) Drainage conditions**
- 26) Implementation of security/crime prevention measures**
- 27) Any other conditions arising from the comments of the Conservation Officer, the Landscape Development Section and the Local Lead Flood Authority**

C. Failing completion by the date referred to in the above resolution (B) of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that in the absence of a secured planning obligation the public open space needs of the development would not be met and the development would fail to ensure it achieves sustainable development outcomes; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendations

The site is located within the urban area of Newcastle close to the town centre and is a sustainable location for student housing. The benefits of the scheme include the provision of such accommodation within an appropriate location making use of previously developed land. The introduction of student accommodation in this location should also benefit the town centre, making it a more vibrant place. Taking into account the requirement for the decision-maker to pay special attention to such matters the loss of a curtilage Listed Building would improve the setting of the principal Listed Building and subject to conditions it is considered that the alterations to the Listed Building would retain its character and features. The new building would be acceptable in terms of its scale, design and appearance and it would preserve the setting of the Listed Building. 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 as such, 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

Amendments have been sought from the applicant and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

1.1 These proposals seek full planning permission for the conversion of part of the former Orme Centre into student accommodation (27 rooms) and outline planning permission for a new building for student accommodation (67 rooms). In practical terms the only "reserved matter" absent from the outline element of the application is the landscaping of the site. The Orme Centre is a Grade II Listed Building and listed building consent is also sought for the works of alteration and partial demolition of the existing buildings that are involved.

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

1.3 Given the development plan policy context, the NPPF, and the Grade II listing of the property, the main issues in the consideration of these applications are:

- Is the principle of the proposed development on the site acceptable?
- Is the proposed partial demolition of the Listed Building acceptable?
- Would the proposed conversion have an acceptable impact on the character and the architectural and historic features of the Listed Building?
- Is the proposed new building acceptable in terms of its impact on the setting of the Listed Building and on the character and appearance of the area?
- Would there be any adverse impact on residential amenity?
- Are crime prevention/security considerations appropriately addressed within the development?
- Is the proposal acceptable in terms of highway safety?
- Would there be any adverse impact on trees?
- Would there be any issue of flood risk?
- What, if any, planning obligations are necessary to make the development policy compliant?
- 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?

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

2.1 As indicated above the proposal is for residential accommodation specifically for students. 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, close to, but not within the town centre.

2.2 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).

2.3 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.

2.4 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, including Keele University, and beyond. It is considered that the site provides a sustainable location for additional residential development.

2.5 The residential accommodation proposed if restricted to students only and, in the absence of evidence that it would release housing onto the market elsewhere within the borough, will not contribute 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. Nevertheless as set out in paragraphs 49 and 14 of the NPPF, the starting point 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.

2.6 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.

3. Is the proposed partial demolition of the Listed Building acceptable?

3.1 The Local Planning authority has a duty to pay special attention to the desirability of preserving the character and appearance of a Listed Building.

3.2 The site comprises a Grade II listed former school building dating from 1850 fronting onto Pool Dam with a 2-storey attached curtilage building dating from 1908 projecting to the rear along Orme Road. The proposal includes the demolition of both the 2-storey curtilage building (referred to as the Edwardian building), a single storey flat-roofed extension to the main building, and a single storey later element or 'range' attached to the Edwardian building.

3.3 Saved Policy B4 of the Newcastle Local Plan (NLP) states that the Council will resist total or substantial demolition of a listed building, unless exceptionally, an applicant can convince the Council that it is not practicable to continue to use the building for its existing purpose and there is no other viable use. Demolition will not be permitted unless there are approved detailed plans for redevelopment and, where appropriate, an enforceable agreement or contact exists to ensure the construction of the replacement building. The weight to be given to such a policy depends on how much it is in accordance with the National Planning Policy Framework (NPPF).

3.4 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.

3.5 In paragraph 133 it is indicated that where a proposed development would lead to *substantial* harm to or total loss of significance of a designated heritage asset, 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

3.6 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.

3.7 The application is accompanied by a Heritage and Design Statement which considers that the buildings to be demolished are of low significance. It states that in architectural terms the proximity of the Edwardian building to the main building and the plain, dark rear of the building which faces prominently onto Orme Road are considered damaging to the setting of the main Listed Building and the streetscene. The Edwardian building is not mentioned in the Listing description and nor is it considered to be of local significance to warrant its record in any local list. The Statement considers that the removal of the building will improve the streetscene and give more space and dignity to the Listed Building. The Statement goes on to consider that the flat-roofed extensions to the rear of the building are unsightly and inappropriately designed and are of negative value and therefore their removal will enhance the heritage value of the site and have a positive impact.

3.8 The assessment and conclusions within the Heritage and Design Statement are broadly accepted. The Conservation Officer accepts that the quality of the Edwardian block is less than that of the main school and states that while it has some design merit on the courtyard elevation and has some internal features of interest, it does not present itself to the street frontage well and the quality of that elevation is considerably less. Contrary to the view of the Victorian Society, who consider that the demolition of the Edwardian block and single-storey range would be harmful to the setting of the principal Listed Building, your officers consider that the removal of the untidy relationship between the two buildings will improve the setting of the main building. Subject to the quality of the proposed new building, it is considered that the demolition of the existing building will improve the views of, the space around and setting of the Listed Building and that these benefits outweigh the loss of the building. The new building is considered in detail below.

4. Would the proposed conversion have an acceptable impact on the character and the architectural and historic features of the Listed Building?

4.1 Saved NLP Policy B6 states that the Council will resist alterations or additions to a Listed Building that would adversely affect its character or its architectural or historic features. Policy B7 states that the change of use of a Listed Building will only be permitted if its character or appearance would be preserved or enhanced.

4.2 The scheme includes the conversion of the main Listed Building into 27 en-suite student rooms. Regarding the plans as originally submitted, the Conservation Officer, CAWP and the Victorian Society all expressed concerns regarding the lack of detail provided. The Conservation Officer was particularly concerned regarding the lack of detail in relation to the windows and ventilation, the mezzanine floor in the main hall, partition walls where dividing the windows, and the location of the en-suites.

4.3 Additional/amended plans have subsequently been received and some additional detail has been provided. The further comments of the Conservation Officer are awaited but informally she has stated

that she remains concerned regarding the lack of some details, in particular regarding the mezzanine floor and the blocking up of doorways and windows on internal corridors. The applicant has been asked to provide some indicative sections showing the treatment of the main hall of the School building. There are wide ranging powers to impose conditions on listed building consents including ones requiring specified details of the works to be approved subsequently by the local planning authority. Whilst ideally such details would be before the Authority at this stage, a balance needs to be struck and a proportionate approach taken, and on the basis of what has been submitted to date and provided this further illustrative material is provided, it is considered that there is a reasonable basis upon which to proceed and such details can be required by conditions. The exact requirements of the conditions are being considered and further advice will be given to Members. The Victorian Society has been invited to comment on the revised/additional proposals, and any further comments received from them will also be reported.

5. Is the proposed new building acceptable in terms of its impact on the setting of the Listed Building and on the character and appearance of the area?

5.1 Saved NLP Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a Listed Building.

5.2 The Urban Design Guidance Supplementary Planning Document states in Policy HE2 that new development must preserve or enhance the setting of any listed building. Development must ensure that:

- a. If the development is viewed in relationship with the Listed Building then the Listed Building, rather than the new development, should remain as the focus of those views, and it should not diminish the ability to appreciate the special architectural or historic interest of the listed building;
- b. It relates well to the Listed Building in terms of height, massing and scale;
- c. It maintains or improves the character of the street to which the Listed Building contributes;
- d. It must allow an appropriate amount and arrangement of space around the Listed Building to allow its special interest to be appreciated.

5.3 The new building would be sited 18m from the Listed Building approximately 4m from the boundary of the site with Orme Road. It would measure approximately 50m in length and a maximum of 16.5m in width. The building would be 4 storeys in height with a flat roof and a height of 13.6m. The materials would comprise red brickwork and copper cladding.

5.4 A similar proposal was reviewed at the pre-application stage by the Urban Vision Design Review Panel. Their comments regarding the new building are as follows:

With regard to the new building, the panel was generally supportive, but with some reservations. The importance of using appropriate materials and finishes was highlighted. There were reservations over the scale of new building (4 storeys, corresponding to the ridge of existing building) and the prominence of the proposed corner feature. The top storey could be recessed and utilise different, lighter materials. External balconies may not be ideal for student accommodation. The relationship to dwellings overlooking the rear is important.

The Panel was concerned that the provision of balconies may create opportunities for anti-social behaviour, and would prefer to see these omitted.

Internally, the Panel thought the corridor in the new block is too long and straight and creates an institutional character. This could be adjusted, perhaps by responding to the stepping in the plan, or by shifting the direction of the corridor or articulating the entrances.

The Panel was concerned over the materials of the new building, in the absence of more detail or of coloured 3D drawings. A brick base material and secondary use of timber could produce a satisfactory solution, depending on choice of appropriate quality materials. It would be possible to use metal as an alternative or accompaniment to timber.

5.5 The scheme has been amended further to Urban Vision's comments. Whilst balconies still remain as a feature on the north-eastern corner of the building, they have been incorporated within the building with a solid, more urban design contrary to the fussier projections proposed previously. The design of the rear elevation of the building has been amended with more articulation creating a lighter approach than the rather monolithic design considered by Urban Vision.

5.6 Whilst higher than the existing building that is to be removed, the height of the proposed building is very similar to that of the Listed Building. It is considered that the new building relates well to the Listed Building in terms of height, massing and scale.

5.7 The Victorian Society has raised concerns regarding the design of the new building. It states that it is "practically devoid of any of the positive characteristics and qualities of the listed building: it lacks interest, drama, liveliness and visual appeal, and is formed of a crude bulky mass and poor quality materials". Your Officer disagrees however, and considers that the contemporary approach that has been adopted, which is clean, unfussy and has interest, is appropriate as a contrast with the historic building. The palette of materials is simple but interesting with the use of copper cladding.

5.8 The simple contemporary design of the building and its scale and massing will ensure that it will not compete with the Listed Building, and will not diminish the ability to appreciate that building's special architectural or historic interest.

5.9 The proposed building is considered to be acceptable in terms of its scale, design and appearance. It would preserve the setting of the Listed Building and the statutory requirement to pay special attention to such matters is considered to be met.

6. Would there be any adverse impact on residential amenity?

6.1 This falls into 2 elements – the residential amenity of existing adjacent occupiers and the residential amenity of future residents of the development.

Existing occupiers' amenity

6.2 There are existing residential properties on Buckley's Row to the south of the proposed new build element. There is a significant levels difference between the sites with the application site set down approximately 4m below the ground level of the existing dwellings. A distance of approximately 15m is proposed between the existing and proposed buildings and given the difference in levels such a distance is considered to be sufficient to ensure that there would be no significant adverse impact on the amenity of the occupiers.

Amenity of future occupiers of the development

6.3 The site is in a busy location at the junction of the A525 Higherland, a main trunk road into Newcastle, and Orme Road. A Noise Assessment has been submitted addressing road traffic noise and noise from plant equipment. The report recommends certain design features, such as acoustically rated double glazing and mechanical background ventilation for areas facing directly onto the A525 to ensure that acceptable living conditions are secured for the students. The Environmental Health Division (EHD) is satisfied that subject to the recommendations of the report being followed, noise levels are likely to be acceptable for the occupiers of the development.

6.4 The EHD has expressed concerns regarding air quality, stating that the highway in this area is heavily trafficked throughout the day with queuing vehicles often observed. They argue that in the absence of an appropriate Air Quality Impact Assessment it is not possible to determine if the residents of this development will be exposed to unacceptable levels of air pollution.

6.5 The Planning Practice Guidance lists a number of considerations for deciding whether air quality is relevant to a planning application. These include whether the development would expose people to existing sources of air pollutants. Given that the site is outside the Council's proposed Air Quality Management Area for Newcastle which identifies the area in and around the Town Centre where national air quality objectives are not met or are at risk of not being met, it is not considered that there

is sufficient evidence to suggest that air quality is sufficiently poor to justify requiring the submission of an Air Quality Impact Assessment.

6.6 Overall it is considered that the development could provide appropriate living conditions for its occupiers. Given the distance from existing residential properties and the existing context for the site it is not considered that the development would unacceptably affect the amenity levels of nearby residents.

7. Are crime prevention/security considerations appropriately addressed within the development?

7.1 Since the comments of the Crime Prevention Design Advisor were received the applicant has provided additional information setting out how the building will be secured. Security measures include internal and external CCTV and key fob activated access to both the buildings and the car park. In light of this additional information it is considered that the building will be suitably secured and appropriate crime prevention measures adopted. A condition could be imposed to ensure such measures are provided.

8. Is the impact of the development on highway safety acceptable?

8.1 The access to the site would be via a new access on Orme Road, closer to the Orme Road / Pool Dam junction than the present access point which would be closed. Based on the maximum parking standards in the Local Plan relating to student accommodation expected to be provided by Keele University (the closest comparison), the development should not be permitted to provide more than 24 spaces according to the Local Plan. 6 spaces are proposed - for short term parking and unloading. 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. 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.

8.2 The applicant has argued that the majority of, if not all, students resident at this site are likely to be based at Keele University which seeks to limit the bringing of vehicle onto campus. Given the University's policy and the limited finances of students, it is argued that it is highly unlikely that students living at this site will have regular access to a private car. In addition, it is suggested that the lack of any dedicated space for a car will also serve to discourage any students with a car. The applicant has also highlighted that the site is highly sustainable and very well connected to the University, Newcastle Town Centre and Stoke Railway Station. The development will include safe and secure cycle storage.

8.3 Your Officer's view is that there is a very good bus service between the town centre and the University Campus or Staffordshire University, and very limited parking is available to students at Staffordshire University and none at all at Keele other than in very limited circumstances – all of which would influence students to leave any vehicle they may have at home. In addition there is a wide range of facilities and services within a very short distance of the site that can be accessed more easily on foot than car. Such factors will encourage students occupiers to not have a vehicle.

8.4 Whilst not objecting to the proposal, the Highway Authority, in addition to recommending a number of conditions including one requiring the submission approval and implementation of a Travel Plan to promote travel by sustainable transport modes, has however expressed some reservations that the proposal has the potential to create parking issues on nearby residential streets which are not covered by parking restrictions or Resident's Parking Zones. Therefore, they have recommended that a parking survey of residential streets be undertaken in an agreed area, followed by a second survey 12 months after full occupation to ascertain whether there are any parking issues. If the surveys demonstrate that the development has created parking issues then a Resident's Parking Zone could then be established with a sum of £50,000 which would be deposited by the developer through a legal agreement.

8.5 Given the highly sustainable location of the proposed development and subject to appropriate planning conditions or planning obligations as recommended by the Highway Authority, it is not considered that the highway impacts of the proposal would be severe.

9. Would there be any adverse impact on trees?

9.1 There are a number of trees within the site and the Landscape Development Section has concerns that further information is required. In particular, the layout may need to be adjusted to allow the retention of the visually prominent tree adjacent to 12, Buckley's Row by using the existing hard surfacing for car parking. A response from the applicant is awaited but it is anticipated that the car parking layout will be revised to allow for the retention of the significant tree. It is considered that this can be dealt with by condition but further advice will be given to Members on this matter.

10. Would there be any issue of flood risk?

10.1 Staffordshire County Council as Lead Local Flood Authority (LLFA) has requested a drainage strategy to demonstrate compliance with the non-statutory technical standards for SUDS (DEFRA March 2015) and to demonstrate that the flood risk to any third party is not increased as a result of the proposed development.

10.2 The applicant has submitted a statement outlining how the site is likely to be drained and comparing this against the existing situation. It is stated that the site is currently covered in tarmac or buildings with a small area of landscaping to the rear of the site. The hard surfaces are largely impermeable and drain into the existing public sewers which serve the site. It is argued that there is no plan or any need to change the public sewer because there will be no increased storm flow into it but a number of measures are proposed to reduce storm water flows and reduce storm surges. These are an increase in the area of permeable open space and the provision of a sedum green roof on the new building giving a total increase of 1230 square metres of green space to reduce storm flows and surges. The applicant concludes by stating that whilst there may be some additional flow into the sewers from the increased use of the site, the nature and volume of this increase is easily offset by the gains in storm water volume and surge.

10.3 The further comments of the LLFA are awaited and will be reported to Members.

11. What, if any, planning obligations are necessary to make the development policy compliant?

11.1 As indicated above the proposal is to provide student accommodation. Whilst this would be considered to be a Class C3 use (dwellinghouses) given the specific nature of the accommodation provided it would not trigger any requirement for education contributions as the development would not generate any pressure on local schools.

11.2 It is not considered appropriate to secure affordable housing on site given the nature of the accommodation that is provided which is occupied on a temporary basis, or to secure a contribution to provision of affordable housing off-site. Neither the Affordable housing SPD nor the Development Plan addresses student development and as such there is no clear policy justification for such a requirement. In addition it would be difficult to argue that this is a site that would otherwise be developed for housing which could include affordable homes as part of a wider tenure mix and as such the development does not affect any opportunities to secure affordable housing through other development proposals. In addition it has not been argued by this Council that such a contribution is required in recent decisions relating to student accommodation on the Keele University campus, and as such any decision to secure a contribution to off-site provision could be argued as inconsistent.

11.3 The development would, however, put pressure on nearby areas of public open space given that such needs are not satisfied on site and it is considered that in principle a financial contribution towards such areas could comply with CIL Regulations and the Council's adopted Developer Contribution SPD.

11.4 The Landscape Development Section (LDS) has requested a contribution but has made certain adjustments in recognition that the standard contribution sought is based upon there being on

average 2.5 people occupying each dwelling and that all of the units within this development will be single person accommodation. The adjustment that has been made is to request 2/5ths of the total for the single units. This is considered reasonable.

11.5 LDS have indicated that any financial contribution that is secured should be spent in Queen Elizabeth Park and given its close proximity to the application site it is considered that this would be acceptable as it would be directly related to the development.

11.6 Your Officer is in this case satisfied that such an obligation would comply with both Section 122 and Section 123 of the CIL Regulations.

11.7 Similarly the Highway Authority's request for a Travel plan monitoring fee and a contribution towards the establishment of a Resident's parking scheme is considered to comply with the same Regulations.

12. 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?

12.1 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 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
Policy CSP6:	Affordable Housing
Policy CSP10:	Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1:	Residential Development: sustainable location and protection of the countryside
Policy C22:	Protection of Community Facilities
Policy N12:	Development and the Protection of Trees
Policy N13:	Felling and Pruning of Trees
Policy B3:	Other Archaeological Sites
Policy B4:	Demolition of Listed Buildings
Policy B5:	Control of Development Affecting the Setting of a Listed Building
Policy B6:	Extension or Alteration of Listed Buildings
Policy B7:	Listed Buildings – Change of Use
Policy T16:	Development – General Parking Requirements
Policy IM1:	Provision of essential supporting infrastructure and community facilities

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Documents (SPDs)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

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

Developer Contributions SPD (2007)

Relevant Planning History

None relevant

Views of Consultees

The **Council's Conservation Officer** indicated with respect to the original submission as follows:

- The level of detail with this application is a little too sketchy, in particular, details are required of ensuite accommodation, windows and ventilation, details of the inserted floor in the main hall and the proposed new access and details of the partition walls where dividing the windows.

- A method statement is needed for stone repair and details of secondary glazing systems are required.
- The subdivision of rooms through windows, some with central mullions, causes concern and may not be acceptable.
- A more sympathetic approach is needed to blocking up doorways and windows on internal corridors to help to retain the special character and appearance of the building.
- The removal of the flat roofed extensions is to be welcomed.
- The quality of the early 20th century block is less than that of the main school and whilst it has some design merit on the courtyard elevation and internal features of interest, it does not present itself well to the street frontage. The quality of this elevation is considerably less and the removal of the untidy relationship between the two will be an improvement. The removal of this building presents an opportunity to improve the setting of the main building particularly around the entrance.
- More interest on the corner of the new building would give interest to the building and reflect the existing building. This element is unremarkable and is not a well-designed corner to the building.
- The building looks very institutional and the quality and execution and finish of materials will be paramount. Metal panels are the key material and colour will be important.
- We are required to ensure that we pay special attention to the desirability of preserving the Listed Building and its setting and the current level of information provided makes it impossible to satisfy this duty.

Regarding the plans as originally submitted, the **Conservation Advisory Working Party (CAWP)** strongly objected to these applications due to the lack of information and attention to detail, particularly in respect of room divisions and treatment of windows, plumbing and vehicular access. They stated that there appears to be no justification for the demolition of the existing building which contains some interesting early twentieth century features. It was considered that the new build element is not very innovative and is of poor quality design and they recommended that a much more detailed submission is produced otherwise the applications should be refused.

CAWP subsequently received a presentation by the applicant's agents and there was discussion on the loss of the Edwardian annex building, the massing of the new proposal and further explanation of the treatment of the internal space of the Victorian school. Clarification was provided regarding amended plans for the new build, including materials and also how the windows will be dealt with in the main school. The further comments of CAWP are as follows:

The Working Party still supports its view that the Edwardian building should be retained especially due to some of the internal features. Some members of CAWP however support the overall scheme and commend the owner for taking on the building. Overall the Working Party accepts the refurbishment of the main school building but wants to ensure strict control over the details of the scheme, which are still lacking – to ensure the Council has control over the supervision of the scheme and so that corners are not cut which will harm the significance of this important Listed Building. There is particular concern over the windows and the internal spaces.

The **Victorian Society** objects to the proposal which would be harmful to the character, appearance and setting of the listed building. Their main concerns lie in the proposed treatment of the listed building. As proposed it would entail the over-intensive subdivision of the spacious interiors, in several cases with partitions cutting crudely through attractive windows. Mention is made of some or all of these rooms being en-suite but details of this are not shown. The former schoolroom is the building's most important space and it is essential that any conversion preserves its single open volume. Instead the application proposes an inappropriate mezzanine that would substantially erode its spatial integrity. Externally, the removal of the later rear infill additions would be beneficial but the insertion of French-door style openings would harm the distinctive character and appearance of the building. The insertion of rooflights on the front roof slopes would also prove harmful intrusions. Any new openings required should be limited to the rear roof slopes.

The demolition of the curtilage-listed Edwardian block and single-storey range would be harmful to the setting of the principal Listed Building. No information is submitted indicating the quality, interest or intactness of their interiors. The Edwardian block appears perfectly well suited to residential conversion and this option should be further explored. However, the removal of these buildings could

be justified were it to allow the construction of a new accommodation building of a sufficient size to render the intensive and harmful subdivision of the Listed Building unnecessary. In design the proposed new block is totally devoid of any of the positive characteristics and qualities of the Listed Building; it lacks interest, drama, liveliness and visual appeal, and is formed of a crude bulky mass and poor quality materials. It shows apparently no regard for the former Orme School or the area's rich architectural heritage and would be detrimental to the school's setting. The principle of a new block on this site could be acceptable (depending on the feasibility of reusing the Edwardian block) but only if the Listed Building and its setting is respected.

Attention is drawn to historic depictions of the school which indicate that the 1850's block was once adorned with ornate features and the reinstatement of these missing elements would constitute a heritage benefit that could mitigate some of the harm elements the application would cause.

In summary, the Society objects due to the harm the scheme would cause to the significance of this nationally important building. In particular, they object to the crude and damaging subdivision of much of the listed building's interior, in particular the main school room, as well as the poor external alterations proposed. The application should be refused.

The **County Archaeologist** observes that the development proposals lie within Historic Urban Character Area 25 "Pool Dam and Higherland" which identifies that this site may have formed part of Newcastle's earliest suburban development in the medieval or early post medieval period. By the late 18th Century this was the location of the borough gaol lying to the rear of the workhouse created from the conversion of earlier buildings. The footprint of the new student accommodation building will be located partly on the site of the existing one-storey building and within the car parking area. These proposals partly lie within an area not currently developed and consequently there remains the potential for the groundworks associated with this development to impact upon surviving below ground archaeological remains. Taking into account the impact of the proposals on this site of historic and archaeological interest a programme of archaeological works should be undertaken should planning permission be granted.

The **Highway Authority** has no objections to the proposal subject to conditions requiring completion of the access, submission of details of off-site highway works, details of surfacing materials and drainage for the access and car park, delineation of parking bays, closure of the existing access, car park to remain ungated, details of secure weatherproof parking for a minimum of 45 cycles, submission and approval of a Travel Plan and submission and approval of a Construction Method Statement.

A Travel Plan monitoring fee and payment for a possible Traffic Regulation Order following a Parking Survey are also requested.

Severn Trent Water has no objections subject to a condition requiring the submission, approval and implementation of drainage plans for the disposal of foul and surface water flows.

The **Environment Agency** has no objections subject to a condition regarding contamination.

Staffordshire County Council as **Local Lead Flood Authority** state that sustainable drainage systems should be provided unless demonstrated to be inappropriate. A drainage strategy is required and the drainage design should demonstrate that there is a sufficient safe means of disposing of surface water. It should also demonstrate that the site is safe for the 1:100 year plus climate change storm event and that the flood risk to any third party is not increased as a result of the proposed development.

The **Environmental Health Division** objects on the grounds that an air quality impact assessment is required to determine if the residents of this development will be exposed to levels of air pollution which may exceed the relevant EU limit values or national statutory air quality objectives. Should the development be considered acceptable, conditions are recommended regarding construction and demolition hours, piling, construction management plan, protection of the highway from mud and debris, dust mitigation during demolition and construction and dwelling noise levels.

The **Landscape Development Section** states that there are trees on and around this site that would be affected and basic tree information is required before the impact can be assessed. It is required to demonstrate that trees within the adjacent site can be retained and protected during construction and it is recommended that the layout is adjusted to allow the retention of the visually prominent tree adjacent to 12, Buckley's Row by using the existing hard surfacing for car parking. Subject to replacements, no objection is raised to the removal of trees off Orme Road. Full landscaping proposals should be required by condition and an appropriate developer contribution for off-site Public Open Space would be required.

The **Crime Prevention Design Advisor** states there is a paucity of information in relation to security and student safety. Students can be attractive targets for offenders so it is important that this proposed development guards against this. As well as guarding against acquisitive crime, measures should promote student safety. Before approving this application, the local authority should satisfy itself that a comprehensive security strategy with a range of security measures will be in place, in an effort to provide the students with accommodation within which they will be and will feel safe and secure. Currently the application fails to demonstrate that this will be the case.

No comments have been received from **United Utilities**, the Council's **Waste Management Section**, the **Society for the Protection of Ancient Buildings**, the **Council for British Archaeology**, the **Twentieth Century Society**, the **Ancient Monuments Society** and the **Newcastle South Locality Action Partnership**. Given that the period for comment has now expired, it must be assumed that they have no comments to make.

Representations

Two letters of representation have been received. One letter from **Thistleberry Residents' Association** states that they have no objection to the refurbishment and change of use of the Orme Centre and commend the developer for attempting to use the original building rather than demolish it. However, they seek the imposition of a condition requiring the exterior and the interior of the building to be regularly maintained and refurbished so that as a Listed Building it does not fall into disrepair. They state that with regard to the Edwardian section of the building, it is regrettable that this cannot be saved. If there is a way to do this then permission should not be granted.

A letter from a nearby resident raises concerns that the proposal might cause anti-social behaviour when the students have parties. Unless a condition can be imposed stating that they should have no parties after 12am, the writer objects.

Applicant's/Agent's submission

The applications are accompanied by the following documents:

- Heritage Statement
- Highway Parking Statement
- Noise Assessment Report

All of these documents are available for inspection at the Guildhall and as associated documents to the applications via the following links

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/15/00700/OUT>
and
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/15/01078/LBC>

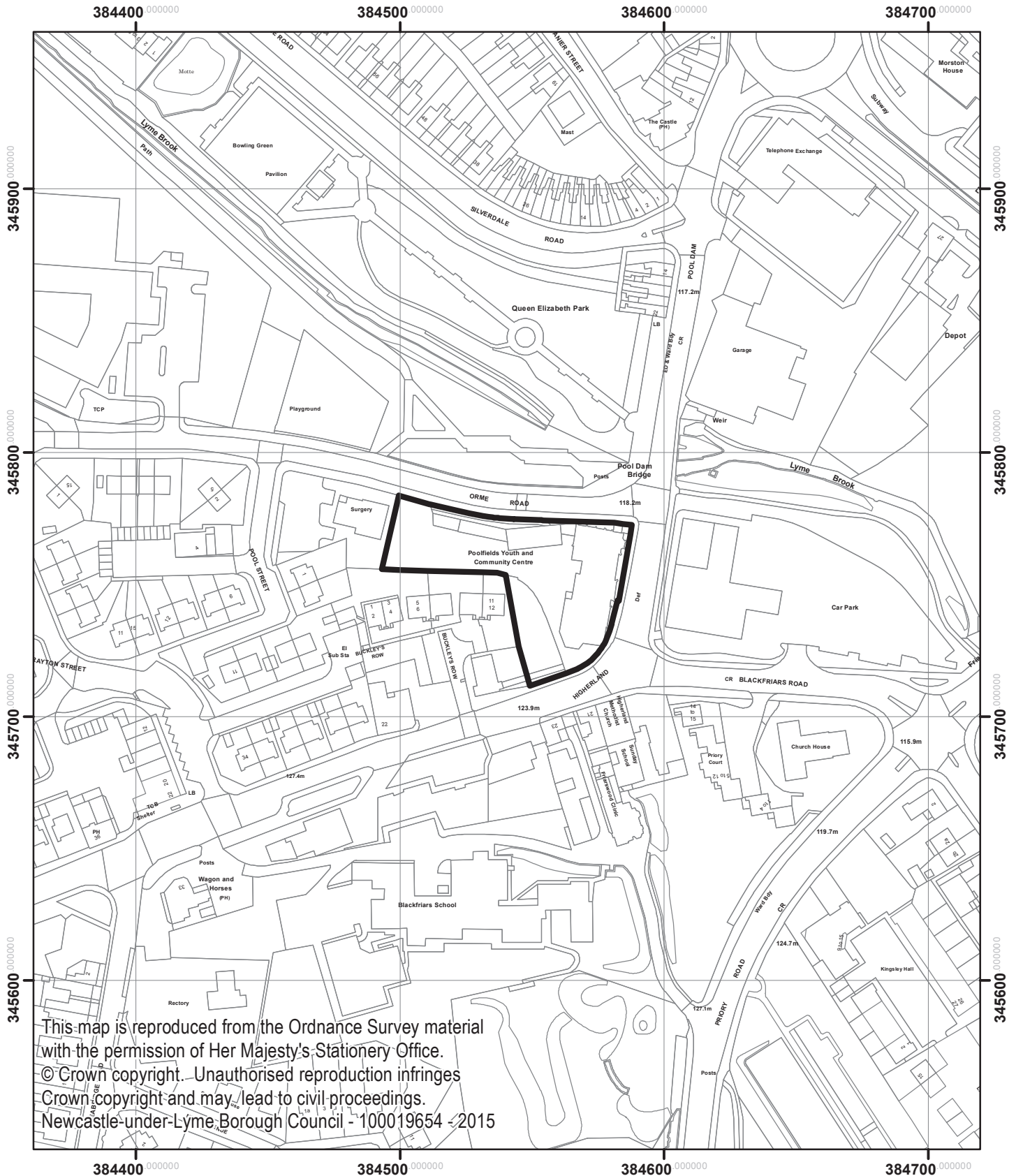
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

13th April 2016

The Orme Centre, Orme Road 15/00700/OUT & 15/01078/LBC



26th April 2016



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LAND AT RAVENSDALE, OFF CHEMICAL LANE, TUNSTALL
SOTCC ref 59353/OUT (NuIBC ref 348/233)

The Borough Council has been consulted by the City Council on an application for outline planning permission for a warehouse, distribution, storage and office development with associated highways infrastructure including bridge signalisation and access. Details of access and scale (13,934m² of warehouse floorspace and 1,393m² office space) have been submitted for approval at this stage with all other matters of detail (appearance, landscaping and layout) reserved for subsequent approval.

The site adjoins the Trent and Mersey Canal Conservation Area in the Stoke-on-Trent Inner Urban Core Area as indicated on the Local Development Framework Proposals Map.

For any comments that the Borough Council may have on these proposals to be taken into account, they have to be received by the City Council by no later than 27th April.

RECOMMENDATION

That the City Council be advised that the Borough Council has NO OBJECTIONS to the application provided that they are satisfied that the development, in addition to the development permitted at Chatterley Valley, will not materially affect the operation of the strategic highway network.

Reason for Recommendation

The principle of warehouse development in this location is acceptable. Furthermore, provided that no objections are received from the Highway Authority and/or the Highways England in respect of any unacceptable impact the developments may have on the A500 the proposed development would not result in an unacceptable impact on the highway network that could have an adverse impact on the interests of the Borough Council.

Key Issues

As indicated above, the Borough Council has been consulted by the City Council on an application for outline planning permission for the construction of a warehouse and associated office on a greenfield site. Vehicular access to the site is proposed off Chemical Lane over the railway line. The site is located between the railway line and the Trent and Mersey Canal.

The issues to address are whether the proposal is acceptable in principle in this location and impact on the strategic highway network.

Acceptability of a warehouse in this location

Core Spatial policies SP2 and ASP2 support employment development on this site within the Inner Urban Core Area.

Impact on the highway network

The Transport Assessment submitted in support of the application indicates a junction capacity analysis has been undertaken on the Chemical Lane/A500/A527 roundabout which shows that the junction will operate within capacity during peak hours. In addition the Assessment considers that the impact of development traffic on the A500 is not significant and would not materially affect the operation of the strategic road network. The Assessment does not appear, however, to take into consideration the anticipated traffic generation of the Chatterley Valley planning permission which remains extant, but is largely unimplemented.

If the Highway Authority and the Highway England are satisfied that this development in addition to the development on the Chatterley Valley site (reference 07/00995/OUT) it is

considered that the Borough Council has no basis to object to the proposal on the grounds of highway capacity.

APPENDIX

Policies and proposals in the Development Plan relevant to this recommendation:

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

Policy SP1 - Spatial Principles of Targeted Regeneration
Policy SP2 - Spatial Principles of Economic Development
Policy SP3 – Spatial Principles of Movement and Access
Policy ASP2 - Stoke-on-Trent Inner Urban Core Area Spatial Policy

Other Material Considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

Relevant Planning History

Outline planning permission was granted in 2007 under reference 07/00995/OUT for employment area comprising B1 offices and workspaces, B2 industrial units, B8 warehousing, C1 hotel including restaurant and cafe (A3), drinking establishment (A4) and leisure use (D2), leisure facilities, open space and associated footpaths and landscaping (subject to variation of conditions attached to planning permission 04/00546/OUT dated 5th February 2007). The permission remains extant provided that its development begins not later than 8th April 2018 or 2 years from the date of the approval of the last of the reserved matters to be approved for Phase 1, whichever is later.

Applicants Submission

The applications are supported by a number of documents as follows:-

- Transport Statement
- Design and Access Statement
- Assessment of Heritage Significance

All these documents are available to view on Stoke City Council's website <https://planning.stoke.gov.uk/online-applications/> using the City Council reference 59353/OUT

Background Papers

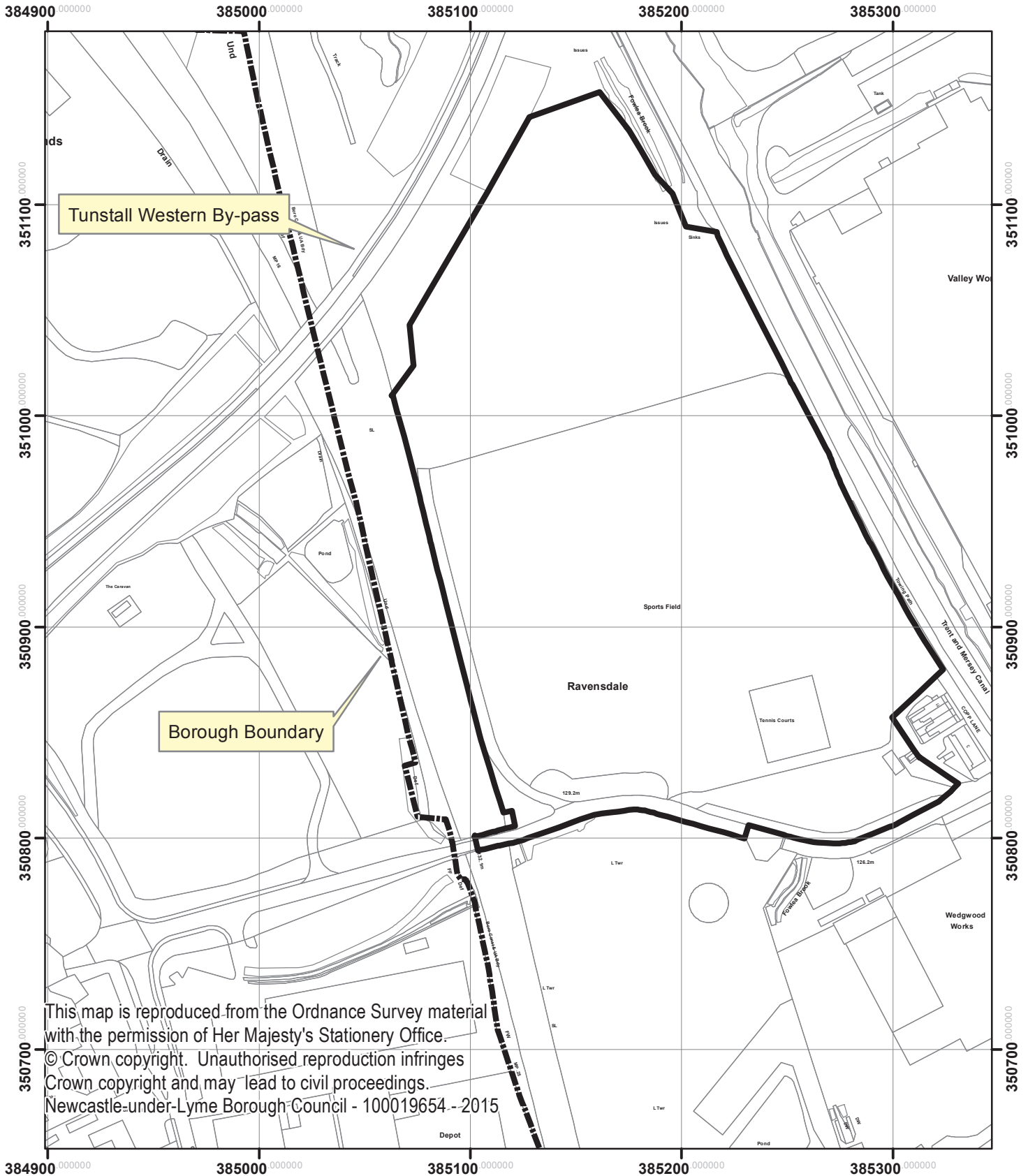
Planning Policy documents referred to
Planning files referred to

Date Report Prepared

11th April 2016.

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Ravensdale, off Chemical Lane, Tunstall
 SOTCC reference 59353/OUT
 NULBC reference 348/233



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 Newcastle-under-Lyme Borough Council - 100019654 - 2015

26th April 2016



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LAND AT CEDAR AVENUE, ALSAGER
COUNTRY AND COASTAL DEVELOPMENTS LIMITED
(NULBC REF 348/234))

CHESHIRE EAST REF 16/1352C

The Borough Council has been consulted by Cheshire East Council on an application for planning permission for the erection of up to 14 dwellings on a greenfield site some 300 metres to the south of the centre of Alsager

For the Borough Council's comments to be taken into account by Cheshire East Council in their decision, they must be received by them by 27th April 2016.

RECOMMENDATION

That Cheshire East Council be advised that the Borough Council has **NO OBJECTIONS** to the application.

Reason for Recommendation

Your officers consider that the development of this scale in this location will not have a significant impact on the Borough

KEY ISSUES

The Borough Council has been consulted by Cheshire East Council on this outline proposal,

The site appears to fall outwith the urban boundary of Alsager as defined by the 'settlement zone' on the Congleton Borough Local Plan Proposals Map and is considered open countryside. The site is however not within the Green Belt.

Given the limited scale of the proposed development it is difficult to see how it could affect the strategic interests of the Borough.

It is for a local planning authority to determine whether a development is likely to affect land in an adjoining local planning authority. If the Borough Council is consulted upon any application for Major Development, other than applications for reserved matters approvals for Major development, the Scheme of Delegation indicates that it is the Planning Committee that has to determine the views of the Borough Council. A nil response to a consultation would be taken by the consulting planning authority as the Borough Council having no objections.

Within Cheshire East Alsager is the closest town to the Borough boundary and Cheshire East has for several years, and at the request of your officers, consulted the Borough Council on a number of applications for major residential development in this area. To enable the Borough Council's Planning Committee to focus on strategic matters it is proposed, if members are in agreement, to write to Cheshire East to clarify that insofar as applications in and adjoining Alsager is concerned the Borough Council has no wish at present to be consulted on applications for less than 200 dwellings, unless either such developments form part of a larger development area or are within the North Staffordshire / South Cheshire Green Belt. Your officer's current view is that, upon the basis of its experience at the Stafford Local Plan examination, there is not the evidence available to demonstrate that residential development around Alsager will demonstrably undermine regeneration programmes in north Staffordshire.

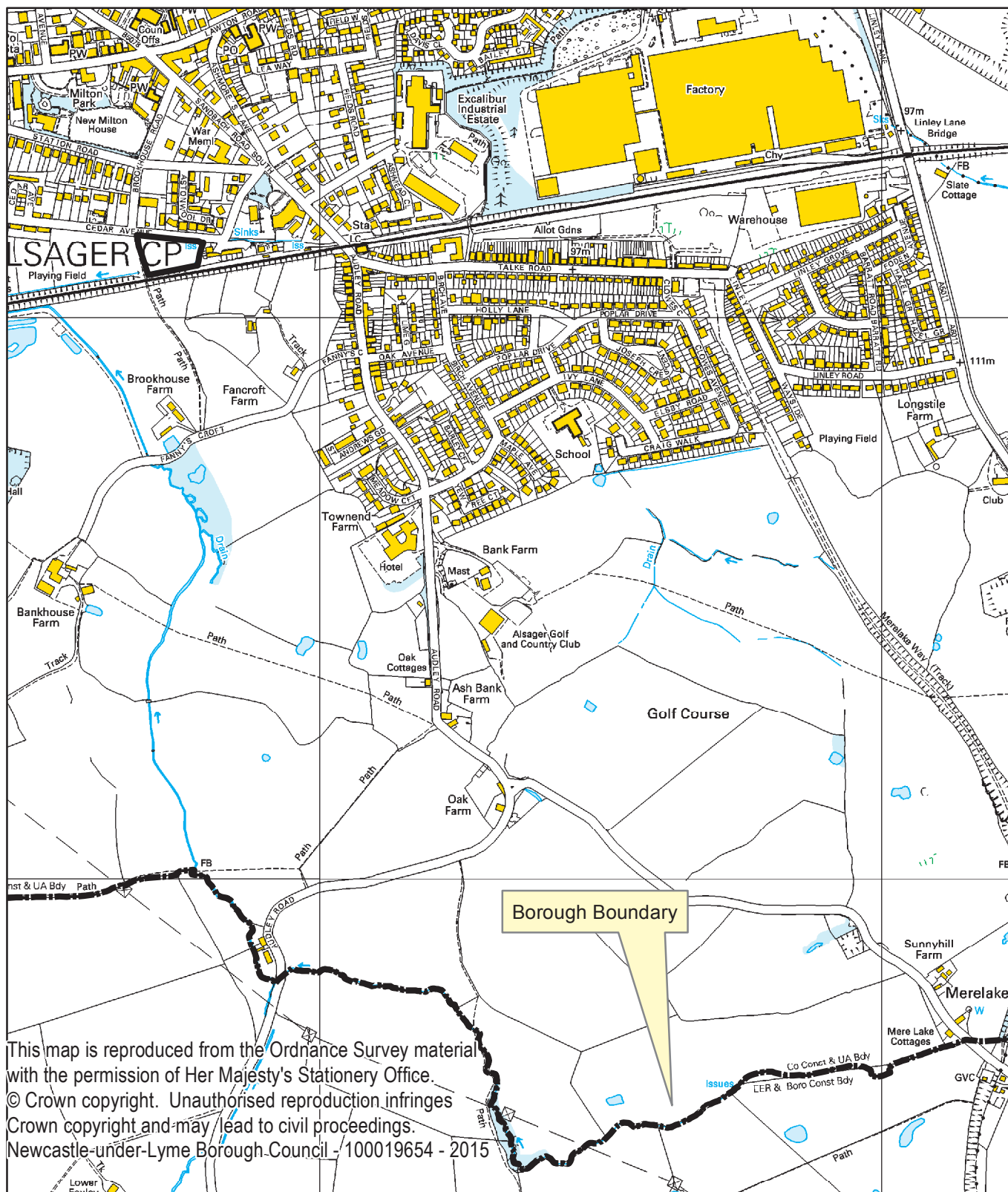
If at some future date the Borough Council's planning position with respect to such development was to alter then the Borough Council could recommence asking to be consulted upon such applications.

Date report prepared

14th April 2016

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Land off Cedar Avenue, Alsager
CE Reference 16/1352C
NBC reference 348/234



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26th April 2016



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QUEENS HOTEL ETRURIA ROAD, BASFORD
SOTCC ref. 59587/FUL (NuLBC REF 348/235)

The Borough Council has been consulted by the City Council on an application for full planning permission for the erection of 11 dwellings within the car park of the former Queen's Hotel.

The site is located off Etruria Road (A53)

For the Borough Council's comments to be taken into account by the City Council they must be received by them by 2nd May 2016.

RECOMMENDATION

That the City Council be advised that the Borough Council has NO OBJECTIONS to the application subject to the following:-

- An Archaeological Watching Brief condition is imposed on any approval. Consideration should also be given to the Roman Road.
- Access to the public right of way is maintained during the construction period or a temporary diversion is put in place during this period.

Reason for Recommendation

The principle of the development remains acceptable however the suggested comments should ensure that any archaeological remains are recorded and that the public right of way is maintained in the interests of the Borough.

KEY ISSUES

As indicated above, the Borough Council has been consulted by the City Council on an application for full planning permission for the construction of 11 three storey dwellings in part of the car park on the south side of the former Queens Hotel.

The site adjoins the Borough Council's administrative area. The application site does not include the former Queens Hotel building, which is 'locally listed' by the City Council, nor does it include land immediately to its rear (east of the building). The site is an area of archaeological significance as it is possible that it lies on or adjacent to the route of a Roman road, Ryknild Street. In addition a public right of way runs in front of the site.

The proposal follows the granting of planning permission for the partial demolition of the rear of the existing building and its conversion to 12 apartments, and the erection of 6 three storey dwellings on the former car park. It is understood that the conversion of the former Hotel would be carried out under the terms of the planning permission granted, however the 11 dwellings proposed in this application would be constructed instead of the 6 dwellings already permitted.

The previous application was reported to Planning Committee on 28th January 2014 when it was resolved that no objections should be raised subject to the following

- a condition should be imposed requiring an archaeological watching brief
- Access to the public right of way is maintained during the construction period or a temporary diversion is put in place during this period.
- Less intrusive methods are explored to manage the Japanese Knotweed problem, which would retain the visually significant trees on the site boundaries.
- Landscaping Scheme

In light of the extant planning permission and given that there has been no change in planning circumstances since the previous decision there is no basis upon which an objection to the principle of the development could be sustained. In addition this application site is not visually prominent from

views within the Borough and does not affect visually significant trees. As such it would not be appropriate to include comments regarding the retention of the trees or landscaping. The comments expressed by the Borough Council when commenting on the previous application appear to remain pertinent at this stage.

APPENDIX

Policies and Proposals in the approved development plan relevant to this recommendation:-

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

Strategic Aim 3 Reduce the need for travel, improve accessibility and increase opportunities for development of sustainable and innovative modes of travel to support the regeneration of the plan area by securing improvements to public transport infrastructure and the progressive provision of park and ride and facilities to promote walking and cycling

Strategic Aim 16: To eliminate poor quality development;
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

Other Material Considerations include:

National Planning Policy Framework (March 2012)

Relevant Planning History

Full planning permission was granted for the conversion and extension of the Queens Hotel to form 12 apartments and the erection of a terrace of 6 three storey dwellings within the car park. (SOTCC ref 56109/FUL)

Applicant/agent's submission

The application is supported by the following;

- Planning Statement/Statement of Significance
- Viability Assessment

These documents are available to view both at the Stoke-on-Trent City Council Offices and on their website at <https://planning.stoke.gov.uk/online-applications/> under reference 59587/FUL.

Background Papers

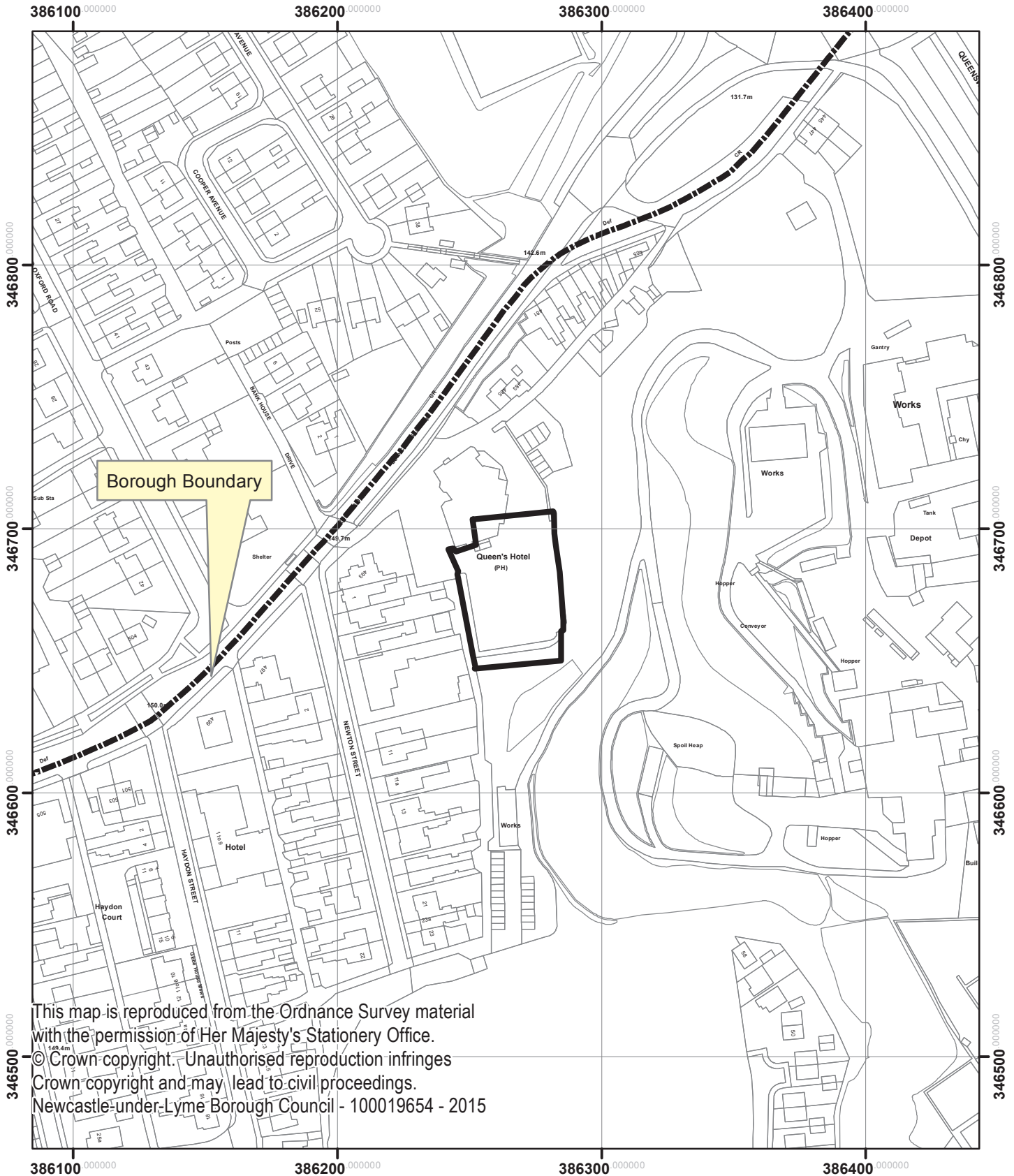
Planning Policy documents referred to
Planning file referred to

Date report prepared

13th April 2016.

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the former car park of the
 Queen's Hotel, 489 Etruria Road,
 SOTCC reference 59587/FUL
 NBC reference 348/235



Borough Boundary

Queen's Hotel (PH)

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 Newcastle-under-Lyme Borough Council - 100019654 - 2015

26th April 2016



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**THE BRAE, DEN LANE, WRINEHILL
MR RUSSELL ASHFORD**

16/00238/FUL

The application is for full planning permission for a replacement dwelling involving the demolition of the existing dwelling and the repositioning of the access.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Enhancement (policy N20), as indicated on the Local Development Framework Proposals Map.

The application is a resubmission following planning permission for a replacement dwelling that was granted in May 2015.

The 8 week determination period expires on the 16th May 2016

RECOMMENDATION

PERMIT subject to conditions relating to:

- i) Standard time limit**
- ii) Approved plans**
- iii) Materials as per approved plans and submission documents**
- iv) Removal of permitted development rights for extensions, outbuildings and hardstandings**
- v) Soft landscaping scheme to include full details of replacement planting and boundary treatments**
- vi) Completion of access, parking and turning areas prior to occupation**
- vii) Access/ entrance walls to be provided to a maximum height of 900mm**
- viii) Surface water drainage interceptor rear of the highway**

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 existing property that would result in a dwelling of a similar volume to that proposed and would be classed as appropriate development because such extensions would not be considered to be disproportionate additions. The proposed dwelling would have no greater impact on the openness of the Green Belt than would the existing dwelling if extended. This is a fall-back position that is a key consideration as is the extant planning permission for a replacement dwelling on this site.

The proposed replacement dwelling represents a good standard of design which takes advantage of the site characteristics which minimises its impact on the openness on the Green Belt. The impact on visual amenity, character and quality of the landscape, trees and highways safety would also be minimal. There would also be no significant and harmful impact to neighbouring residential amenity levels in terms of visual intrusion, overlooking or loss of light.

In light of the fall-back and that the development is in other respects acceptable development it is considered that very special circumstance exist that justify approval of planning permission subject to the removal of permitted development rights and conditions.

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

Officers have held pre application discussions to address any significant issues of the development proposal and the application 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 for full planning permission for a replacement dwelling involving the demolition of the existing dwelling and the repositioning of the access. The application is a resubmission following a previous planning permission on the site.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Enhancement (policy N20), as indicated on the Local Development Framework Proposals Map.

The key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- Design of the proposals and the impact on the area of landscape maintenance,
- The impact on the residential amenity of neighbouring occupiers,
- The impact on highways safety,
- The impact on trees, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Is the proposal appropriate 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 replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.

As was the case with the previous application, which was approved, the proposal would replace the existing brick built detached bungalow and whilst it would be in the same use it would be materially larger than the dwelling it is proposed to replace. It is therefore inappropriate development within the Green Belt and should not be approved except in very special circumstances.

Design of the proposals and the impact on the area of landscape enhancement

The NPPF details in paragraph 60 that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness. Furthermore, in paragraph 63 it also indicates that great weight should be given to outstanding or innovative designs.

The existing property occupies a spacious plot that is slightly elevated above Den Lane. The existing dwelling has limited design merit with no outstanding character or particular features.

The design of proposed dwelling has now changed since the previously approved application with the introduction of two dormers and a gable feature on the front elevation and the addition of cedar cladding. The scheme as a whole remains similar to the previously approved scheme which is considered acceptable. Detailed information of the materials proposed has been submitted and as with the previous application the design is considered to be an improvement within the landscape which would comply with policy N20 of the Local Plan and the general design requirements outlined in the NPPF. It is therefore considered acceptable.

The repositioning of the access is likely to result in the loss of trees and shrubbery on the front boundary. It is therefore considered necessary to secure a soft landscaping scheme encouraging mature planting on the front and side (east) boundary.

The impact on the residential amenity of neighbouring occupiers

As discussed the property occupies a spacious plot. Principle windows in the proposed scheme, as in the permitted development, would not directly face neighbouring residential properties nor would the development result in any significant loss of light or result in an overbearing impact to neighbouring principal windows.

A first floor balcony has been introduced on the rear elevation which was not present in the permitted development. There are no immediate neighbours to the south and west but a residential property is under construction to the east. This also has a balcony on the rear elevation but due to the position of the application property and the property under construction there should be no significant loss of privacy to either property. The proposal would therefore comply with the Council's SPG.

The impact on highways safety

The repositioned access is considered acceptable and it is noted that the Highway Authority has raised no objections subject to conditions which are considered acceptable with adequate off street car parking and turning space being provided.

The impact on trees

The front boundary of the site has a number of trees and shrubs and the proposal includes the repositioning of the existing access. This will result in a number of trees and shrubs being lost.

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree unless the need for development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting and design. It also states that where trees are to be lost through development then replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

The Council's Landscape Section has raised no objections subject to a condition for a landscaping scheme that includes replacement planting. On this basis it is considered that the proposal accords with local policy.

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.

As discussed the application is a resubmission following a previous approval (15/00269/FUL) whereby the development was considered inappropriate development but there were very special circumstances that would justify the proposed development.

The volume of the proposed dwelling has not altered since the previous permission and so it is considered that the same very special circumstances exist. However, it is again considered necessary to remove permitted development rights for further extensions, outbuildings and hardstandings given the nature of the very special circumstances demonstrated.

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)

Strategic Aim 16:	To eliminate poor quality development;
Policy SP1:	Spatial Principles of Targeted Regeneration
Policy ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change

Newcastle under Lyme Local Plan 2011 (LP)

Policy S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Consideration
Policy N20: Area of Landscape Enhancement

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Planning for Landscape Change: Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011

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

Relevant Planning History

15/00269/FUL Demolition of existing dwelling and construction of replacement dwelling Permit

Views of Consultees

The **Environmental Health Division** raises no objections subject to a construction and demolition hours condition.

The **Landscape and Development Section** have indicated that the proposed alteration to the position of the access and the construction of the foundations to the 2 metre high boundary wall will have an impact on trees on this site. However they raise no objections subject to the submission of a landscaping scheme that should include replacement tree planting and boundary details.

The **Highways Authority** raise no objections subject to conditions restricting the height of entrance walls, the access and parking have been completed prior to occupation and surface water drainage information has been submitted for approval.

Betley, Balterley & Wrinehill Parish Council have been consulted and have until 16.04.2016 to make comments. Any comments received will be reported prior to the committee.

United Utilities raises no objections but have advised a number of recommendations which should be considered.

Representations

No letters of representation have been received.

Applicant/agent's submission

A set of application plans have been submitted along with volume calculations.

These documents and the representations referred to above are available for inspection at the Guildhall and can be viewed on the website using the following link;
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00238/FUL>

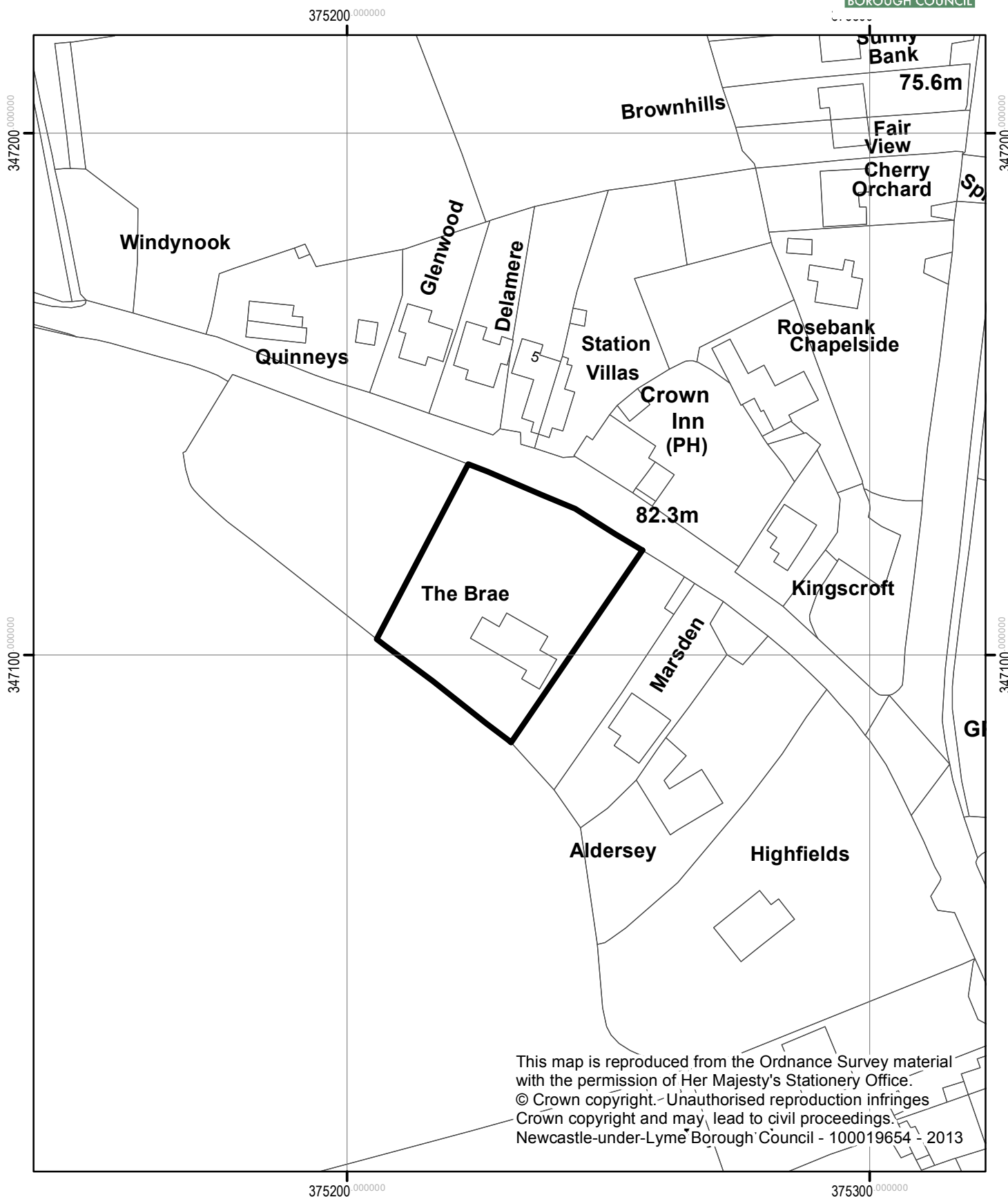
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

14th April 2016

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**MITCHELLS WOOD FARM, BELLS HOLLOW, CHESTERTON
FARMHOUSE STOVES**

16/00146/FUL

The application is for full planning permission for the retention of a wooden building in use for the sale of wood burning stoves for a period of three years.

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

The 8 week period for the determination of this application expires on the 6th May 2016.

RECOMMENDATION

PERMIT with the following conditions:

- 1. Temporary three year permission**
- 2. Removal of building after three years**
- 3. Approved plans**

Reason for Recommendation

The proposed development represents inappropriate development within the Green Belt. However, very special circumstances are considered to exist which would outweigh the harm to the Green Belt that would be caused by virtue of inappropriate development. Such circumstances are the limited visual impact arising from the development, its temporary nature and that it involves employment development in a rural area which is supported by national policy..

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

This is considered a sustainable form of development that complies with the provisions of the National Planning Policy Framework. No amendments were requested or additional information sought as part of the application process.

Key Issues

This is an application for full planning permission for the retention of a wooden building in use for the sale of wood burning stoves. The submission seeks permission for a temporary period of three years.

The applicant has recently started a small business, selling log burning stoves. The business is operated from a wooden shed, and in accordance with information provided attracts no more than 20 visitors per month. The business is operated by the applicant and no other persons are employed. They are seeking to establish the business before they seek out alternative accommodation.

The key issues in the determination of this application are therefore:

- Whether the proposal constitutes appropriate or inappropriate development in the Green Belt
- The impact of the proposal upon the character of the area and on the Area of Landscape Restoration
- Highway Safety and car parking
- Impact on amenity
- If the development is considered to be inappropriate development, so the required very special circumstances exist?

Is the development 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 listed at paragraphs 89 and 90. The exceptions identified do not include new buildings for business use, and therefore the starting point in the determination of this application is that the proposal represents inappropriate development within the Green Belt, which should not be approved unless there exists a case for very special circumstances that outweighs the harm caused to the openness of the Green Belt, and any other harm.

Impact on the character of the area

Saved Policy N21 of the Local Plan states that the Council will support, subject to other plan policies, proposals that will help to restore the character and improve the quality of the landscape, and that within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

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

The wooden shed building is located on an established farm yard at Mitchells Wood Farm. It is not visible within wider landscape views and its backdrop is agricultural buildings making it less conspicuous in the landscape.

The building is single storey and of wooden construction, and is not harmful to the character of the area.

Overall, in terms of character and appearance, and impact on the wider landscape restoration area, the proposal is considered acceptable.

Highway Safety and car parking

The business is likely to attract visitors by car, therefore sufficient car parking and turning within the site curtilage is required. There appears to be adequate car parking space for the minimal number of visitors anticipated, however should permission be granted, a condition requiring a plan showing how cars will park and turn within the curtilage should be included on any approval.

Impact on amenity

The business would not cause harm to amenity of nearby residents, which are located over 75 metres away from the building.

Overall, it is considered the proposed development will have a minimal impact on surrounding amenity, and as such is considered acceptable in this regard.

Do the required very special circumstances exist that would overcome the harm caused by inappropriate development in the Green Belt

A case has been advanced in support of the application which is summarised below:

- The building is of timber construction erected upon the same base as a slightly larger building that stood on this site until recently and which this building replaces
- The earlier building is clearly seen on the aerial photograph at the rear of this letter
- The use of the building is only required for a 2 to 3 year period and planning permission for this temporary use only is sought
- The building sits immediately to the rear of a mature hedge. Its materials and siting mean that it is not readily seen in the wider landscape

- The business is fledging. The business it generates provides a living wage for the applicant and jobs for local trades people who install the log burning stoves which are sold from this site.
- Local and national policy in the NPPF support the business development and growth
- The business could be carried out within a section of one of the existing farm buildings. In this case the business would be so insignificant as to not constitute development at all or would it benefit from permitted development rights under recent changes to national planning policies and provisions.
- The positive attitude taken to diversification in the countryside is a direct response to the very significant changes that have been brought about by a sharp decline in family farms and family farm businesses.
- Less than one customer a day is generated by the business. There are no internet sales now or planned. The level of traffic will cause no noticeable change to the safety or convenience of local road users and there are considered to be no highway objections

Whilst it is not accepted that all of the points above are the basis upon which it can be concluded that very special circumstances exist to justify inappropriate development in the Green Belt, which by definition is harmful. It is considered, however, that weight can be given to the facts that the building is of temporary construction and that it is not proposed that it would be a permanent feature within the Green Belt. In addition it is a relatively small building amongst larger farm buildings and this together with screening from a hedgerow ensures that it has a limited visual impact on the area.

The intention is that the business is established over a two to three year period and that when established alternative premises will be found. Economic growth in the rural area is supported by the NPPF in order to create jobs and prosperity, by taking a positive approach to sustainable new development. The site is in a relatively sustainable location, within the rural area but close to the urban area where good access to public transport can be gained. It is possible that visitors to the retail unit could get there using public transport/ walking.

Taking all of the above points into consideration it is considered that the very special circumstances exist that would overcome the harm to the openness of the Green Belt.

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 N17: Landscape Character – General Considerations
Policy N21: Areas of Landscape Restoration
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

None considered relevant

Views of Consultees

The **Highway Authority** has no objections subject to submission and approval of full details of provision of parking and turning within the site curtilage

The comments of the **Environmental Health Division** and **Landscape Division** are awaited. Any comments will be reported via a supplementary.

Representations

None received

Applicant's/Agent's submission

The application forms and plans have been submitted, along with a supporting statement and a 'Special Circumstances' statement. These documents and the representations referred to above are available for inspection at the Guildhall and can be viewed on the website using the following link; <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00146/FUL>

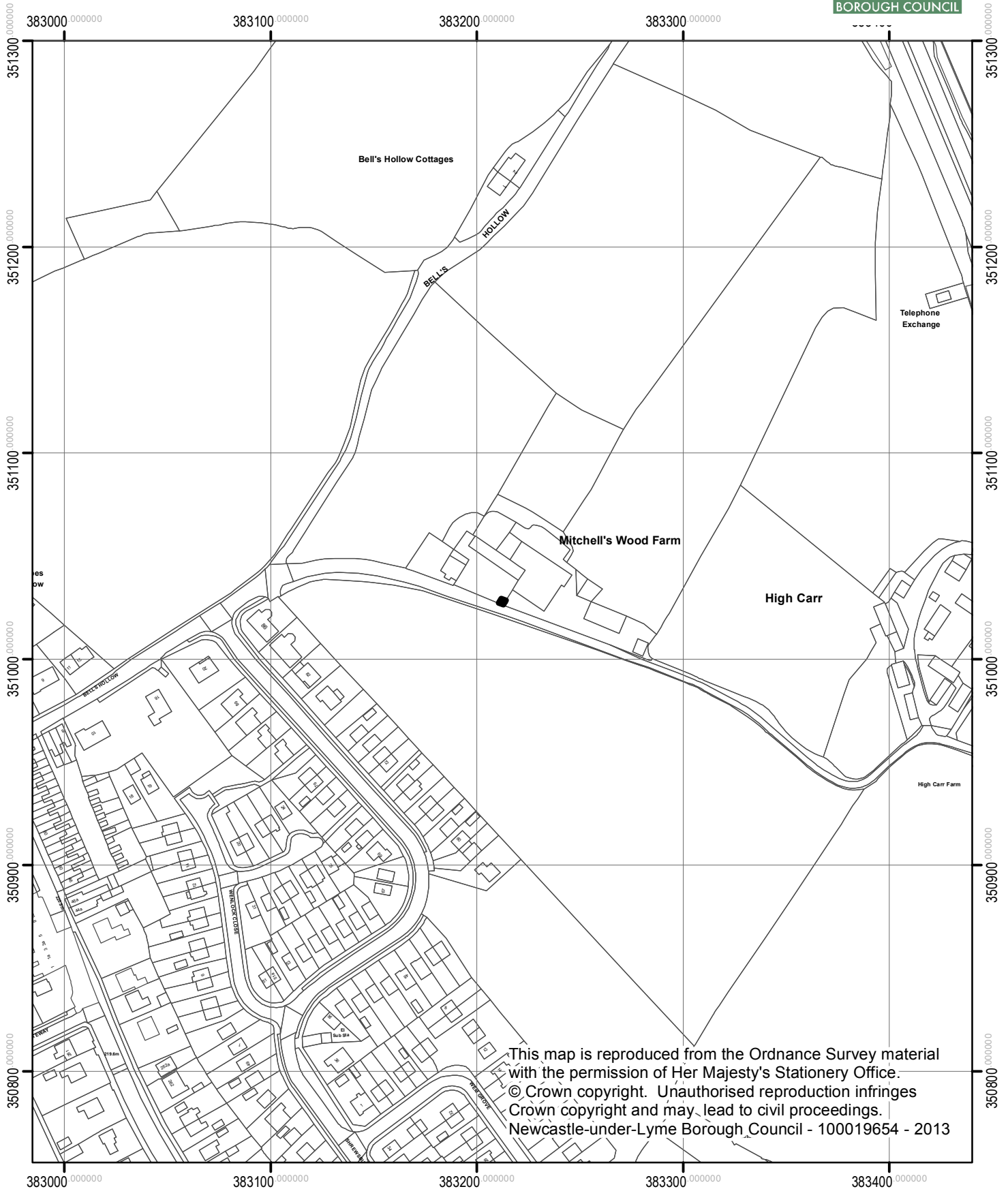
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

14th April 2016

**16/00146/FUL
Mitchells Wood Farm,
Bells Hollow,
Chesterton**



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Newcastle-under-Lyme Borough Council - 100019654 - 2013

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**KEELE HALL, KEELE UNIVERSITY.
KEELE UNIVERSITY**

16/00157/LBC

The application seeks listed building consent for the various alterations, including the refurbishment of case iron hoppers, replacement of cast iron rainwater pipes, replacement of six steel casement window frames and the fitting of fibre-grid walkway panels to the main roof level valley.

Keele Hall is a Grade II* Listed Building which is situated within a Conservation Area as defined on the Local Development Framework Proposals Map. The application site is within the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall.

The statutory 8 week determination period for the application expires on 13th April 2016. An extension of time period of the application has been agreed until 29th April 2016.

RECOMMENDATION

PERMIT subject to confirmation that the windows will be replaced on a like-for-like basis and the following conditions;

- 1. Time limit**
- 2. In accordance with the approved plan**
- 3. Materials as application submission**

Reason for recommendation

The proposal would preserve the special character and appearance of the Grade II* Listed Building and there are no factors which weigh against it.

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

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

KEY ISSUES

This application seeks Listed Building Consent (LBC) for the refurbishment and replacement of various rainwater goods and steel framed windows on the building. The proposal also includes the addition of slip resistant walkway panels to the main roof level valley of the building to accommodate access.

In assessing applications for LBC the Planning Authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 132 of the NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be and any harm or loss should require clear and convincing justification.

Policy CSP2 of the Core Spatial Strategy seeks to ensure that buildings of particular heritage value are safeguarded. Policy B6 of the Local Plan states that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features.

There were initial concerns about the six proposed replacement windows, however during the course of the application discussions have taken place in order to establish further details. The applicant has now sourced a metal worker who is able to replace the windows on a like-for-like basis, and as such this is deemed as being acceptable for the Local Planning Authority. Historic England has indicated

that the details of the windows can be agreed by the Council's Conservation and Urban Design Officer.

Overall the other proposed alterations to the building, including replacement rainwater pipes, and the addition of anti-slip panels to the walkways on the roof of the building are considered to be acceptable, incorporating much needed repair works to the building.

The proposed alterations would preserve the special character and appearance of the Grade II* Listed Building and there are no factors which weigh against it.

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
Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy B5: Control of development affecting the setting of a Listed Building
Policy B6: Extension or Alteration of Listed Buildings
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

Other material considerations include:

National Planning Policy Framework (March 2012)
Planning Practice Guidance (2014)
Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010)

Relevant Planning History

None relevant to this current application

Views of Consultees

Keele Parish Council has no comments on the proposal

Historic England does not object to the proposal after discussions held with the Council's Conservation Officer and the applicant to agree window details. Historic England accepts that the details can be agreed by the Council's Conservation Officer.

The Conservation Officer raises no objections to the proposal, subject to further details being provided on the window casements prior to the application being determined.

The Conservation Advisory Working Party supports the project and wants the Conservation Officer to ensure that the windows are like for like, as much as possible.

Representations

None received to date

Applicant/agent's submission

The application is supported by a Heritage & Design Statement. All of the application documents can be viewed at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00157/LBC>

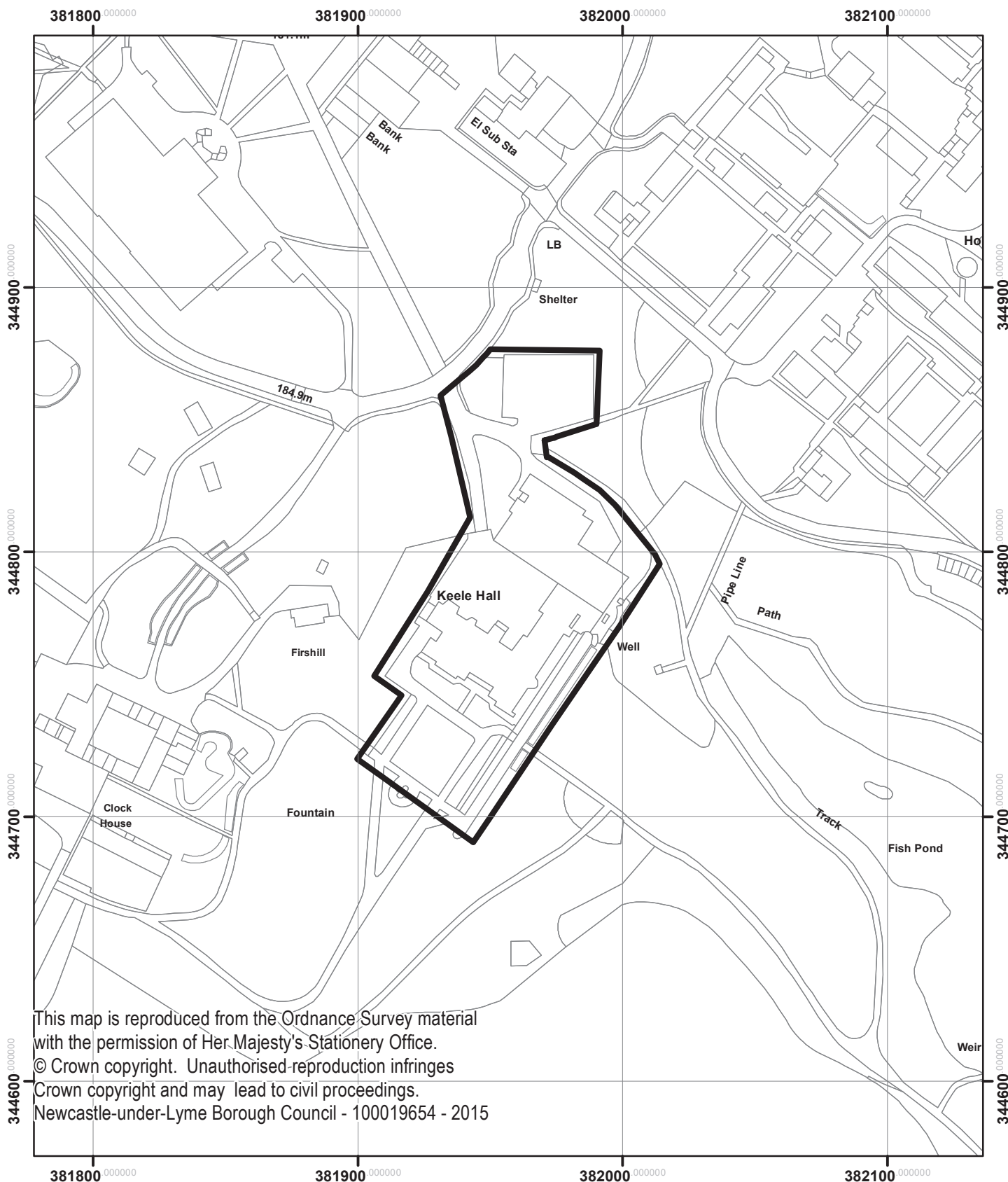
Background Papers

Planning File
Development Plan

Date report prepared

8 April 2016

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Newcastle-under-Lyme Borough Council - 100019654 - 2015

26th April 2016



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**KEELE HALL, KEELE UNIVERSITY.
KEELE UNIVERSITY**

16/00207/LBC

The application seeks listed building consent for alterations to the several areas of balustrade within Keele Hall.

Keele Hall is a Grade II* Listed Building which is situated within Keele Hall Conservation Area as defined on the Local Development Framework Proposals Map. The application site is within the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall.

The statutory 8 week determination period for the application expires on 29th April 2016

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Time limit**
- 2. Materials as stated on application form / drawings**
- 3. In accordance with the approved plans**

Reason for recommendation

The proposal would preserve the special character and appearance of the Grade II* Listed Building and there are no factors which weigh against it.

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

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

KEY ISSUES

This application seeks Listed Building Consent (LBC) for modifications to existing balustrading to two main staircases within Keele Hall by increasing their height. The only issue to address in the determination of the application is whether the proposal preserves the special character and appearance of the building.

In assessing applications for LBC the Planning Authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 132 of the NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be and any harm or loss should require clear and convincing justification.

Policy CSP2 of the Core Spatial Strategy seeks to ensure that buildings of particular heritage value are safeguarded. Policy B6 of the Local Plan states that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features.

The existing balustrading to the staircases within Keele Hall are at a low height and are a risk to safety, the proposal seeks to increase their height in order to reduce the risk of a fall. The proposed alterations would be to the galleries above the Great Hall and the landings to the four storey stairway situated in the Left or North East wing. Additional rails are proposed of a similar appearance to the existing and are proposed to be fixed using a similar bracket to existing brackets.

The proposed alterations have been discussed at length with the councils Conservation and Urban Design Officer to ensure that an appropriate design is achieved to the scheme. Overall, the proposed alterations are in keeping with the existing balustrades.

The proposal would preserve the special character and appearance of the Grade II* Listed Building and there are no factors which weigh against it.

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
Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy B5: Control of development affecting the setting of a Listed Building
Policy B6: Extension or Alteration of Listed Buildings
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

Other material considerations include:

National Planning Policy Framework (March 2012)
Planning Practice Guidance (2014)
Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010)

Relevant Planning History

None relevant to this current application

Views of Consultees

Keele Parish Council has no comments on the proposal

The **Conservation Officer** states the handrails are required to mitigate the risk to guests of the exiting low level hand rails. The details to the handrails in the Great Hall are to replicate the handrail with one slightly higher, bracket to the masonry screen in the same manner as the existing railings. In my opinion it will not be harmful to the character of this room.

The **Conservation Advisory Working Party** thought that there needed to be clarification on the internal stairwell handrail and how the ends would be treated.

The views of **Historic England** 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

None received to date

Applicant/agent's submission

The application is supported by a Heritage & Design Statement. All of the application documents can be viewed at the Guildhall or using the following link.

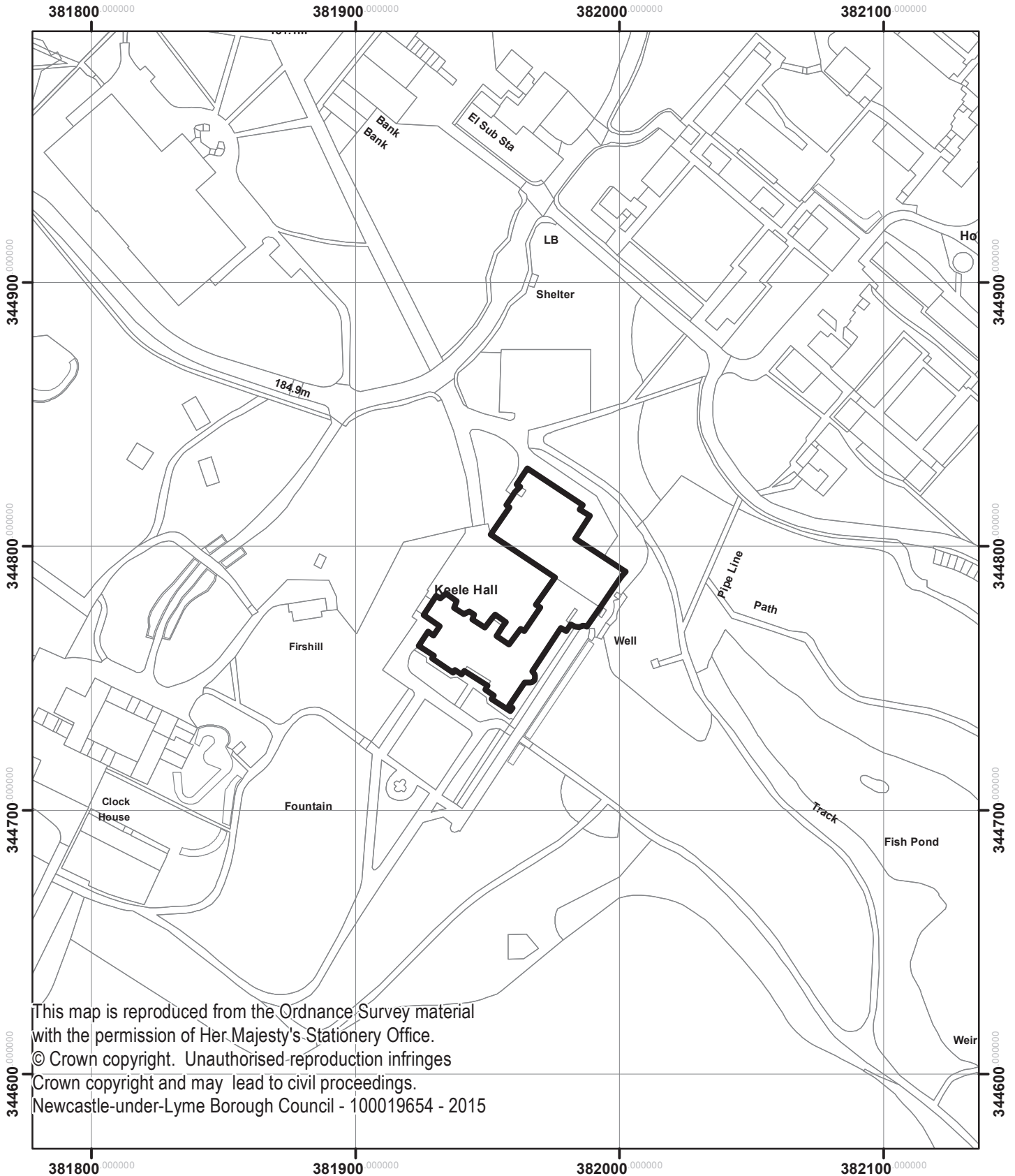
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00207/LBC>

Background Papers

Planning File
Development Plan

Date report prepared

8 April 2016



26th April 2016



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PROPOSED CONSERVATION AREA AT WATLANDS PARK, WOLSTANTON AND CONSIDERATION OF AN IMMEDIATE ARTICLE 4 DIRECTION AT NUMBER 7 PARK AVENUE, WOLSTANTON.

Purpose of the Report

This report

1. Proposes that steps be taken towards the designation of Conservation Area Status for an area of Wolstanton around Watlands Park/Woodlands and Marsh Avenue and Albert Terrace.
2. Seeks approval to make an Article 4 Direction as soon as practicable to remove certain permitted development rights at a residential property in Wolstanton.

Recommendations

1. **That the proposal to designate a Conservation Area at Watlands Park in principle be agreed and officers now carry out the necessary consultation in respect of the proposed area that will help to inform the decision on whether to designate a Conservation Area and its boundaries.**
2. **That the draft Appraisal and Management Plan Supplementary Planning Document (SPD) for the proposed Conservation Area be approved for public consultation purposes to help inform that decision.**
3. **That an immediate Article 4 Direction be made with respect to 7 Park Avenue, Wolstanton in the terms set out in the report, and that within the statutory 6 month period officers report back on the results of the required publicity to the Direction**

Reasons

1. The report proposes the designation of Conservation Area Status for Watlands Park, Wolstanton following a public consultation exercise that is to be undertaken. This is to determine whether to preserve and enhance its special character and it would give additional protection.
2. The review of the area seeks to provide additional protection to ensure that the Borough's special areas are safeguarded for the future to supplement the objectives and policies contained in the Joint Core Spatial Strategy. In accordance with the statutory regulations, an SPD has to undergo a consultation process before it can be adopted; and
3. The removal of permitted development rights through an Article 4 Direction would help to protect a historic building of interest.

1.0 Background

- 1.1 The Council has a statutory obligation to review its Conservation Areas from time to time and to consider new areas. It also must publish from time to time its proposals for the preservation and enhancement of Conservation Areas and consult the local community about the proposals.
- 1.2 Watlands Park Residents Association have approached the Council about designating a Conservation Area around the former Watlands Park estate. They have written a review of the area which proposes the streets around the former Watlands Park estate as a Conservation Area (see boundary on Watlands Park Townscape Appraisal Map attached as Appendix 2).

- 1.3 A key purpose of a Conservation Area Appraisal is to define the special interest of Conservation Areas, identify the issues which threaten these special qualities and to provide recommendations and guidance to manage change and suggest potential enhancements through the Management Plan.
- 1.4 The Council's Conservation Advisory Working Party has been consulted and it recommends to the Planning Committee that the principle of designating a Conservation Area at Watlands Park is accepted, that the draft Appraisal and Management Plan SPD (Appendix 1) be approved for consultation purposes to help to inform any decision, and that an immediate Article 4 Direction is made with respect of 7 Park Avenue, Wolstanton in the terms set out in the report below.

2.0 Consultation Arrangements

- 2.1 It is proposed to hold a consultation event for the proposed Conservation Area with the Residents Association to gauge if there is local support for it. The draft documents will be publicised on the web and made available in Newcastle Library. The Council will use its e-panel and its website to raise awareness of the documents.
- 2.2 All representations received will be considered and a report submitted to the Planning Committee with recommendations to designate the area or not, and to agree the boundary if appropriate. If accepted and adopted, the review document will become a Supplementary Planning Document (Conservation Appraisal and Management Plan) and will carry more weight in giving advice and determining planning applications in the proposed Conservation Areas or in any planning appeals.

3.0 Article 4 Direction

- 3.1 National guidance indicates that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this necessary to protect local amenity of an area. A Direction can withdraw permitted development rights straight away; however it must be confirmed by the local planning authority within 6 months of coming into effect to remain in force. Immediate Directions can be made in relation to development permitted by Part 1 -4 of Schedule 2 and Class B and C of Part 11 to the GPDO which grants permitted development rights to minor external changes for single dwellinghouses, and certain other limited forms of permitted development. An immediate Direction can only be made where the local planning authority consider the current permitted development presents an immediate threat to local amenity or prejudices proper planning of an area.
- 3.2 Article 4 Directions are a means to control kinds of development such as replacement windows, doors, roofs, construction and demolition of boundary walls which in the Council's opinion can harm the appearance or character of a Conservation Area.
- 3.3 The Watlands Park Residents Association have requested that the Council consider issuing an immediate Article 4 Direction with respect to 7 Park Avenue, Wolstanton, to remove permitted development rights that allow, without the need for planning permission, certain development associated with its use as a dwellinghouse. The reason given for the request is that the building has been empty for some time and there is pressure to redevelop the site possibly resulting in overdevelopment and clearance of the site.
- 3.4 The building in question is a fine detached Victorian villa set on a double plot with a high amount of original features including doors, a timber porch, ornamental brickwork, string courses and windows, etc. It also has other internal features of interest, works to which would not come within planning control as a result of an Article 4 Direction. After being vacant for more than a year and

in a state of neglect, number 7 Park Avenue, represents a particularly unaltered original red-brick detached property set in generous grounds with a large side garden and a coach house. It is currently in a vulnerable state of repair but has many original features, such as sash windows, which are all still in place.

- 3.5 The Council received a planning application from a property developer in March 2015 for a large extension and alterations to the existing house into 14 apartments, demolition of the coach house and widening of the access. This application (15/00174/FUL) was considered unacceptable by officers on certain grounds, but before being determined by the Committee, was withdrawn by the applicant. The plot was subsequently sold again at auction and has been boarded up with no indication as to the intentions of the new owners. The site has recently been cleared of unprotected trees and shrubbery and to date there has been no response from the owner to several attempts to make contact.
- 3.6 Although an Article 4 Direction is recommended with the draft Management Plan for Watlands Park (if designated as a Conservation Area), due to the relatively lengthy timescales involved, it would be some time before that Direction came into place and the features referred to would be at risk in the interim. In the meantime development could otherwise take place that would be prejudicial to the proper planning of the area or constitute a threat to the amenities of the area. In the circumstances it is proposed that an immediate Direction should be made at 7 Park Avenue, Wolstanton to help protect the features of the building and therefore the contribution that it makes to the appearance of the area. Once the Direction is made, notice is served on the owner, the Direction is advertised locally and 21 days is given for any representations, after which the notice can be confirmed and will remain in force. If not confirmed the Direction will lapse.

It is being recommended that the Direction should remove the following permitted development rights:-

- The enlargement, improvement or other alteration of the house, any alteration to its roof, the construction or alteration of a porch, outbuildings, hard surfacing, satellite dishes, (Classes A,,B, C, D, E, F and H of Part 1 of Schedule 2)
- The erection, alteration or replacement of a chimney on the house (Class G of Part 1 of Schedule 2).
- The erection, construction, maintenance, improvement or alteration of a gate, fence, wall, or other means of enclosure within the curtilage of a house (Class A of Part 2 of Schedule 2).
- The demolition of a building and all or part of a gate, wall or other means of enclosure within the curtilage of a house (Class B and C of Part 11 of Schedule 2).

4.0 Financial and Resource Implications

- 4.1 If a local planning authority makes an Article 4 Direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently refuses planning permission for development which would otherwise have been permitted. The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.
- 4.2 Compensation is only payable if an application for planning permission for certain development formerly permitted by the GPDO is made within 12 months of the Article 4 Direction taking effect. No compensation is payable for the withdrawal of certain permitted development rights if an LPA gives notice of that withdrawal between 12 and 24 months in advance. That is not however proposed in this instance for the reasons given above

5.0 Background Papers

English Heritage: Guidance on conservation area appraisals and the management of conservation areas. Feb 2006

English Heritage: Understanding Place: Conservation Area Designation, Appraisal and Management

Planning Practice Guidance (PPG) (2014)

Date report prepared 12th April 2016

**PROPOSED WATLANDS PARK CONSERVATION AREA
(Draft Appraisal and Management Plan)**

DRAFT

Contents

SECTION ONE: APPRAISAL

1. Introduction
 2. Summary of Significance
 3. Location and setting
 4. Historic development
 5. Spatial and Character analysis
 6. Quality and Character of Buildings
 7. Summary of issues - Opportunities and Constraints
- Appendix 1 – Townscape Appraisal Map

SECTION TWO: MANAGEMENT PLAN

1. Introduction
2. Implications of Conservation Area Designation
3. Management of the Historic Environment
 - Article 4 Directions
 - Enforcement Strategy
 - Role of Historic Environment Champions
 - Promotion and awareness
 - Control of Historic Buildings
 - Register of locally important buildings and structures
 - Control and management of the natural environment
 - Demolition
4. The Conservation Area Boundary Review
5. The setting of the Conservation Area
6. Implementation

SECTION ONE: APPRAISAL

1. Introduction

The proposed Watlands Park Conservation Area is located approximately one and a half miles north of Newcastle under Lyme Town Centre in Staffordshire, between the urban villages of Wolstanton and Porthill.

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 Plan Policies. More information about the planning system can be found on the Borough Council’s website: 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 government’s 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. 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.

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

The proposed Watlands Park Conservation Area is significant for the following reasons:

- It represents a well preserved example of a principally late Victorian/Edwardian planned suburban development.
- It offers a high quality and characterful environment marked by tree-lined avenues and substantial residential properties of pleasingly varied design.
- It retains a mix of distinctive high quality Victorian and Edwardian detached, semi-detached and terraced properties, creatively embellished with many original features intact, such as tile patterning, decorative banding, faience work, ornamental fenestration, clay tiles and boundary walls with piers.
- Significant history as the area was developed in stages from the grounds of Watlands House, and features several examples of the work of noted Potteries architect Absalom Reade Wood (Middleport Pottery, Burslem School of Art, Tunstall Park et al), including his own house, 'Hillcrest'.

This appraisal suggests 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.
- Removal of significant trees.

3. Location and Setting

The proposed Watlands Park Conservation Area forms a rough rectangle and is located between - and including - the section of Wolstanton High Street which runs between Keeling Street and Oaklands Avenue on the north side, and Marsh Avenue and Watlands Avenue on the south side, and Albert Terrace to include the properties at the lower end of Silverdale Road which are in effect a continuation of Albert Terrace and run down to Wolstanton Marsh. The area thus includes the whole of Marsh Avenue, Woodland Avenue, Watlands Avenue and the section of Park Avenue between its intersection with High Street and its intersection with Clarence Street.

Three large detached properties at the High Street Street end of Woodland and Park Avenues are now used as offices; one house on Woodland Avenue is a specialist residential care unit; the rest of the area is fully residential.

4. Historic development

*[*Extensive reference will be made here to the only known academic work entirely concerned with Watlands Park, Andrew Dobraszczyc's printed handout for his Watlands Estate WEA course of circa 1992. This includes maps, plans and other reproduced primary source material. A copy forms an appendix to this proposal; notes in the text citing it are in the format Dobraszczyc 1992, p1 etc]*

Wolstanton is one of Newcastle's earliest known settlements and is recorded in the Domesday Book of 1087:

WOLSTANTON. Earl Algar held it. 2 hides, with its dependencies
In lordship 2 ploughs; 14 villagers and 2 smallholders with a
priest have 8 ploughs. Woodland 1 league long and 1 furlong
wide. Value before 1066, 100s; now £6

Historically Watlands Park was farmland, running down to Wolstanton Marsh and Dimsdale. Watlands House, built in the late eighteenth century on a site at the head of the present Lodge Grove and extended in the first half of the nineteenth century, was one of North Staffordshire's noted gentlemen's houses. The area which forms the proposed Conservation Area, closest to the house, thus became park rather than agricultural land. Only a small part of Watlands House's boundary walls now survives: much built around and having fallen into multi-occupancy, the house was finally demolished circa 1951.

(Dobraszczyc 1992, pp2 & 20)

The present estate was laid out when the Watlands House grounds were gradually sold off, beginning in 1875/6. The southern side of Park Avenue was built up first, followed by Woodland Avenue (originally Woodlands Parade), Albert Terrace, Marsh Avenue (originally Marsh Road), the northern side of Park Avenue and finally Watlands Avenue, which had not formed part of the initial sale of building plots.

(Dobraszczyc 1992, pp10-12)

However, not all the plots offered for sale were purchased immediately, or then quickly built on, so that the proposed Conservation Area offers a fascinating and generally well-preserved history of changing architectural fashions between the 1870s and the First World War (with now-maturing later infill where older properties were lost to subsidence or large gardens sold for development), from grand redbrick and early Mock Tudor villas to Arts and Crafts cottage-style semi-detached properties.

Originally all four avenues plus Albert Terrace were gated but only one photograph, of the Park Avenue gates at the High Street end, is known to survive.

'There were similar gates at the end of each street on the estate in the 1880s, though the gates at the end of Marsh Avenue and Albert Terrace had been removed by the end of the 1890s. The gates at the end of Park Avenue and Woodland Parade [now Woodland Avenue] survived until the inter-war period and the the last gates at the end of Woodland Parade appear to have been removed in about 1940.'

(Dobraszczyc 1992, p13)

The section of the High Street included in the proposed Conservation Area was mainly developed in the same period, and aesthetically is very much of a piece with the avenues, two of whose focal point buildings - noted below - face on to the High Street.

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 proposed Conservation Area is generally flat, with a slight descent towards Wolstanton Marsh. Vantage points close to the area give outstanding views of the northern part of the Etruria Valley, the remaining visible parts of its important industrial heritage and rising open country beyond towards Mow Cop.

Layout and street pattern

Street layout is a planned grid, encompassing the area between the pre-existing High Street section - historically the main road between Newcastle and the northern Pottery towns - to the north, Silverdale Road (formerly Robinson's Lane) to the south and the edge of Wolstanton Marsh to the west. Plots and therefore houses are largest on Park Avenue: the plots in Watlands Park were sold with a stipulated minimum front garden depth and now feature mature trees and shrubberies. Woodland Avenue had a smaller but still larger than average stipulated minimum front garden depth. Albert Terrace, Marsh Avenue and Watlands Avenue have smaller front gardens and a higher density of houses but remain a cohesive part of the original estate, as intended. Plot sizes on the High Street vary, from landmark buildings too large for modern residential use to a run of more modest, but elegantly designed semis facing them.

Open spaces, trees and landscape

The proposed Conservation Area has mature trees lining Park Avenue, part of the High Street and parts of Woodland and Watlands Avenue, some of which are subject to Tree Preservation Orders. Several of these are believed to be survivors of the original planting when the Watlands Park estate was laid out. In general the proposed Conservation Area has the sense of a tranquil, somewhat secluded enclave. Wolstanton Marsh, on the edge of the proposed Conservation Area, is very much part of its landscape. The back lanes between Park and Woodland Avenues and Woodland and Marsh Avenues - both of which have exits on to Albert Terrace - have become habitats for small wildlife as they have been used less for rear access to properties and their garages or coach houses. The back lanes are unadopted by the Council and maintained by residents.

Focal points, focal buildings, views and vistas

The largest house in Watlands Park, now the Co-op Funeral Home, stands back from the junction of Park Avenue and High Street, next to 'Hillcrest,' AR Wood's own house, completed in 1891. Both have piecemeal additions from their time in institutional/commercial use but retain their visual integrity as houses. Within the residential streets, much of the area's special feel comes from smaller vistas: original chimneys, the mix of roof lines and features unique to each house or pair of houses, the large front gardens and for much of the year, the trees.

Boundary features

There is a variety of boundaries in the proposed Conservation Area. Some original stone and brick walls remain in their original form on all of the roads, and many of these retain their original stone piers, with embellishments. There are many well-established hedges

and trees as house boundary features and they help to unify the area especially where there are modern infill buildings but the historic boundaries remain in situ.

Public Realm

The pavements of the proposed Conservation Area are in a poor state, tarmaced rather than slabbed with the tarmac in roughly-patched and potholed condition. Lamp standards are modern and unremarkable. Highway and commercial signage make for a cluttered environment on the High Street.

6. Quality and Character of Buildings

The historic buildings and structures in the area contribute greatly to making the area aesthetically special. Nothing is nationally Listed; the combined effect of the buildings and streetscapes in Watlands Park is its particular strength, retaining as it does many architecturally distinctive and well preserved houses.

There is a unified palette of materials in the area - presumed to have been sourced mainly locally - which gives a sense of coherence despite the changes in style during the forty years of the estate's main period of development, so that softened gothic detailing from the 1870s sits alongside hanging-tiled house fronts and flamboyant 'Mock Tudor' black-and-white, and half a generation later, roughcast rendering and vernacular woodwork in a garden suburb style. The terraced villas on Albert Terrace are only uniform in short runs: there are Dutch gables and other detailing unusual in similar streets, and on Park Avenue a lovely understated pair of small detached Art Deco houses. This sense of architectural layering is quietly very special.

In terms of joinery, a high number of the timber windows and doors are still intact, with survival rates lower as the properties get smaller. Some have been replaced with uPvc; some of these with altered window openings. Taking Watlands Park as a whole, a sufficient proportion of fenestration in the older properties has retained its original character.

At the heart of the proposed Conservation Area, 7 Park Avenue, a particularly original red-brick detached property with large side gardens, and retaining its coach house intact, is currently in a vulnerable state of repair.

Businesses

There are a number of businesses, noted above, at the High Street end of the proposed Conservation Area.

Neutral Buildings

The post-1945, principally post-1960s infill buildings and extensions within the proposed Conservation Area generally neither contribute to nor detract from the character of the area and these are considered to be neutral buildings. However it must be noted that in terms of architectural quality, most fall well short of the original built environment.

7. Summary of Issues

The key issues facing Watlands Park can be summarised as follows:

- Conservation of the area and its original properties in a way which is sensitive and appropriate.
- Actively ensuring the future of properties at risk, including large gardens in danger of plot subdivision.
- Conserving the best of the Public Realm and actively seeking to bring the worst up to a good standard.
- Loss of important trees

This desirable state can only be achieved by continual vigilance by concerned local inhabitants, informed decisions by the Planning Authority and positive action by enforcement where necessary, all acting in liaison for the common benefit. Watlands Park Residents' Association regards engagement with this process as a vital part of its remit.

Opportunities and Constraints

- Inappropriate signage on businesses occupying former residential sites and action needs to be taken to improve or remove the signage.
- 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 Proposed Conservation Area.
- Retain important trees and landscape features, on public and private ground within the Area.

SECTION TWO : 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 effectiveness of the Proposed Watlands Park Conservation Area's designation will depend on the way it is managed by the Borough Council, residents and local businesses.

Government policy guidance on Conservation Areas is contained in National Planning Policy Framework, where the government is still promoting informed and evidence 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 Core Spatial Strategy and Saved Policies from the 2011 Local Plan.

Local authorities have a duty to designate areas as 'Conservation Areas' which they consider have special historic and/or aesthetic significance.

Consultation

The involvement of the local community - in particular Watlands Park Residents' Association - in the formulation and delivery of these documents helps to strengthen the status and impact of Appraisals and Management Plans. The Residents Association has played a significant role in instigating this process to propose a new Conservation Area and in writing this review of the area, including research and providing the material included in the documents. A full period of consultation will take place with the documents to provide opportunities for the wider 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. The Council’s Statement of Community Involvement provides further information about how the community can be involved in planning decisions.
- 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.
- 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 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, roofing 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 minor 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 so that consideration can be given to the merits of the proposal and for them to be considered against the conservation interests of the area. Certain buildings are more vulnerable than others at certain times and it is considered that a No 7 Park Avenue, a redundant building which is changing hands regularly at the moment is at risk from significant change which could harm the character of the area.

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

- All extensions whatever the size including porches
- Changing roof materials and insertion of rooflights
- Replacing windows or doors
- 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 the proposed Watlands Park Conservation Area for certain and relevant types of development on the majority of properties in residential use in the Conservation Area as shown on the plan, in order to seek to retain historic and architectural features which combine to give the Conservation Area its special character and significance. 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 action where needed is taken. This does reinforce that the development management process is fair and should be followed.

As well as following 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 proposed Watlands Park 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 proposed 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 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.

No buildings currently included on this Register lie within the proposed Watlands Park Conservation Area, but the Watlands Park History Project Group has begun to compile a list of AR Wood houses, is researching other houses of particular interest and hopes to offer nominations for the register in future.

There are a 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 proposed Conservation Area. 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. 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 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.

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.

. The Conservation Area Boundary

The proposed Conservation Area boundary is based around the former estate of Watlands Park laid out at the beginning of the 19th century and put up for auction in the late 19th Century when the first streets were laid out and building plots sold. Please see attached Plan for the suggested boundary of the proposed Conservation Area described in more detail in Section 3 and Section 4 of the Appraisal document.

5. The setting of the Conservation Area

Watlands Park 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 contributes to the especial character of the Conservation Area. These features are cherished by the local community and are generally well cared for.

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 proposed 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 proposed Conservation Area.

The pressure for development in Watlands Park is mainly for changes of use, signage and extensions to existing buildings, but as noted above there is concern about the potential for over-dense infill and backland development - usually in the gardens of existing buildings which sit in spacious plots that contribute much to the area's character, which has evolved over many years. There is an existing policy which helps protect part of Park Avenue; this should help ensure that special attention is given to retaining this character.

Action 16 The Borough Council will seek to ensure that new development conforms to policies within the Core Spatial Strategy, 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

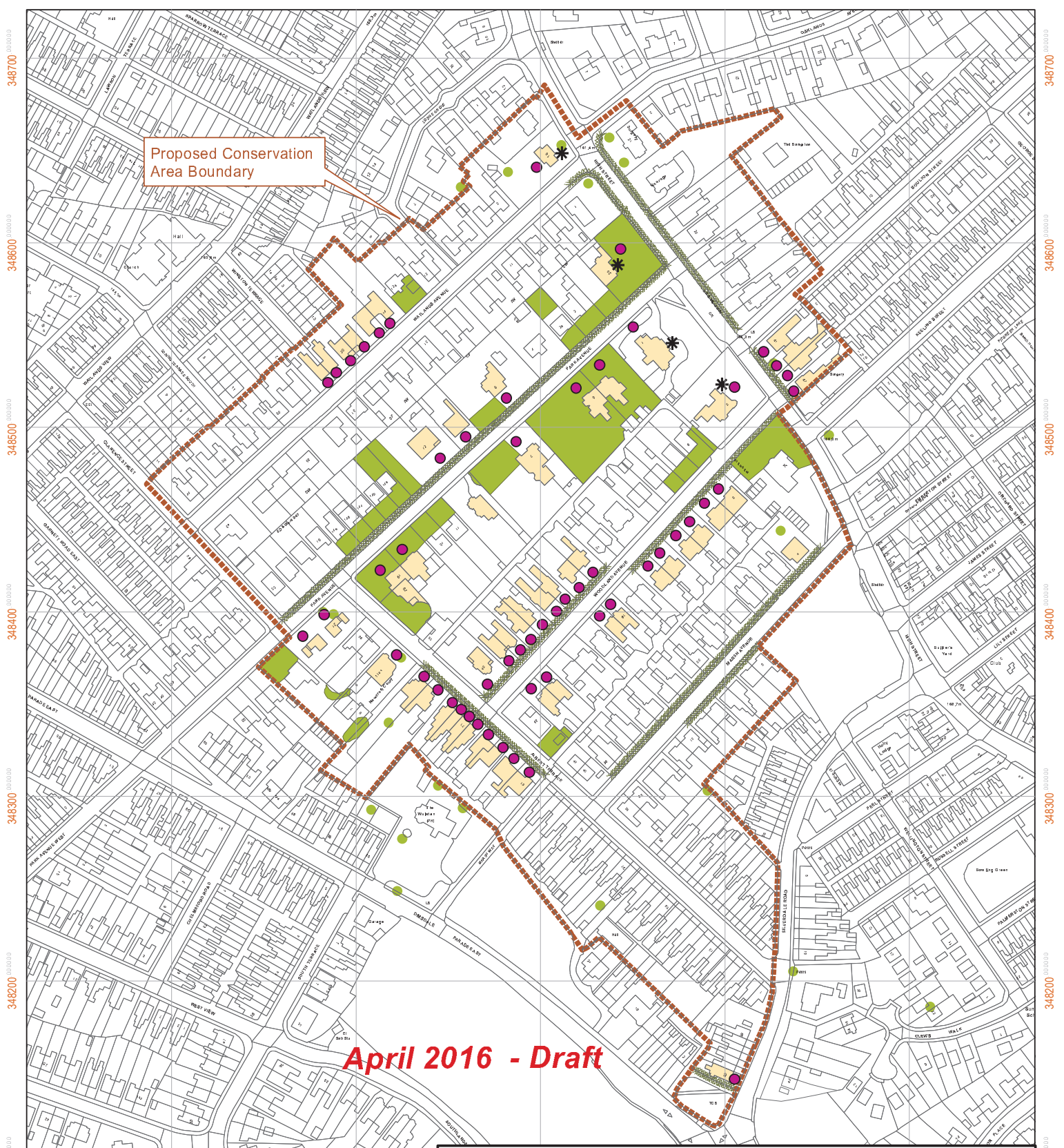
Permission is needed for demolition all buildings in the Conservation Area (over 115 cubic metres). Demolition of historically significant buildings within the Conservation Area will not be permitted unless the building to be demolished can be proven to have a harmful or negative effect. Partial demolition 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 proposed Watlands Park Conservation Area should be as 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. There is also a role for the Borough Council and other recognised community groups such as the Civic Society.










Proposed Conservation Area Boundary


April 2016 - Draft

Proposed Conservation Area Watlands Park, Wolstanton Townscape Appraisal Map

Key

-  Proposed Conservation Area boundary
-  Positive buildings
-  Proposed Article 4 buildings
-  Landmark building
-  characteristic boundaries
-  Area TPOs
-  Individual TPOs

1:2,000 at print size A3
 0 25 50 75 100 Metres



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 Page 1 of 9

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NEWCASTLE-UNDER-LYME
 BOROUGH COUNCIL

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DRAFT BRAMPTON CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN SUPPLEMENTARY PLANNING DOCUMENT

Purpose of the Report

To seek approval of the draft Appraisal and Management Plan for The Brampton Conservation Area Supplementary Planning Document (SPD) for public consultation purposes

Recommendations

1. That the submitted document is approved for public consultation purposes.
2. That a further report is received on the outcome of the public consultation, before adoption of the SPD is considered.

Reasons

The proposed 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. In accordance with the statutory regulations, an SPD has to undergo a consultation process before it can be adopted.

1.0 Background

- 1.1 Members may recall that a report was considered in February 2011 for a programme of Conservation Area appraisals and management plans.
- 1.2 The preparation of an SPD for a Conservation Area Appraisal and Management Plan for a Conservation Area is in line with the National Planning Policy Framework which endorses protecting heritage assets which are considered to have heritage significance.
- 1.3 Once adopted the SPD will supplement the objectives and policies contained in the Joint Core Spatial Strategy. It will be regarded as a "material consideration", and the fact that it has undergone some form of statutory preparation process increases its status. A draft SPD for consultation purposes has now been prepared and is presented to your meeting for consideration as Appendix 1 to this report, together with its Appraisal Map (Appendix 2).

2.0 Content of the SPD

- 2.1 A key purpose of the SPD through the Conservation Area Appraisal is to redefine the special interest of The Brampton Conservation Area, identify the issues which threaten these special qualities and to provide recommendations and guidance to manage change and suggest potential enhancements through the Management Plan. The appraisal also considers the boundary of the Conservation Area. The Brampton Conservation Area was designated in 1984 and the review now undertaken has reconsidered the special character of the Area, as well as its boundary. The proposed Management Plan suggests amending the boundary to include the adjacent streets at Gower Street and Granville Avenue (see The Brampton Appraisal map).
- 2.2 The Conservation Area Appraisal highlights the key characteristics and issues which are relevant in The Brampton Conservation Area, namely what makes it special by the combination of its history and development, its historic buildings, materials, landscape setting and important views. The Management Plan provides a framework for future actions.

- 2.3 The Council's Conservation Advisory Working Party has been consulted and it recommends to the Planning Committee that the draft SPD be approved for consultation purposes.

3.0 Consultation Arrangements

- 3.1 It is proposed to hold a consultation event for The Brampton with the Residents Association.
- 3.2 The draft SPD will be publicised on the web and made available in Newcastle Library. The Council will use its e-panel and its website to raise awareness of the SPD.
- 3.2 All representations received will be considered and a report submitted to the Conservation Advisory Working Party and the Planning Committee with recommendations for changes, if appropriate, to the draft document.
- 3.3 Once adopted, the SPD (Conservation Appraisal and Management Plan) will carry more weight in giving advice and determining planning applications in the Conservation Areas or in any planning appeals.

4.0 Legal and Statutory Implications

- 4.1 The Council has a statutory obligation to review its Conservation Areas from time to time and to consider new areas. It also must publish from time to time its proposals for the preservation and enhancement of Conservation Areas and consult the local community about the proposals.
- 4.2 The Council has legal and statutory duties in relation to the production of the SPD to undertake public consultation as set out in its adopted Statement of Community Involvement under the Local Development Framework. This Statement demonstrates the Council's commitment to using its best endeavours to consult and involve the community in the most effective way possible.

5.0 Background Papers

English Heritage: Guidance on conservation area appraisals and the management of conservation areas. Feb 2006

English Heritage: Understanding Place: Conservation Area Designation, Appraisal and Management

Date report prepared 13th April 2016

**The Brampton Conservation Area Appraisal and
Management Plan**

DRAFT

Contents

Section One : Conservation Area Appraisal

1. Introduction
2. Summary of Significance
3. Location and setting
4. Historic development
5. Spatial and Character analysis
6. Quality and Character of Buildings
7. Summary of issues - Opportunities and Constraints

Appendix 1 – Townscape Appraisal Map

Section Two : Conservation Area Management Plan

1. Introduction
2. Implications of Conservation Area Designation
3. Management of the Historic Environment
 - Article 4 Directions
 - Enforcement Strategy
 - Role of Historic Environment Champions
 - Promotion and awareness
 - Control of Historic Buildings
 - Register of locally important buildings and structures
 - Control and management of the natural environment
 - Demolition
4. The Conservation Area Boundary Review
5. The setting of the Conservation Area
6. Implementation

SECTION ONE : CONSERVATION AREA APPRAISAL

1. Introduction

The Brampton Conservation Area was designated in July 1984 as an “area of special architectural or historic interest the character and appearance of which it is desirable to preserve or enhance”. There is an existing appraisal document from February 1985 after the Conservation Area was designated which sets out its architectural and historical interest. There has inevitably been change over the last 30 years and this current document aims to see if the area still retains a special character and is still worthy of its status as a Conservation Area.

Local planning authorities are required to review 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 such areas.

The purpose of the Appraisal is to describe the area’s character and of the Management Plan is to provide a good basis for planning decisions and for development proposals in the area in the future. 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 Plan Policies. More information about the planning system can be found on the Borough Council’s website: 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 government’s 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. 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.

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

The Brampton Conservation Area is significant for the following reasons:

- High quality mature environment marked by large properties in generous plots glimpsed through a parkland landscape.
- Distinctive high quality Victorian Villas, 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 representing expanding 19th century town of professional classes.
- Attractive setting with historic public walks with mature natural landscaping open spaces and pathway networks, including civic buildings such as museum, park and informal open green space.

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, shrubs 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.
- Signage on businesses
- Control over the development of large plots within the Conservation Area which could be harmful to character
- Control over loss and inappropriate development of important open space to ensure high quality environment is preserved.

3. Location and Setting

The Brampton Conservation Area is located to the north of Newcastle-under-Lyme Town Centre just beyond Nelson Place roundabout. The original intention of the designation was to preserve the “parkland” landscape appearance of the area and conserve the area’s general environment quality and to maintain the open landscaped appearance of the area, resisting overdevelopment in the area.

The area reflects the expansion of the town in the mid-19th century and the boundary starting in the north runs along the rear of the properties between Wulston Drive and Station Walks, along the southern boundary of Station Walks to include the Borough Arms Hotel. It includes the west side of Northcote Place, The Birches garden at the end of Sidmouth Avenue which stretches to Gower Street and up past the east boundary of Brampton Park and includes 4 properties in Granville Avenue. The boundary also runs along the rear boundary of properties on the east side of Brampton Road to the open space by the roundabout with Sandy Lane.

Its southern boundary adjoins the Town Centre Conservation Area and is marked by the distinctive Station Walks, a pathway network which runs parallel to the town centre on a west/east axis partly on the former railway line (and canal). From Nelson Place roundabout built in 18th century, Queen Street radiates north and becomes Brampton Road and leads up towards May Bank. Sandy Lane is also characterised by some large properties set in large grounds, although still of some value, this is not as high quality and as well preserved as Brampton Road and the rest of the Conservation Area.

Large properties in large grounds set either side of the road characterise this area and many of the houses nestle behind extensive shrubbery and trees. The landscape value of trees, shrubs and plants is particularly high and provides an attractive setting. The character to the west and north changes quite distinctly and the value is not as high.

The area was predominantly residential but now has a clear mix of uses including offices and businesses housed in large buildings, and substantial car parks, a church, Registry Office and the Borough museum.

Whilst new dwellings have been erected on land to the rear of the original houses they are often not visible due to the dense vegetation and set back which generally means that though the quality of the buildings are not to the same standard as the original development, due to the location within the plots, they do not generally cause harm to the character and appearance of the Conservation Area.

4. Historic development

Until the late 18th/early 19th Century, Newcastle-under-Lyme was a small market town surrounded by open countryside and open strip fields and in agricultural use. Populations began to increase and the land was claimed. Brampton Road was a new road, leading to Wolstanton. The late 18th century brought with it the Industrial Revolution, and wealthy industrialists built large houses on the edge of the towns and this was particularly the case in Sidmouth Avenue. This became a principal residential area for the town's professional classes - Newcastle was less polluted than the pottery towns. The grand houses set in large grounds were built and many still remain today although several are in commercial use.

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 19th century. By the early 19th Century, with the decrease in reliance of agriculture and increasing populations, the land was enclosed to the local Burgesses in 1819. 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 Field and Stubbs Field. The linear walks were laid out by a landscape architect, and they still exist today and are a key feature of the character of the respective Conservation Areas. The central island on the walks, below Sidmouth Avenue is where the statue of Queen Victoria stood since 1963 until it was moved to Queen Gardens in the town centre.

Spatially the history of the wider area is significantly defined by former canals and roads that linked them to the southwest. The historic maps from the mid and late 19th Centuries show that the general spatial layout and character remains the same with the principal streets.

Historic maps depict the Town Fields under the Inclosure Act that in 1826 no building had taken place on The Brampton as yet. Some of the houses started to be built towards the middle of the 19th Century and Brampton Lodge was built in 1836, along with Brampton Tree House and Brampton Cottage but only Brampton Lodge still survives. Mapping shows that by 1861 the canal had been replaced by the railway and the west side of Brampton Road was developed first. On the east side, Pitfield House, The Firs were also built.

Sidmouth Avenue is so called because the land was owned by The Viscount Sidmouth (in Devon). The street was developed towards the end of the 1870s and several of the houses have date stones of 1877. Evidence of gate piers at the end of Sidmouth Avenue reveals that this street was gated and therefore very exclusive. It is also of note that Vera Brittain, "writer and reformer" was born in Sidmouth Avenue and the blue plaque scheme commemorates this. Further research may also reveal that properties along the Avenue were built by AR Wood, an architect from Burslem.

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 land rises quite steeply from Queen Street/Brampton Road to the start of the Conservation Area. Station Walks is a generally level west/east pathway cutting through the incline, the main road then continues to rise up to and beyond the junction with Sandy Lane. Land to the east of Brampton Road is more level than to the west, which rises up to the properties set back some considerable distances from the road. The SE tip of the Conservation Area falls away down to the Borough Arms Hotel which marks the end of this part of the Conservation Area.

Due to the dense vegetation and tree cover the topography doesn't tend to create impressive vistas and the views are limited along the roads.

Layout and street pattern

The landscape character of the area and buildings are Victorian and the area retains its original charm and character. Brampton Road bisects the area north/south and the properties are set back considerable distances from the road, all at least 45 metres, and some in the excess of 75 metres.

The area has a parkland character especially on the eastern side where Brampton Park provides attractive vistas up towards the Borough museum (The Firs) and across to Pitfield House. In the south, due to the layout of the Area with Brampton Park to one side and the Walks on the other, the backs of the houses on Sidmouth Avenue are also visible and incremental domestic development such as outbuildings and fences can have a detrimental effect on the high quality environment.

Sidmouth Avenue has a separate and distinct character, slightly different to Brampton Road, a linear quiet residential street built in phases, set in more regular smaller sized plots; it is a series of very fine and attractively embellished large detached and semi-detached Victorian villas. The villas on the south side have large rear gardens which back onto Station Walks. The large property at the end, The Birches, marks the end of the no through road and the plot extends towards Gower Street.

Open spaces, trees and landscape

The natural environment in the Conservation Area is an integral part of its significance.

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 walk was designed and laid out to be an area that residents could enjoy and get exercise. The Council manages the park and open space and there is also a children's playground in the centre. It is on the edge of the town centre but this first suburb of the town has a large amount of open space thanks to the public park and Station Walks and an (informal) open space at the northern end of the Conservation Area. Even the businesses have a quiet and peaceful ambience set back from the road behind dense vegetation.

Trees are extremely important in this area and there are a large number of Tree Preservation Orders for individual trees and groups. Along Brampton Road, many Orders protect the trees along the plot frontages. All trees (of a certain diameter) are afforded some protection by being in the Conservation Area.

The museum has used the former residence (The Firs) as a museum since 1956. Both the museum and the park are well used and respected and provide high quality civic amenity for residents and visitors of the Borough.

At the northern end of the Conservation Area is an area of informal public open space. The Council as the landowner in its Asset Management Strategy 2014/15 identified this as a site where alternative uses should be explored because it had been demonstrated that it did not serve any strategic or operational purpose to the Council, and in accordance with the Strategy the public were then consulted. At a meeting of the Council's Cabinet in November 2014 the outcome of the consultation was reported and it was resolved to dispose of this land subject to securing a planning permission for residential development of the site. Upon presentation of a subsequent petition to the Council's Cabinet in November 2015 the decision of the November 2014 Cabinet was reaffirmed. The area makes a positive contribution marking the start of the Conservation Area from the north – a green entrance – and is bounded by important trees.

Equally important are the large areas of private open space at the front of most of the properties – again providing a sense of spaciousness and high quality landscape as one traverses up the hill away from the town centre.

Focal points, focal buildings, views and vistas

Focal points in the Conservation Area are 'the environment' as a whole - the green landscape and the open spaces, stone boundary walls, glimpses of high quality buildings through the trees and vegetation.

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. Pitfield House is also visible across the park from the main road.

Perhaps the most prominent building fronts Sidmouth Avenue and is the current Registry Office with its distinctive pale brick and later round bay.

Buildings on corners, including the large villas which are designed to have presence and prominence and are in elevated positions, including decorative gables, deep eaves, 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 hedges. The historic natural sandstone walls and piers are a distinctive feature of the area. They are higher and more impressive on the west side and on the east side the low walls are in need of some repair. Later walls are brick.

It is important that walls are repaired sensitively with lime based mortar, finished flush, brushed back and by appropriately qualified contractors. If unsure, advice should be sought by a conservation specialist or by contacting the council's Conservation Officer.

Public Realm

There are few examples of historic public realm in the Conservation Area. The principal features in the public realm are the walls marking the entrance into the public walks. Modern bins benches are located within the park and there is a playground and gardens within Brampton Park. Large grass verges and pathways make the area feel more spacious.

Stone kerbs are also still present within the area and sets are retained along the edge of the road helping to provide a little more character within the streetscene.

The character of the area is determined by more than just the appearance of the buildings. Due to the nature of the area even though it is a residential area, there is some signage clutter due the fact that it is a busy route in and out of the town centre.

Sidmouth Avenue, has some mock Victoriana lamp standards which were installed following liaison between the residents and County Highways. These lamp standards are also found in the north part of the Conservation Area on the access road leading to Hobbergate and The Manor House. These are fitting and contribute the special character of the streets although require some decoration and repair along Station Walks.

6. Quality and Character of Buildings

Positive 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 3 Listed Buildings and structures, all listed Grade II. There are currently no buildings included on the Council's Local Register of Locally Important Buildings and Structures.

- Brampton Lodge, 1836 villa, in stucco with sash windows and later 19th Century bay. Set within very extensive grounds the plot is bounded by a stone garden wall with piers (separately listed).
- The gate lodge to Brampton Lodge, of the same date built from rusticated sandstone with a hipped roof sits at the bottom of the drive to the main house.

There remain many fine Victorian houses, generously proportioned and set in large grounds in this Conservation Area. They were all formerly houses but some have now a commercial use and have been extended.

Now the Registry Office at the end of Sidmouth Avenue, this property has been modified and extended for this use but is still a prominent building with the Conservation Area – probably designed by R Scrivener, a key North Staffordshire Architect in the 1850's, known for his yellow brick and elaborate architectural style. This building highlights the quality and nature of the residential street. Number 15 is also probably by Scrivener. The later mock Tudor houses are extremely impressive the end semi-detached one notably where Vera Brittain once lived.

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. They are substantial 2 and 3 storey brick properties with a wealth of detailing, both slate and clay pitched roofs, and stone or brick boundary walls – which originally had railings.

Eversley perhaps is one exception which is built by Longdon a nationally significant architect. This property has somewhat been compromised a little by subdividing the plot but can be glimpsed through the trees.

Neutral Buildings

Generally it is considered that the more recent housing whilst not of the same quality as the original houses, still is respectful to the general layout of the area, and does not harm the special character by being set back within the large plots.

New residential development has generally been sensitive. The largest was set in the former railway cutting in the south of the area, access from Brampton Road, developed in a linear form, units designed as a gated street, reflecting the former character of Sidmouth Avenue. Another residential development was built in the garden of Glen Mayne, which did not involve the removal of the main building, and increased the number of buildings on the plot but it remains set back behind and in line with the existing building and is not visible from the road due to the dense vegetation.

Businesses

Some of the town's key businesses in the town situated in the Brampton either in converted and extended historic properties or in large new build properties. The main ones being Knights Solicitors, Aspire housing, the Museum, Cheeky Monkeys play barn and café, nursery, and the Borough Arms Hotel.

The large buildings and extensions have meant some loss of open space since the designation of the Conservation Area. Fortunately adherence to the general building line and the setting back of buildings into the plots has helped to reduce harmful impact on the overall character of the Area. Large offices to the northern edge of the Conservation Area have crept into the informal open space but again, set amongst the trees and vegetation the impact is reduced. Some non-residential uses on Sidmouth Avenue do not really cause harm to the character of the area as signage and size of plots means that cars can be accommodated. The Registry Office has an unsympathetic flat roofed extension into the car park and unsightly air conditioning units but hopefully these can be removed when the use moves out of the building.

7. Summary of Issues

Clearly since the last appraisal the Conservation Area has changed and accommodated a variety of developments - some more sensitive than others. The area will also continue to change and evolve but it is important to ensure that future changes continue to respect the special ambience and character of the area.

Despite these changes it is concluded that the area is still special and worthy of being designated as a Conservation Area.

Protection of the area's character must be continued and improved when practicable, and this can only be achieved by continual vigilance by concerned local inhabitants and groups, informed decisions by the planning authority and positive action by enforcement where necessary, all acting in liaison for the common benefit.

Opportunities and Constraints

- Careful control over inappropriate signage on businesses occupying former residential sites.
- Many properties have substantial plots and the front and rear gardens are large. There has been significant pressure for development on this backland and in order to maintain the historic character of the Conservation Area, 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 structures and properties within the Conservation Area.
- Retain trees and landscape features and important open spaces.
- New development should be respectful of character set out in this review but should not mimic the existing development but inventively enhance the character.
- Identify positive buildings in the Area and consider adding them to the Register of Locally Important buildings and structures to encourage sympathetic repair and maintenance and alteration of the buildings.

SECTION TWO: 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 the Brampton has been existence for over 30 years and the effectiveness of the designation depends on the way it has been managed in the past by the Borough Council, local businesses and residents.

Government policy guidance on Conservation Areas is contained in National Planning Policy Framework (NPPF), where the government is still promoting informed and evidence 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 Core Spatial Strategy, the saved policies from the 2011 Local Plan and the emerging Joint Local Plan by Newcastle-under-Lyme and Stoke-on-Trent City Council.

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. The management plan has been drawn up in consultation with the Sidmouth Avenue Residents Association.

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 the Council's Planning Committee 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. The Council’s Statement of Community Involvement provides further information about how the community can be involved in planning decisions.
- 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.
- 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 seek 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 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 The Brampton 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
- Changing roof materials and insertion of rooflights
- Replacing windows or doors
- 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 The Brampton Conservation Area for certain and relevant types of development on properties in residential use in the Conservation Area as shown on the Townscape Appraisal Plan, 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 be likely to have a positive effect of the area's 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 action where needed is taken. This does reinforce that the development management process is fair and should be followed.

As well as the Cabinet Office Enforcement Concordat and Compliance Code, 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 Brampton 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 obtaining 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 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 it 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 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 Council's 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.

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 the 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. 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.

The Brampton Conservation Area contains buildings and features which are of principally Victorian architectural styles and periods. It is relatively compact and defined either side of Brampton Road from Station Walks including the best of the largest houses in the area.

Additions

It is considered that there is an area with fine examples of Victorian early to mid 20th century properties on Gower Street, Granville Avenue and Northcote Place that would merit inclusion within the Conservation Area. Accordingly it is proposed to

- Add area east of Station Walks up to north (east) side of Granville Avenue. This includes north side of Northcote Place, 17-29 (odd) High Street, Gower Street and Granville Avenue

This does include a small amount of properties which have very little architectural merit such as the flats to the top of Northcote Place and some modern infill plots. The latter are not visible from principal views and others, whilst not contributing greatly to the character of the area, are often set behind historic walls which form part of the character of the area.

It makes sense to complete the boundary by squaring off this corner of the Conservation Area to try and protect the large villas which make a clear and positive contribution to the character of the area.

5. The setting of the Conservation Area

The Brampton 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 and the park.

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 The Brampton for infill and backland development (usually in the gardens of existing buildings) should be considered carefully as it may harm the character of the Conservation Area.

Any development of the open space at the northern end of the Conservation Area should respect the general building line and be set back a considerable distance from the back of the pavement. The important trees should be retained and this green, semi-enclosed setting should be allowed to continue to complement the character of the wider area

Action 16 The Borough Council will seek to ensure that new development conforms to policies within the Core Spatial Strategy, 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 Brampton 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. Obtaining 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. There is also a role for the Borough Council resident community groups and others such as the Civic Society.











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April 2016 - Draft

Brampton Conservation Area Townscape Appraisal Map

Key

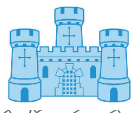
-  Conservation Area boundary
-  Proposed extension to Conservation Area boundary
-  Listed buildings
-  Positive buildings
-  Neutral building
-  Significant open space
-  Proposed Article 4 buildings
-  landmark building
-  characteristic boundaries
-  Important views



1:2,500
at print size A3

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Newcastle Under Lyme Borough Council - 100019654 - 2016

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APPEAL BY ST.QUENTIN RESIDENTIAL HOMES LTD AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A TWO STOREY EXTENSION TO PROVIDE A 24 BEDROOM ELDERLY MENTALLY INFIRM (EMI) UNIT AND REPLACEMENT CONSERVATORY AT ST QUENTIN RESIDENTIAL HOME, SANDY LANE, NEWCASTLE

<u>Application Number</u>	14/00543/FUL
<u>Recommendation</u>	Refusal
<u>LPA's Decision</u>	Refused by Planning Committee 7th October 2014, following site visit
<u>Appeal Decision</u>	Appeal allowed and planning permission granted
<u>Date of Appeal decision</u>	3rd March 2016

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 14/00543/FUL) via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/14/00543/FUL> and the following is only a brief summary.

The Inspector determined that the main issue in this case was the effect of the proposal on the character and appearance of the area. In allowing the appeal, the Inspector made the following comments:

- The appeal site is located within a designated Area of Special Character as defined under saved Local Plan Policy H7. This seeks to preserve the unique character of the area by not permitting development that would be detrimental to its overall character, or that would result in the sub-division of plots or the loss of visually significant trees. The policy defines the character as consisting predominantly of large houses in extensive plots.
- Whilst there are a few larger properties, including the two on the appeal site, set back to the rear of their substantial grounds, there is a varied building line on both sides of the road. There is also a mix of property designs, types, sizes and building ratios, all situated on different sized plots within the streetscene.
- Of particular note visually are the large mature trees and hedgerow boundary treatments which limit views into some of the plots and altogether provide a green and pleasant sense of enclosure when travelling along this part of Sandy Lane.
- The appeal site itself is significantly restricted from direct views with substantial hedgerows and mature trees within the site and along the boundaries. Together with the further landscaping proposed the development would not materially alter the semi-enclosed suburban character when travelling along Sandy Lane. To the north-west of the appeal site is the former 'Homestead' site, which is currently under construction to deliver a 65 apartment extra care scheme. Whilst it is recognised that this development is not within the Policy H7 area and the scheme replaces previous development, it has a significant visual impact on the character of the area and the adjacent appeal site.
- The proposal would project development further forward on the plot, reducing the size of the garden to the front of the existing properties. However a substantial proportion of the garden area would still remain. In addition the two storey height of the proposal when viewed from the road would not be out of keeping for the area. Furthermore, taking account of the site's semi-enclosed nature, the proposed retention of hedgerows and protected trees and the provision of additional planting, the visual impact of the development would be limited when viewed in the context of the wider street scene.
- The property is located opposite the Brampton Conservation Area. With special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Brampton Conservation Area including

its setting, the Inspector was satisfied that the proposal would preserve those interests.

- In conclusion with respect to the effect of the proposal the Inspector decided that the development would not have an impact on the character and appearance of the surrounding area, and that accordingly it complied with policy including Policy H7.
- The Inspector also noted the site is in a sustainable location close to local facilities and services and is within an urban area. The NPPF aims to boost the supply of housing and there is no dispute that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. Consequently as the Planning Practice Guidance confirms that specialist housing for older people can contribute to the Council's housing requirements, the appeal proposal would provide 24 bedrooms to the supply of housing land. It would also deliver specialist housing for which there is a demonstrated need within the Borough. This weighs heavily in support of the appeal.
- The Council's suggestion that the grant of planning permission for this proposal would compromise future decisions affecting the unique character of the area by setting an undesirable precedent were not supported.
- In relation to concerns that the development would increase traffic on a busy road and there would not be sufficient car parking, it was noted that the Council and Highway Authority did not object on those grounds and there is no substantive evidence to indicate that there would be significant harm to highway safety.
- In relation to neighbours' concerns regarding overlooking, noise and disturbance. The Inspector determined that the development would not result in material harm to the living conditions for neighbouring residents. It was also suggested at the Hearing that other locations would be more appropriate for this form of development. However no details of other sites have been provided and the appeal had to be determined on its own individual planning merits.

Your Officer's comments

That the Council were unable to persuade the Inspector that the proposal would have an adverse impact on the character and appearance of the area is disappointing and somewhat surprising, your Officer anticipating that the principal issue would be the weight to be given to the provision of this specialist form of accommodation. However the decision provides reasons for the Inspector's conclusions.

Recommendation

That the decision be noted.

APPEAL BY ASPIRE HOUSING AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR 4 NO., 2 BEDROOM, SEMI-DETACHED PROPERTIES AT A SITE OFF QUEENSWAY, NEWCASTLE-UNDER-LYME.

<u>Application Number</u>	15/00308/FUL
<u>Recommendation</u>	Refusal
<u>LPA's Decision</u>	Refused by Planning Committee 26th June 2015
<u>Appeal Decision</u>	Allowed
<u>Costs Decision</u>	Refused
<u>Date of Appeal and Costs Decisions</u>	15th March 2016

Appeal Decision

The full text of the decision is available to view on the Council's website (as an associated document to application 15/00308/FUL) and the following is only a brief summary.

The Inspector determined the main issue in this case to be the effect of the proposal on the character and appearance of the surrounding area.

- The appeal site is roughly triangular in shape and comprises 18 garages split over two buildings along with associated hard standing and grass verges.
- The symmetrical design of both semi-detached units would be in keeping with the surrounding area. Whilst the plot sizes proposed are smaller than those in the surrounding area, the space between dwellings would be similar to those between pairs of housing in Doddington Place, The Plaisance, and Kingsway East. With satisfactory wall and roof materials, the proposed scale and semi-detached form of the dwellings would be well designed and respect the local character of the surrounding area.
- The apartment block to the west of the site reduces the open character of the immediate Queensway area and would screen wider views of the appeal site. Therefore, the dwellings would only be visible from a limited public vantage point on Queensway. Furthermore, the gradient of the site would reduce visibility from this vantage point. Whilst an element of landscaping is illustrated on the site plan, a landscape condition requiring submission and approval of further details including consideration of existing and proposed trees would ensure that the green appearance of the area is retained.
- Both parties note the negative appearance of the existing garage, but owing to the limited visibility of the site, this attracts only modest weight in favour of the appeal.
- In conclusion the proposal would be well designed and in keeping with the character and appearance of the surrounding area.
- A number of additional concerns were raised by residents in relation to parking and highway safety, privacy, drainage and bin storage. The Inspector was satisfied however that subject to the imposition of conditions, there would be no harm.
- Whilst some local residents considered there is a lack of need for the dwellings proposed, the Inspector acknowledged that the Council cannot demonstrate a 5 year supply of housing land and this provides a clear indication of an unmet housing need.
- The appeal was allowed subject to a number of conditions.

Costs Decision

In refusing the application for costs, the Inspector made the following comments:

- Paragraph 049 of the Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis
- The Council in their committee report identified the impact of the proposal on the character and appearance of the surrounding areas as one of the main issues. This section identifies what the Council considered to be key characteristics of the surrounding area including generous rear gardens and the relatively uniform layout of the area, and from this analysis they concluded the proposal would have a harmful impact. Because of the committee report, the appellant was able to understand and address these specific points of concern as evident in the appeal documentation submitted.
- The Council also adequately considered the implications of not having a 5 year housing land supply, and having assessed the proposal in light of paragraph 14 of the National Planning Policy Framework (the Framework), they arrived at a legitimate conclusion and identify the high regard the Framework has for good design in the committee report. In addition, consideration was given to the sustainable location of the site. Consequently, the Inspector was satisfied that the Council undertook the balancing exercise required by the Framework in light of not having a 5 year supply.
- Therefore, unreasonable behaviour was not demonstrated in this case. The main issues in the committee report were sufficiently reasoned, defined, legitimate and subsequently balanced against relevant provisions in the Framework. This allowed the appellant to be sufficiently clear on the reason for refusal. Therefore, no unnecessary cost or wasted expense has been demonstrated in this case.

Recommendation

That the decisions be noted.

APPEAL BY MR ANDREW CARPENTER AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR TWO DETACHED 4/5 BEDROOM DWELLINGS AT WREKIN HOUSE, OFF MUCKLESTONE WOOD LANE, LOGGERHEADS

<u>Application Number</u>	15/00404/OUT
<u>LPA's Decision</u>	Refused under delegated powers 9th July 2015
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	16th March 2016

The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the area, and highway safety.

In dismissing the appeal the Inspector made the following comments:

- The Council accepts that it is currently unable to demonstrate a 5 year housing land supply and as a consequence, Development Plan policies that relate to the supply of housing are out of date and that the proposal should be assessed on the basis of the presumption in favour of sustainable development.
- The prominent position of the proposed development, set in the countryside on the fringe of Loggerheads away from any other development on the northern side of Mucklestone Wood Lane, visually unrelated to the residential estate on the southern side of the lane, would result in an incongruous form of development that would have an adverse effect on the semi-rural character and appearance of the area.
- There are a number of mature trees at the appeal site which for the most part are located along the site boundary. The appellant accepts that the proposal would result in the loss of some trees at the site but maintains that only those trees which cannot realistically be retained as living trees in the context of the current land use for longer than 10 years will be removed.
- The submitted block plan confirms that only Category U trees would be removed to facilitate the siting of the proposed dwellings and the new access, and that one Category C tree, identified as tree T3, would be removed to improve the amenity value of an adjacent tree, T2. In order to compensate for this loss, the appellant proposes to plant 3 replacement trees.
- There is no evidence that the removal of tree T3 is necessary and whilst the removal of each Category U tree is likely to be necessary in the next 10 years, the loss of these trees at the same time would have a harmful effect on the semi-rural character and appearance of the area.
- It is concluded that the proposed development would have an adverse impact on the character and appearance of the area.
- The development proposes the construction of a new vehicular access with visibility splays of 2.4m x 43m in both directions, close to the eastern boundary of the appeal site. The Highway Authority has no objections to the proposed development subject to the provision of the proposed visibility splay, however on the basis of the submitted evidence the proposed access arrangements could not be achieved if tree T3 were to remain in-situ. Consequently, whilst an acceptable access could be achieved it would be at the expense of T3 which would have a detrimental impact on the character and appearance of the area.
- The Council does not dispute that the appeal site was formerly occupied by a building, but contends that the structure was an agricultural store and was demolished many years ago. It is considered that whilst the site may have been previously-developed the remains of the permanent structure or fixed surface structures have blended into the landscape and as a consequence the site does not constitute a previously developed site as defined by the NPPF.
- In terms of sustainability, the appeal site is located close to public transport and within walking distance of shops and services within Loggerheads. Further, the proposed development would make a positive contribution to the supply of new housing in the

settlement. This does not however outweigh concerns regarding the effect of the proposed development on the character and appearance of the area.

- The appeal is dismissed.

Your Officer's Comments

That the decision be noted.

Planning Committee site visit dates

It has been the practice of the Committee to annually agree a programme of dates upon which Planning Committee site visits will be held, should such visits be agreed to be necessary at a meeting of the Committee.

Although Council is yet to formally agree at Annual Council the calendar of meetings for 2016/17 the likely dates of the Development Management Planning Committee meetings are known. It is recommended that the Committee should now agree, as they did in April last year, to a programme of dates upon which the Planning Committee visits will be held during the 2016-2017 municipal year.

Date of planning committee at which decision to hold a site visit is made	Date of site visit	Time of site visit
Tuesday 24 May 2016	Thursday 16 June 2016	6.15pm
Tuesday 21 June 2016	Thursday 14 July 2016	6.15 pm
Tuesday 19 July 2016	Thursday 11 August 2016	6.15pm
Tuesday 16 August 2016	Saturday 10 September 2016	9.15am
Tuesday 13 September 2016	Saturday 8 October 2016	9.15am
Tuesday 11 October 2016	Saturday 5 November 2016	9.15am
Tuesday 8 November 2016	Saturday 3 December 2016	9.15am
Tuesday 6 December 2016	Saturday 17 December 2016	9.15am
Wednesday 4 January 2017	Saturday 28 January 2017	9.15am
Thursday 2 February 2017	Saturday 25 February 2017	9.15am
Tuesday 28 February 2017	Saturday 25 March 2017	9.15am
Tuesday 28 March 2017	Thursday 20 April 2017	6.15pm
Tuesday 25 April 2017	Thursday 18 May 2017	6.15pm

Recommendation

That the above list of dates and times for possible Planning Committee site visits for 2016/2017 be agreed

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QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO

Purpose of the Report

To provide Members with a quarterly report on the exercise by the Head of Planning of the authority to extend periods within which planning obligations can be secured by (as an alternative to refusal of the related planning application).

Recommendations

a) That the report be noted

b) That the Head of Planning continue to report, on a quarterly basis, on the exercise of his authority to extend the period of time for an applicant to enter into Section 106 obligations.

Introduction

The Committee, when resolving to permit an application subject to the prior entering into of a planning obligation, usually also agreed to authorise the Head of Planning to extend the period of time for an applicant to enter into the Section 106 obligations if he subsequently considers it appropriate (as an alternative to refusing the application or seeking such authority from the Committee).

When this practice was first established it was envisaged that such an extension might be agreed where the Head of Planning was satisfied that it would be unreasonable for the Council not to allow for additional time for an obligation to be secured. It was recognised that an application would need to be brought back to Committee for decision should there have been a change in planning policy in the interim. It was agreed that your officers would provide members with a regular quarterly report on the exercise of that authority insofar as applications that have come to the Committee are concerned. The report does not cover applications that are being determined under delegated powers where an obligation by unilateral undertaking is being sought.

This report covers the period between 2nd February 2016 (when the Committee last received a similar report) and the date of the preparation of this report (14th April 2016).

In the period since the Committee's consideration of the last quarterly report, section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or subsequent extensions, and extensions have been agreed with respect to some 7 applications.

The Council needs to maintain a focus on delivery of these obligations – which can become over time just as important (to applicants) as achieving a prompt consideration of applications by Committee. In some cases applicants have however little immediate requirement to complete such obligations, being content to rest upon the resolution of the Committee. Expectations and requirements vary considerably. It is the issuing of the decision notice, rather than the consideration of the application by the Committee, which is the basis for the measurement of whether the decision has been made “in time” insofar as the speed of determination criterion for designation of poorly performing LPAs. The Government are bringing forward proposals to extend the performance regime from just Major developments to Non-Major developments as well thus further reinforcing the importance of timeliness.

Local Planning Authorities are required, as part of the Planning Guarantee, to refund any planning fee paid if after 26 weeks no decision has been made on an application, other than in certain limited exceptions, including where an applicant and the Local Planning Authority have agreed in writing that the application is to be determined within an

extended period. This provides yet another reason for the Planning Service maintaining a clear and continued focus on timeliness in decision making, instructing solicitors and providing clarification where sought.

In cases where extensions of the period within which an obligation may be secured have been considered appropriate your Officer's agreement to that has normally been on the basis of that should he consider there to be a material change in planning circumstances at any time short of the signing of the final document he retains the right to bring the matter back to the Planning Committee. Applicants are also asked to formally agree a parallel extension of the statutory period within which no appeal may be lodged by them against the non-determination of the application, and in most cases that agreement has been provided. An application determined within such an agreed extended period is defined as one that has been determined as being determined "in time".

Details of the applications involved are provided below:-

(1) Application 14/00027/FUL Land adjacent to 31 Banbury Street

This application for permission for the erection of 13 dwellings came before the Planning Committee at its meeting on the 11th March 2014 (at around week 7). The resolutions of the Committee inter alia required that obligations securing financial contributions to NTADS, education provision and open space improvement. Subsequently the Committee, following an appraisal by the District Valuer agreed (at around week 54) that no contributions would be required but that an agreement requiring a reappraisal if after 14 months the development had not substantially commenced would be appropriate, with the potential future requirement for such contributions.

Various developments resulted in the matter not progressing - these being reported in detail in previous quarterly reports to the Committee. The Committee agreed in February this year to by stages reduce the 14 month period if the agreement was not promptly completed. An extension of time for the completion of the agreement was agreed for the 14th March 2016 and the S106 was completed on the 10th March and a decision issued on the 14th March (some 112 weeks since the receipt of the application).

The application was received after the introduction of the Planning Guarantee however no repayment of the fee was required in this case.

(2) Application 14/00767/FUL Former Woodshutts Inn, Lower Ash Road, Kidsgrove

The application for full planning permission for the erection of 22 affordable dwellings comprising a three storey block of 6, one bedroom flats; 10 two storey, two bedroom dwellings and 6 two bedroom bungalows came before the Planning Committee on the 9th December 2014 (at around week 9). The resolution of the Planning Committee included a time limit for the securing of certain planning obligations relating to public open space and education contributions, with the usual caveat that your Officer could extend that period if he considered it appropriate, and the Coal Authority withdrawing its objection by no later than 20th January 2015.

Members have been advised previously that the Coal Authority had withdrawn their objection and the applicant had subsequently informed the authority that the levels of contributions sought towards education and POS would make the scheme unviable. This resulted in a further report, following a viability appraisal, coming before the Planning Committee on 21st July 2015 (at around week 41). This time the Committee resolved to permit the application subject to the applicant entering into a Section 106 obligation by the 21st September 2015 to secure 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 contributions then being made to public open space and education on an equal proportion basis, if the scheme is evaluated at that time as able to support such contributions.

That date passed without completion of the agreement, and further periods lapsed without completion of the agreement.

Since the 2nd February meeting, by which point a period until the 4th March had been agreed, a further deadline of the 22nd March 2016 was agreed. Whilst this was not achieved, the agreement had by then reached a very advanced stage (it had been completed by Aspire but not by the other parties to the agreement, a further extension of one day was agreed, the agreement was finally completed on the 23rd March, and the decision notice then issued.

The decision was issued some 77 weeks after receipt of the application. The application was received after the introduction of the Planning Guarantee however no repayment of the fee is required in this case.

(3) 15/00368/OUT Land at West Avenue, Kidsgrove

This application, for outline planning permission for the erection of up to 44 dwellings, came before the Planning Committee on 21st July 2015 (at around week 9). The resolution of the Planning Committee included a time limit for the securing, by the 15th August 2015, of planning obligations relating to on-site affordable housing, and payment of contributions towards public open space and education facilities. A further period of time for the completion of the legal agreement, up to the 12th November 2015 and then another to the 3rd December was then agreed. That date passed without completion. A further extension to the 19th February 2016 was reported to the February Committee. It too also passed without completion. However, the agreement is in circulation and it is understood should be completed shortly.

A supplementary report will be provided to the Committee on this case.

At the time of writing some 50 weeks has passed since the original receipt of the application.

(4) 15/00699/FUL Land At Ashfields New Road, Newcastle

The application is for full planning permission for the erection of 42 residential units made up of five pairs of semi-detached, two bedroom dwellings; a block of 10 one bedroom flats; and a further block of 22 one bedroom flats. The application came before the Planning Committee on the 13th October 2015 (at around week 9). The resolution of the Planning Committee included a time limit for the securing of planning obligations, by the 6th November, for a financial contribution for the enhancement and maintenance of the open space at the Greenway.

After the original committee meeting the applicant submitted a financial viability report and advice of the District Valuer was then obtained. A further report came before the committee on the 2nd February 2016 with a revised recommendation which sought a 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.

A new date for the completion of the S106 agreement was set as the 27th February 2016. This date was not achieved but a revised date was agreed of the 21st March. The agreement was completed on the 15th March and the planning permissions issued on the 21st March 2016.

The decision was issued in this case some 32 weeks after receipt of the application. The application was received after the introduction of the Planning Guarantee however no repayment of the fee is required in this case.

(5) 15/01004/FUL The Hawthorns & Keele Campus Keele University

This application, for full planning permission for the demolition of the Management Centre buildings at the Hawthorns, Keele and for the construction of student accommodation at Keele University Campus and residential development at The Hawthorns in the village of Keele, came before the Planning Committee on 5th January 2016 (at around week 8). The resolution of the Planning Committee included a time limit for the securing, by the 5th March 2016, of a planning obligation to secure the long term management, availability, and maintenance of the public open spaces within the development, a financial contribution towards education places and a review mechanism if the development is not substantially commenced within a certain period. The agreement was not completed by the 5th March due to delays on behalf of the Council and a further extension of time was agreed to the 5th April 2016. The agreement was completed on the 30th March and the planning permission issued on the 5th April 2016.

This application was received after the introduction of the Planning Guarantee and by the time the decision was issued some 21 weeks since receipt of the application.

(6) 15/01116/FUL Former Squires Copper, Mount Road, Kidsgrove

This application, for full planning permission for the erection of 2 dwellings additional to the 12 dwellings given planning permission on the site previously, came before the Planning Committee on 2nd February 2016 (at around week 8). The resolution of the Planning Committee included a time limit for the securing, by the 12th March 2016, of a planning obligation to secure a contribution towards off site public open space.

An extension of time for the completion of the agreement from the 12th to the 22nd of March was necessary due to delays by the Council in sending the draft agreement to the applicant. The agreement was not completed until the 23rd March and the decision notice then issued.

This application was received after the introduction of the Planning Guarantee and by the time the decision was issued some 15 weeks had passed since receipt of the application.

(7) 15/00759/FUL Former Blue Bell Inn, New Road, Wrinehill

This application, for full planning permission for the erection of 5 dwellings, came before the Planning Committee on 2nd February 2016 (at around week 22). The resolution of the Planning Committee included a time limit for the securing, by the 14th March 2016, of a planning obligation to secure a commuted off site affordable housing contribution and review mechanism if the development is not substantially commenced within a certain period. An extension of time for the completion of the agreement from the 14th to the 21st of March was agreed because the applicant did not receive the hard copy engrossments which were sent out in advance of the 14th March. The agreement was then completed on the 21st March, and the decision notice of approval was then issued 'in time' on the 22nd March 2016.

This application was received after the introduction of the Planning Guarantee and by the time the decision was issued some 29 weeks had passed since receipt of the application, but no repayment of the planning fee was due in this particular case.

Date Report prepared
14th April 2016

Application for Financial Assistance from the Conservation and Heritage Fund

The Barracks, Barracks Road, Newcastle (Ref: 15/16007/HBG)

RECOMMENDATION:

That the following grant is approved:-

1. **£5,000 for the repair of the windows at The Barracks, Barracks Road, Newcastle, subject to the appropriate standard conditions**

Purpose of report

To enable members to consider this application for financial assistance.

The Barracks, Barracks Road, Newcastle

This project is to improve the windows at the Barracks, a Grade 2 Listed Building lying within the Newcastle Town Centre Conservation Area. Many windows in the building are in urgent need of repair, some beyond repair and needing replacement. The windows are a mixture of timber and metal and these will be replaced like for like where necessary. The building is managed by a Trust, a charitable company, which lets the building out to businesses. They want to try and improve the environment for their tenants and are starting with the windows on a piecemeal basis. The aim is ask the Heritage Lottery Fund for a grant as well. Forshaw Greaves architects have been commissioned by the Trust to undertake an inventory of all windows in the building. To improve the environment for the tenants the project also involves secondary glazing proposal which requires Listed Building Consent, for which an application (16/00206/LBC) has been made but such costs are not grant eligible.

The total cost of the grant eligible work is estimated at £112,350 including VAT. The works are eligible for grant up to 20% of the total cost however the maximum grant that can be awarded is £5,000. The Trust will go out to tender from 3 companies and however given the high cost of the windows, any tender is likely to be over £25,000, so the Council will likely still be awarding £5,000. If the cost of the work comes to below £25,000 then the grant proportion will be reduced accordingly.

The views of the Conservation Advisory Working Party are being sought and will be reported to the Planning Committee.

Financial Implications

There is sufficient funding to meet this grant application with £39,000 in the Fund allowing for commitments.

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