

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** - Mr G Morrey **Application No.** 11/00393/FUL

**Location** – Newcastle under Lyme School, Victoria Road, Newcastle

**Description** – Two sun shade sails to playground area and one sun shade sail/canopy to cover a play area at the entrance of the nursery and primary school.

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

#### **West Midlands Regional Spatial Strategy 2008**

Policy QE3: Creating a high quality built environment for all

#### **Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011**

Policy D1: Sustainable Forms of Development

Policy D2: The Design and Environmental Quality of Development

#### **Newcastle-under-Lyme Local Plan 2011**

B9: Prevention of harm to Conservation Areas

B14: Development in or adjoining the boundary of Conservation Areas

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

CSP1: Design Quality

CSP2: Historic Environment

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

#### **National Planning Policy**

PPS1: Delivering Sustainable Development (2005)

Companion Guide to PPS1 "The Planning System: General Principles"

PPS5: Planning for the Historic Environment

### **Planning History**

None relevant to this proposal

### **Views of Consultees**

**Environmental Health** – No objection to the application subject to conditions relating to;

- Hours of construction/demolition
- Dust control
- Refuse and Recyclable Storage and Disposal Arrangements

**Conservation Advisory Working Party** – No objections.

### **Representations**

None received.

## **Applicants/ Agents submission**

The requisite application forms and plans were submitted. A design and access statement was also submitted. Additional information was also received in relation to the materials to be utilised.

## **Key Issues**

Full planning permission is sought for two sun shade sails to a playground area and one sun shade sail/canopy to cover a play area at the entrance of the nursery and primary school. The site is located within the urban area of Newcastle as shown on the Local Development Framework Proposals Map. The application site is in close proximity to the boundary of Stubbs Walks Conservation Area.

The key issues for the determination of the application are therefore;

- Visual amenity and Impact upon the Conservation Area

## **Visual Amenity and Impact upon the Conservation Area**

Paragraph 34 of PPS 1 states that

‘Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted’

Paragraph 36 goes on to state that Local Authorities should ensure that developments are ‘Visually attractive as a result of good architecture and appropriate landscaping’

Although the proposed sun shades would not be located within the Conservation Area due to the nature of them and their location they would impact upon views into and out of Stubbs Walk Conservation Area.

## **Sunshades to Play Area**

The proposed posts that would be utilised to attach the shades to are felt acceptable and due to their nature they would not appear as dominant or incongruous features within the landscape subject to appropriate colours being utilised. The agent has advised that these would be galvanised and this is not felt to be appropriate in colour. Due to the backdrop it is felt that a dark recessive colour would be more appropriate and an appropriate condition would be included specifying this. The interchangeable safety post covers are felt to be acceptable and due to the removable/temporary nature of these it is not felt that these could be controlled. With regards to the material to be utilised for the sun shades these raised some concern due to their bright stark nature. Further information has been provided by the applicant including photographic submissions of their appearance and it is felt now that the material is acceptable. One of the colours (Sunset Red) suggested by the applicant however is felt to be too bright when viewed within the traditional Conservation Area and as such this needs to be reconsidered. A darker recessive red is felt to be more appropriate to respect the character of the Conservation Area and it is felt that this would also still match the colour scheme of the school. In light of the above and the conditions suggested it is felt that the proposal would not have an adverse impact upon the visual amenity of the surrounding area or Stubbs Walk Conservation Area. The proposal therefore complies with the principles of policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011, CSP 1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (Adopted 2009) as well as the principles of policies B9 and B14 of the Newcastle-under-Lyme Local Plan 2011.

## **Sunshade to entrance of the Nursery/Primary School**

The proposed posts in this location would assimilate well within the surroundings due to the backdrop of the existing access bridge and canopy and associated steel framework. The

colour of the posts is not felt to be as significant an issue in this location however it may be appropriate for the posts to be painted in the same colour as the existing steel framework for the bridge. The location of the shade in this location is also felt to be acceptable and it would help to shield part of the existing steel framework that is prominent in this location although not particularly aesthetically pleasing. As stated above, the red colour of this shade is not felt to be appropriate within a Conservation Area and this would be dealt with by the condition above. The interchangeable safety post covers are felt to be acceptable and due to the removable/temporary nature of these it is not felt that these could be controlled. This element of the development is therefore felt to adhere with policy CSP 1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009) as well as the principles of policies B9 and B14 of the Newcastle-under-Lyme Local Plan 2011.

#### Other Matters

The conditions recommended by Environmental Health are not felt to be pertinent in this instance and the reasons for this are discussed below.

Due to the nature of the construction proposed by the proposal it is unlikely to create significant issues in terms of dust. The construction of the proposal

In terms of the condition relating to recyclable and refuse storage and disposal arrangements this is not felt to be relevant to the planning permission applied for. The proposal is for a cover to an existing play area and therefore would not impact upon rubbish generation at the site.

#### **Reason for the Grant of Planning Permission**

Subject to the control of certain elements of the proposal by condition, the development would not have any adverse impact upon the visual amenity of the surrounding area as well as the adjacent Stubbs Walk Conservation Area. The proposal therefore accords with policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011, CSP 1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (Adopted 2009) as well as the principles of policies B9 and B14 of the Newcastle-under-Lyme Local Plan 2011.

#### **Recommendation**

##### **Permit subject to**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R. To comply with the provisions of Section 91 of the Town and Country Planning Act .
2. Notwithstanding the plans hereby approved, the sunset red canopy material is not acceptable. Details of a alternative, dark, recessive colour shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the canopy. The approved details should then be utilised for the proposal.
- R. To safeguard the visual amenities of Stubbs Walk Conservation Area and to comply with the requirements of Policy D2 of the Stoke on Trent Structure Plan 1996-2011 and policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 as well as the principles of policies B9 and B14 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objectives of PPS1.
3. The development hereby permitted shall be carried out in accordance with the following approved plans;
  - Site Block Plan Drawing No: AL02 (date stamped received by the Local Planning Authority 27/7/11)

- Design and Access Statement (date stamped received by the Local Planning Authority 27/7/11)
- Site Location Plan Drawing No: AL01 (date stamped received by the Local Planning Authority 27/7/11)
- Site Roof Plan as Existing Drawing No: AL03 (date stamped received by the Local Planning Authority 27/7/11)
- Site Plan as Existing Drawing No: AL04 (date stamped received by the Local Planning Authority 27/7/11)
- Elevations as Existing Drawing No: AL05 (date stamped received by the Local Planning Authority 27/7/11)
- Site Roof Plan as Proposed Drawing No: AL06 Rev. A (date stamped received by the Local Planning Authority 27/7/11)
- Site Plan as Proposed Drawing No: AL07 Rev. A (date stamped received by the Local Planning Authority 27/7/11)
- Elevations as Proposed Drawing No: AL08 (date stamped received by the Local Planning Authority 27/7/11)
- Canopy Structure Images Drawing No: AL09 (date stamped received by the Local Planning Authority 27/7/11)
- Playground Shelter Images Drawing No: AL10 Rev. A (date stamped received by the Local Planning Authority 27/7/11)
- Proposed Playground Shelter Drawing No: AL11 (date stamped received by the Local Planning Authority 27/7/11)
- Supporting Letter (date stamped received by the Local Planning Authority 1/8/11)
- Supporting Information and Structural Calculations (date stamped received by the Local Planning Authority 20/9/11)

- R. For the avoidance of doubt and in the interests of proper planning.
4. The structural posts hereby approved for the proposed playground shelter location no.1 shall be coloured in a dark recessive colour (green/brown/black) unless otherwise agreed in writing first by the Local Planning Authority. The posts shall then be maintained in such colours for the life of the development.
- R. To safeguard the visual amenities of Stubbs Walk Conservation Area and to comply with the requirements of Policy D2 of the Stoke on Trent Structure Plan 1996-2011 and policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 as well as the principles of policies B9 and B14 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objectives of PPS1.

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** - Equity Partnerships (Osprey) LTD    **Application No.** 11/00402/FUL

**Location** – 61-63 High Street, Newcastle

**Description** – Refurbishment of the front facade including installation of a new timber shopfront to unit 61.

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

#### **West Midlands Regional Spatial Strategy 2008**

Policy QE1: Conserving and Enhancing the Environment  
Policy QE3: Creating a High Quality Built Environment for all  
Policy UR3: Enhancing the role of City, Town and District Centres

#### **Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011**

Policy D1: Sustainable Forms of Development  
Policy D2: The Design and Environmental Quality of Development  
Policy NC19: Conservation Areas

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

Policy CSP1: Design Quality  
Policy CSP2: Historic Environment

#### **Newcastle-under-Lyme Local Plan 2011**

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**

PPS1: Delivering Sustainable Development (2005)  
Companion Guide to PPS1 “The Planning System: General Principles”  
PPS5: Planning for the Historic Environment

### **Supplementary Planning Guidance**

#### **Newcastle under Lyme Town Centre Supplementary Planning Document (2009)**

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

#### **The Secretary of State’s announcement of his intention to abolish RSS**

#### **Emerging Draft Policy**

Draft National Planning Policy Framework (July 2011)

*Whilst it (the draft NPPF) is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's "direction of travel" in planning policy. Therefore the draft NPPF is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.*

### **Planning History**

N13276 (1984) Refurbishment of existing retail store to provide three separate shop units. Permit

N13433 (1984) New shop front Permit

### **Views of Consultees**

The **Conservation Advisory Working Party** had no objections to the proposal.

### **Representations**

No letters of representation received.

### **Applicants/ Agents submission**

The requisite application forms and plans were submitted as well as a design and access statement.

### **Key Issues**

Full planning permission is sought for a new timber shop front which will result in the overall refurbishment of the front façade of the building. The property is located within the Newcastle Town Centre which is designated as a conservation area, as indicated on the Local Development Framework Proposals Map.

The building has previously been in use as A1 retail but is currently vacant. The applicant has detailed that it is hoped that the proposals will greatly improve the appearance of the front facade whilst also addressing a number of shortcomings of the existing building. It is hoped that the completion of these works will make the unit more attractive to prospective tenants and may be subject to a grant from the PSiCA scheme.

The key issues to address in the determination of this application are:-

- The impact of the shop front on the building itself as well as the surrounding Conservation Area.
- Has appropriate consideration been given to access by disabled persons

### **The impact of the shop front upon the building itself as well as the surrounding Conservation Area**

PPS1 (para. 33) states *“Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.”*

PPS5 indicates that;

*“HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.”*

Policy CSP2 of the Core Spatial Strategy also seeks to preserve and enhance the character and appearance of the historic heritage of the Borough.

The building has an interesting planning history but the original façade of the building that fronts onto High Street has been altered significantly in this time with the character of the building been adversely affected.

Policy B16 of the local plan details that *“applications to adapt or replace frontages of shops or other commercial premises, the Council will take into account how the new design respects the architectural or historic interest, scale, features and materials of the existing and nearby buildings.”*

The new timber shop front would again alter the façade of the original building with the applicant detailing that this is necessary for the functioning of a retail premises. In design terms the proposals will follow the form of the existing façade of the frontage. However, minor structural modifications are required to improve the use of the building for retail purposes. These include the widening of the main entrance so that it is more symmetrical, along with each bay window at ground floor being made larger. In essence the increased structural opening will in turn accommodate larger, re-aligned timber windows and timber stalls boards.

The façade of the building is a key element of the building following the previous replacement of the main building with a concrete frame. The proposal for a timber framed shop front has been designed to be both practical in terms of the functioning of a shop whilst also having a design that respects and enhances the appearance of the building, conservation area and street scene in general. The cladding of the bay windows would maintain the shape of the historic façade with the height and design of the bay windows being a key feature of the original. The widening of the access would also to create a symmetrical appearance again.

Timber shop fronts are an increasing and acceptable feature of Newcastle town centre with a number of applications being permitted recently by the Council for these types of development. These timber shop fronts are enhancing the appearance of the conservation area which accords with policy B16 of the local plan, along with policies B9, B10, B13 & B14.

In terms of the finer details i.e. the colour of the shop front and glazing bars it is considered that these can be secured via a condition requiring further details to be submitted and agreed by the LPA prior to works commencing. These details were requested during the application but no details have been submitted.

In consideration of the above the design would result in an improvement to the façade of the building whilst also providing regeneration benefits that would help to bring back into use a retail unit that is currently vacant. The proposed timber frontage would therefore enhance the appearance and quality of the street scene and conservation area. The development would therefore have a positive impact upon the character of the surrounding Conservation Area. This accords with the principles of

policies D2 and NC19 of the Staffordshire and Stoke on Trent Structure Plan, policies B9, B10, B13, B14 and B16 of the Newcastle under Lyme Local Plan as well as policies CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy.

#### Accessible by disabled persons

The existing has been widened slightly, this being mainly to provide a symmetrical appearance but this would also improve accessibility. Therefore, whilst the Disabled Access Committee has not been consulted, as would normally be the case, the proposals do appear to address such considerations appropriately.

#### Reasons for the grant of planning permission

The proposed alterations to the building due to the quality and traditional design would have a beneficial impact upon the appearance on the façade of the building and would maintain and enhance the character and appearance of the Town Centre Conservation Area. The proposal therefore accords with Policy D1 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, Policies B9, B10, B13, B14 and B16 of the Newcastle under Lyme Local Plan 2011 as well as Policies CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy and the overarching aims and objectives of PPS 5.

#### Recommendation

##### **Permit subject to the following conditions;**

1. **BA01** - The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act

2. **BESPOKE** - The development hereby permitted shall be carried out in accordance with the following approved plans;

- Drawing number (03) 01, date stamped received by the Local Planning Authority on 05 August 2011.
- Drawing number (03) 02, (03) 03 & (03) 04, date stamped received by the Local Planning Authority on 29 July 2011.
- Design and Assessment Statement prepared by Box Architects dated July 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. **BESPOKE** - Prior to the commencement of development the following shall be submitted to and approved in writing by the local planning authority;

- a. Large scale drawings to a scale of not less than 1:5 detailing the glazing bars and moulding profiles, and
- b. Colour specification details for each shop front

The development shall proceed in accordance with the agreed details.



Reason: To safeguard the character and appearance of the Newcastle town centre conservation area in accordance with Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B9, B10, B13, B14 and B16 of the Newcastle-under-Lyme Local Plan 2011, Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of PPS5.

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** - Mr G Morrey **Application No.** 11/00424/FUL

**Location** – Newcastle under Lyme School, Victoria Road, Newcastle

**Description** – Replacement modular teaching unit with covered link to main school building

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

#### **West Midlands Regional Spatial Strategy 2008**

Policy QE3: Creating a high quality built environment for all

#### **Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011**

Policy D1: Sustainable Forms of Development

Policy D2: The Design and Environmental Quality of Development

#### **Newcastle-under-Lyme Local Plan 2011**

B9: Prevention of harm to Conservation Areas

B14: Development in or adjoining the boundary of Conservation Areas

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

CSP1: Design Quality

CSP2: Historic Environment

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

#### **National Planning Policy**

PPS1: Delivering Sustainable Development (2005)

Companion Guide to PPS1 "The Planning System: General Principles"

PPS5: Planning for the Historic Environment

### **Planning History**

No planning history could be found for the existing modular building but it has been there since at least 2000.

### **Views of Consultees**

**Environmental Health** – No objection to the application subject to conditions relating to;

- Hours of construction/demolition
- Dust control
- Refuse and Recyclable Storage and Disposal Arrangements

**Conservation Advisory Working Party** – No objections.

### **Representations**

None received.

### **Applicants/ Agents submission**

The requisite application forms and plans were submitted. A design and access statement was also submitted.

## Key Issues

Full planning permission is sought for a replacement modular teaching unit with covered link to the main school building. The application site is shielded on three sides by existing permanent school buildings within the existing grounds of Newcastle under Lyme School. The site is located within the urban area of Newcastle as shown on the Local Development Framework Proposals Map. The application site is in close proximity to the boundary of Stubbs Walks Conservation Area.

The key issues for the determination of the application are therefore;

- Visual amenity and Impact upon the Conservation Area

## Visual Amenity and Impact upon the Conservation Area

Paragraph 34 of PPS 1 states that

'Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'

Paragraph 36 goes on to state that Local Authorities should ensure that developments are 'Visually attractive as a result of good architecture and appropriate landscaping'

Due to the scale and location of the proposed development shielded from view by the existing school buildings, the proposal would not be visible from most locations within the school boundary and would not be visible at all beyond the boundary from any public vantage points. Due to this and the fact that the existing school would shield the proposal from the worst of the elements (wind & rain etc), it is not felt necessary to include a temporary condition in this instance which would normally be the case as the unit is likely to last a lot longer than a pre-fabricated unit would do ordinarily, and if it did become dilapidated and unsightly it would not have any impact upon the visual amenity of the surrounding area. The development would also have no impact upon the nearby Conservation Area due to it being shielded from view by an existing two storey element of the school. The ancillary structures to facilitate the proposed teaching unit including the covered link and access steps are also felt to be acceptable in their design and appearance. It is therefore felt that the proposed development adheres with policy CSP 1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009) as well as the principles of policies B9 and B14 of the Newcastle-under-Lyme Local Plan 2011.

The materials shown to be utilised in the proposed development are felt to be acceptable and these will be conditioned as such unless otherwise agreed in writing by the Local Planning Authority.

## Other Matters

The conditions recommended by Environmental Health are not felt to be pertinent in this instance and the reasons for this are discussed below.

Due to the nature of prefabricated classrooms they are normally craned into and out of the site and taken away on flat bed trucks which means therefore that there is not normally significant construction/demolition and the groundworks associated with these proposals would also be minimal due to their temporary nature. Due to the location of this proposal located within a narrow courtyard it may not be possible from a logistical point of view to crane the development in however due to the location of the site shielded on three sides by two storey permanent school buildings it is not felt a development of this type would impact upon any the amenity of any nearby properties.

In terms of the condition relating to recyclable and refuse storage and disposal arrangements this is not felt to be directly relevant to the planning permission applied for. The existing school will already have established refuse and recyclable arrangements and the replacement

of a modular teaching unit with a slightly smaller one would not impact upon this in any significant manner to justify the inclusion of this condition.

### **Reason for the Grant of Planning Permission**

Due to the scale and location of the proposal, the development would not have any adverse impact upon the visual amenity of the surrounding area as well as the nearby Stubbs Walk Conservation Area. The proposal therefore accords with policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011, CSP 1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (Adopted 2009) as well as the principles of policies B9 and B14 of the Newcastle-under-Lyme Local Plan 2011.

### **Recommendation**

#### **Permit subject to**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R. To comply with the provisions of Section 91 of the Town and Country Planning Act .
2. No materials other than those indicated on the approved plans, application forms and design and access statement shall be used without the approval in writing of the local planning authority.
- R. To safeguard the visual amenities of the area and to comply with the requirements of Policy D2 of the Stoke on Trent Structure Plan 1996-2011 and policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the aims and objectives of PPS1.
3. The development hereby permitted shall be carried out in accordance with the following approved plans;
  - Site Block Plan Drawing No: AL02 (date stamped received by the Local Planning Authority 16/8/11)
  - 3D Images as Proposed Drawing No: AL07 (date stamped received by the Local Planning Authority 16/8/11)
  - Proposed Floor Plan Drawing No: AL05 Rev A (date stamped received by the Local Planning Authority 16/8/11)
  - Proposed Elevations Drawing No: AL06 Rev A (date stamped received by the Local Planning Authority 16/8/11)
- S. For the avoidance of doubt and in the interests of proper planning.

## OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr Boylan Application No 11/00429/FUL

Location Rose Cottage, 11 – 13 Nantwich Road, Audley

Description Single storey rear extension

### Policies and proposals in the Development Plan relevant to this decision:

#### West Midlands Regional Spatial Strategy 2008

Policy QE1: Conserving and Enhancing the Environment

Policy QE3: Creating a High Quality Built Environment for all

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

Policy CSP1: Design Quality

Policy CSP2: Historic Environment

Policy ASP6: Rural Area Spatial Policy

#### Staffordshire and Stoke-on-Trent Structure Plan 1996-2011

Policy D2: The Design and Environmental Quality of Development

Policy NC19: Conservation Areas

#### Newcastle-under-Lyme Local Plan 2011

Policy H18: Design of residential extensions

Policy B9: Prevention of harm to conservation areas

Policy B10: The requirement to preserve or enhance the character or appearance of a conservation area

Policy B13: Design and development in conservation areas

Policy B14: Development in or adjoining the boundary of conservation areas

Policy B15: Trees and Landscape in conservation areas

### Other Material Considerations

#### Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)

The Planning System - General Principles (Companion document to PPS1)

Companion Guide to PPS1 "The Planning System: General Principles"

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

#### Newcastle under Lyme Waste Management and Recycling Planning Practice Guidance Note (2011)

#### Emerging Draft Policy

Draft National Planning Policy Framework (July 2011)

#### Planning History

None considered relevant.

#### Views of Consultees

Audley Rural Parish Council – Supports the application due to minimal impact on neighbours

Conservation Advisory Working Party – Disappointed with the outcome of the appearance of the extension given the relationship of the existing flat roof to the new pitched roof and suggested a more simplified but better detailed flat roof would achieve an overall better design for the house

### Representations

None received

### Applicants/agents submission

A Design and Access Statement has been submitted with the application, of which the main points are summarised below:

- Rose Cottage is situated within the Audley Conservation Area. It has formerly a pair of semi detached houses until 2004, when it was converted into a single dwelling by the formation of an internal opening in the party wall. The properties in the vicinity comprise, detached, semi detached and terraced dwellings, with the exception of No. 9 Nantwich Road which is a recently constructed detached house not in keeping with the other dwellings.
- Rose cottage has been extended on several occasions when it was two dwellings. Number 11 had a single storey flat roof extension constructed about 30 years ago, whilst No. 13 had a small conservatory erected about 20 years ago. This will be removed to make way for the proposed single storey rear extension. There are gardens to the side and rear comprising lawns and borders and a small paved area to the front
- Dimensions of the proposed extension are 4.25 m width, 4.275 m depth, 3.9 metre height. The extension replaces a conservatory of 3.1m width, 3.4m depth and 2.9 m height.
- The design of the proposed extension has been influenced by the layout and appearance of the existing building. The gables and pitched roof design of the extension mirrors the existing treatment of the gables and roof on the side elevation to No. 15 and provides a modulated link to the existing structure. The rear elevation of the extension provides for a smaller version of the main house and blends in with it. The existing single storey flat roofed outrigger is considered to be out of keeping and there has been no attempt to let this influence the design of the proposal.
- The size of the extension is clearly subordinate to the existing dwelling and this is in line with the local authority guidelines on extensions
- Appearance – The appearance of the extension will blend with the existing house, especially the side elevation to No. 15. The materials to be used for the walls, roof and other elements will harmonise with the existing predominant materials. The new barge boards will replace those on the side elevation to No. 15 whilst those facing No. 9 will match the existing on that elevation.
- Landscaping – the present landscaping will be altered slightly to accommodate the proposed extension. A small stone wall will be taken down and a new wall constructed to facilitate access around the rear of the extension. An existing laburnum tree will be pruned to reduce its height and spread. New paved areas will be random flag paving to match the existing.
- Access – remain unaltered

- Consultations – pre application advice from a planning officer on 25<sup>th</sup> July 2011 to discuss the proposal. No third parties were consulted by the applicant

#### Key Issues

This planning application is for a single storey rear extension at Rose Cottage, Nantwich Road, Audley, which is within the rural area of the borough, as identified by the Local Development Framework Proposals Map. The property is located within the village envelope of Audley, and also within the Conservation Area.

The extension would project 4.2 metres from the rear elevation, and would measure 2.2 metres to eaves height and 3.9 metres to the ridge height of the proposed pitched roof. The extension would be an irregular shape, to match in with an existing extension that was built to follow the boundary line before the property was converted from two dwellings to one.

The proposed facing and roofing materials are proposed to match those of the existing dwelling.

The key issues in the determination of this application are design, impact on the character and appearance of the Conservation Area and residential amenity.

#### Design and impact upon the character and appearance of the Conservation Area

PPS1 (para. 33) states *“Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.”*

Policy CSP 1 “Design Quality” of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy states that

*“New development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent’s unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement patterns created by the hierarchy of centres.”*

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

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

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

The proposed extension would be subordinate to the existing dwelling in terms of its proposed size, and would be located to the rear of the dwelling, therefore would have no impact upon the character of the street scene.

Turning to the impact upon the character of the conservation area, Policy B10 of the Local Plan states that permission would be granted to construct, alter the external appearance or change the use of any building only if its proposed appearance or use would preserve or enhance the character or appearance of a Conservation Area. The policy goes on to state how this can be achieved, including ensuring that the scale, bulk, height, materials, colour, vertical and/ or horizontal emphasis and detailing respect the characteristics of the buildings in the area, important views into and out of the area are protected, and trees and other landscape features contributing to the character or appearance of the area are protected.

The proposed single storey extension is to the rear of the property, therefore not visible within important views into and out of the Conservation Area. The scale of the extension would be proportionate and subordinate to the existing dwelling, and the materials would match those of the existing dwelling.

The extension has been designed to follow the irregular side boundary wall line of an existing extension on the property, which gives the rear of the dwelling a somewhat messy appearance at the rear of the dwelling. However, the design of the proposed extension has a better appearance than the existing extension; and as it is to the rear of the dwelling and would not be visible within important views into and out of the Conservation Area, it is considered that the extension should be permitted, as it would be in accordance with the aims of the Built Heritage policies and the residential extensions policy H18 of the Newcastle under Lyme Local Plan.

#### Residential amenity

It is important to assess how a proposal will impact upon residential amenity in terms of loss of light and privacy, and the Borough Council's Space Around Dwellings Supplementary Planning Guidance sets out acceptable levels of amenity to be achieved for new development.

It is considered that the proposed single storey extension at Rose Cottage would have no impact upon residential amenity and light received by principal windows of neighbouring properties.

Therefore, in terms of residential amenity, the proposed single storey rear extension is considered acceptable, and in accordance with the Council's Space Around Dwellings Supplementary Planning Document.

#### Reasons for the grant of planning permission

The proposed development is of a scale and design that represents an acceptable appearance and would not have a detrimental impact on the visual amenity of the area or the Conservation Area. The proposal accords with the provisions of Policy H18, B9, B10, B13 and B14 of the Newcastle-under-Lyme Borough Council Local Plan, guidance contained within the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Supplementary Planning Document, Policy D2 and NC19 of the Stoke on Trent Structure Plan 1996-2011 and policies CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026.

#### Recommendation

**Permit** subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.



Reason To comply with the provisions of Section 91 of the Town and Country Planning Act.

2. The development hereby permitted shall be carried out in accordance with the following approved plans;

- Drawing No. PJB/A/05, Proposed side elevation, date stamped received 26<sup>th</sup> August 2011
- Design and Access Statement, date stamped received 26<sup>th</sup> August 2011
- Location Plan scale 1:1250, date stamped received 11<sup>th</sup> August 2011
- Block Plan scale 1:500, date stamped received 11 August 2011
- Drawing No. PJB/A/02, Proposed plans, date stamped received 11 August 2011
- Drawing No. PJB/A/01, Existing conditions, date stamped received 11 August 2011

Reason For the avoidance of doubt and in the interests of proper planning.

3. The external facing materials to be used in the construction of the development hereby permitted shall match as closely as possible in all respects (size, texture and colour) those of the existing dwelling.

Reason To ensure the satisfactory appearance of the development in the Conservation Area, and to comply with the requirements of Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies H18, B9, B10, B13 and B14 of the Newcastle-under-Lyme Local Plan 2011.

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** Mr J Burgess

**Application No** - 11/00445/AGR

**Location** The Old Hall Farm, Main Road, Betley

**Description** Cladding of existing Dutch Barn

### **Policies and proposals in the Development Plan relevant to this decision:**

#### **West Midlands Regional Spatial Strategy 2008**

Policy QE1: Conserving and Enhancing the Environment

Policy QE3: Creating a high quality built environment for all

#### **Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026 (Adopted 2009)**

ASP6: Rural Area Spatial Policy

CSP1: Design Quality

CSP 2: Historic Environment

CSP 3: Sustainability and Climate Change

CSP4: Natural Assets

#### **Staffordshire and Stoke-on-Trent Structure Plan 1996-2011**

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

Policy D4: Managing Change in Rural Areas

Policy D5B: Development in the Green Belt

Policy NC1: Protection of the Countryside: General Considerations

Policy NC2: Landscape Protection and Restoration

Policy NC18: Listed Buildings

Policy NC19: Conservation Areas

#### **Newcastle-under-Lyme Local Plan 2011**

Policy S3: Development in the Green Belt

Policy N17: Landscape character: general considerations

Policy N18: Area of Active Landscape Conservation

Policy B5: Control of Development affecting the setting of a listed building

Policy B9: Prevention of harm to Conservation Areas

Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area

Policy B13: Design and Development in Conservation Areas

Policy B14: Development in or adjoining the boundary of Conservation Areas

#### **Other Material Considerations**

##### **Relevant National Policy Guidance:**

PPS1 Delivering Sustainable Development (2005)

The Planning System: General Principles (Companion Guide to PPS1)

PPG2 Green Belts (1995)

PPS7 Sustainable Development in rural areas (2004)

PPS23 Planning and Pollution Control

##### **Supplementary Planning Guidance**

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, formally adopted on 10 May 2001*

Other

Newcastle under Lyme Borough Council's Betley Conservation Area Townscape Map 2008

Betley Conservation Area Character Appraisal 2008

Betley Conservation Area Management Plan 2008

**Planning History**

None considered relevant

**Views of Consultees**

**Betley, Balterley and Wrinehill Parish Council** – Objects to the proposal on the grounds that the enclosure of the open barn will adversely impact on the Conservation Area, and on views into and from the Conservation Area, in breach of Planning Policies B9, B10 and B14. The enclosure of the open barn will adversely impact on the setting and views of adjoining listed buildings, and the Planning Authority will need to assure itself that the design of the development is appropriate to the intended use.

**Conservation Advisory Working Party** – Recommends that a timber cladding in untreated cedar boarding be used, and left to weather

**Representations**

15 representations have been received, of which the main points are summarised below:

- The solid structure would be out of keeping with the surrounding buildings
- Once clad, the building lends itself for other activities apart from the storage of hay
- The site needs tidying up as various objects and materials are stored there
- The Dutch barn is within the curtilage of three No. Listed buildings: The Old Hall, the Model Farm and the Dovecote
- The Dutch barn, built in the 1960s, is alien in character and appearance to the surrounding buildings, but its current impact is reduced by its open design
- Cladding the barn will create an unsightly obstruction which will damage the special character and setting of these nationally important buildings
- The importance of these views and the special importance of this part of the Conservation Area is recognised in the Borough Council's Conservation Area Appraisal and Management Plan for Betley
- The open barn has been used to store hay for over 50 years.
- Forage is generally plastic wrapped and left outside
- The applicant has recently been using the stackyard, on which the Dutch barn stands, for the parking of vehicles belonging to his plant hire company.
- The proposal contradicts Policy CSP2 of the Newcastle and Stoke Core Spatial Strategy.
- It would be preferable to locate the proposed development elsewhere in the applicant's 170 acre farm, more suitable to the use
- The applicant does not store hay here
- It is important to maintain a rural setting for a beautiful building like the Old Hall
- The barn would be transformed into a large industrial type unit
- With buildings surrounding the Dutch barn dating from the 15<sup>th</sup> to the 19<sup>th</sup> centuries, so of which of national importance, the post – war barn should not be allowed to dominate the area or obscure part of the view of the buildings which it would do if clad.
- English Heritage explains that the surrounding listed buildings' importance is "recognised by their inclusion within the Betley Conservation Area to which they make a very distinctive contribution, both intrinsically and as a visual feature when seen from either the road or from across the surrounding fields (P00061656)"

- In August this year the Fire Service's Head of Risk Reduction warned barn owners of a spate of fires across Staffordshire caused by hay spontaneously igniting as a result of incorrect storage.

A representation has been received from Councillor David Becket, of which the key points are summarised below:

- Whilst hay should be kept undercover, (i.e. under a roof), care must be taken to ensure that it is adequately ventilated and that if the hay starts to overheat it can be moved quickly.
- Yorkshire Cladding is mainly used for animal shelter, with ventilation, and Councillor Becket suggests that if used to store hay it will increase the risk of fire, and increase the difficulty of being able to move the hay quickly if it heats up
- Taking into account the proximity of listed buildings Councillor Becket suggests that it is not an appropriate structure for storing hay, as it introduces too great a risk to these buildings
- Fire risks can be reduced by good management
- In view of the proximity of listed buildings, including a timber framed hall, if approval is granted the planning authority should put conditions in place to ensure that the hay storage is managed according to best practice.
- The cladding will have an adverse effect on the view of the adjacent listed dovecote, and will also introduce a modern closed structure in a setting of listed agricultural buildings. Most of these buildings are not owned by the applicant and are not used as part of the applicant's agricultural business.
- In light of this there must be special circumstances to permit. As the barn is currently used for equipment storage and not hay these circumstances do not exist at this site.

#### **Applicants/agents submission**

Nil

#### **Key Issues**

The application is for the prior approval of the appearance of cladding a Dutch barn, at The Old Hall Farm, Main Road, Betley. The site is within Betley's Conservation Area, and is also within the Green Belt and Area of Active Landscape Conservation as designated by the Local Development Framework Proposals Map.

It is therefore important in the first instance to be satisfied that the development constitutes agricultural permitted development.

Part 6 Class A rights are claimed so the Local Planning Authority must satisfy itself that;

- This is agricultural land
- That such land is comprised in an agricultural unit of more than 5ha
- The proposed buildings cover a ground area of less than 465m<sup>2</sup>
- That the works are reasonably necessary for the purposes of agriculture within that unit and the building is designed for the purposes of agriculture

Having visited the application site as well as viewing the application form submitted as part of this application, and aerial photography it would appear that these tests are met and the proposal constitutes agricultural permitted development. In view of this, full planning controls over this development do not exist. The principle of the development is accepted and the objective of the planning authority is to consider the effect of the development upon the landscape in terms of visual amenity, as well as the desirability of preserving listed buildings and their settings.

The remaining key issues to be addressed therefore are:

- Whether the external appearance of the buildings is acceptable in relation to its location in an area of landscape Conservation and the setting of the adjoining listed buildings.

The Council's Conservation Officer does not consider that the cladding of the Dutch barn would be out of keeping in its farm setting, and whilst the surrounding listed buildings are significant within the farmstead and the wider Conservation Area, the Dutch barn does already exist and is a building that one would expect to find on a farm.

Policy B5 of Newcastle's Local Plan "Control of Development affecting the setting of a listed building" states that "the Council will resist development proposals that would adversely affect the setting of a listed building." Policy B9 "Prevention of harm to Conservation Areas states that "the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas."

The Dutch barn is located adjacent to an existing listed Dovecote. The Dovecote is located within the farm holding, and the Dutch barn is already in existence. To clad the barn would obstruct the views of the Dovecote from the South East (from the Old Hall) however this is not a designed view within the Conservation Area that warrants protection. Further, the cladding of the Dutch barn would not impact upon or obstruct the important views as identified in the "Betley Conservation Area Townscape Map" 2008.

Policy B10 of the Local Plan "the requirement to preserve or enhance the character or appearance of a Conservation Area" sets out the criteria that must be met in order to preserve or enhance the character or appearance of a Conservation Area. The criteria include the requirement for the form, scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailing to respect the characteristics of the building in the area, and important views within into and out of the area to be protected. Whilst it is considered that the bulk of the building would be increased because of the cladding of the barn, it is not considered that this would be to the detriment of the setting of the listed building. It has to be acknowledged that the setting is also a farm stead, and that the cladding of a barn is a normal process in a farm setting.

Many of the objections received inferred that the applicant would not be storing hay in the Dutch barn. It would be unreasonable for the Borough Council to state that only hay shall be stored in a building. The Borough Council has no evidence that the applicant would or would not store hay. For the purposes of clarity, it is considered that a condition could be imposed stating that the barn is used for storage associated with an agricultural use, which is considered a reasonable condition for an agricultural building within a farm stead. It is noted, however, that planning permission would be required if the building was used for purposes other than uses associated with agriculture.

Further objections received relate to the fire risk of storing hay in an enclosed space. This, however, is not a material consideration given that this is an matter unrelated to the consideration of visual impact on the landscape and the setting of a listed building then it .

Overall, whilst the barn is currently open and affords more accessible views of the listed buildings, these views are not designed or identified as exceptionally important within the Betley Conservation Area, and it is not considered that the cladding of the Dutch barn would harm the setting of the surrounding listed buildings on this farm holding.

### **Recommendation**

Prior approval of the appearance of the agricultural building be **granted subject to the following conditions;**

1. **BA01** - The development must be begun not later than the expiration of three years beginning with the date of this permission.

R1: To comply with the provisions of Section 91 of the Town and Country Planning Act

2. Prior to the commencement of the development hereby approved, full and precise details of the proposed materials to be used in the construction shall be submitted to and approved in writing by the Local Planning Authority.
- R2: In the interests of visual amenity and to protect the character and quality of the landscape and the Betley Conservation Area, in accordance with policy D2 and NC19 of the Staffordshire and Stoke on Trent Structure plan 1996-2011 and policies B9, B10, B13 and B14 of the Newcastle-Under-Lyme Local Plan 2011.
3. The barn shall be used for storage associated with agricultural business, and not for any other purpose.
- R3: For the purposes of clarity and to ensure the proper use of the building on this farm holding in close proximity to a residential building.

**Notes to applicant**

The decision hereby issued was made following consideration of the following plans and supporting information;

- Amended plan, drawing showing the proposed elevation of the Barn, Issue 2, date stamped received 29<sup>th</sup> September 2011

The applicant should seek professional advice on the storage of hay within this barn.