

To the Chair and Members
of the
**CONSERVATION ADVISORY
WORKING PARTY**

When calling or telephoning
please ask for
Mr G Durham
Direct line or ext
742222
My ref
GD – R82/48
Yours ref

21 November 2008

Dear Sir/Madam

A meeting of the **CONSERVATION ADVISORY WORKING PARTY** will be held in **COMMITTEE ROOM 1, CIVIC OFFICES, MERRIAL STREET, NEWCASTLE** on **TUESDAY, 2 DECEMBER 2008** at **7.00pm**.

AGENDA

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of meeting held on 4 November 2008 (copy attached for non-Council Members information).
3. To consider the attached reports at Appendix A and B (blue and salmon paper).
4. To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the Officer.
5. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Yours faithfully

P W CLISBY

Head of Central Services

DECISIONS OF THE BOROUGH COUNCIL ON APPLICATIONS WHICH
HAVE PREVIOUSLY BEEN CONSIDERED BY THE WORKING PARTY

For reports on all committee decisions, please follow the minutes and agendas search on the Council's website or refer to your copy of the Planning agenda for the permitted date. Reports for delegated items are attached to the agenda (pink paper).

Reference	Location and Applicant	<u>Development</u>	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
<u>08/437/FUL</u>	Fayth Cottage, 1 Lees Yard, Maer Mrs D Burnham	Amendmentsd to previous application 05/881/FUL for two storey side/rear extension with basement, garage & utility	Recommend refusal. The application appeared to transgress a number of conditions and would be detrimental to the character and appearance of the Maer Conservation Area.	Permitted under Delegated Powers 20/10/08
<u>08/517/FUL</u>	Lower Stoneylow Farm, Unit 1 Barn Conversion, Three Mile Lane, Madeley Mr & Mrs Emery	Two freestanding wind turbines	No objections	Permitted by Planning Committee 7/10/08
<u>08/595/FUL</u>	Keele Hall Lake, 1 Keele University, The Village, Keele, Newcastle Keele University	Dredging of lake, deposit of dredgings, repairs to weir and provision of silt traps and interceptors to lake inlets	No objections. Members welcomed the project and looked forward to its completion	Permitted by Planning Committee 7/10/08
<u>08/688/FUL</u>	13 Barracks Road, Newcastle Mr R Moore	Two storey rear extension	No objections subject to careful control over materials and detailing	Permitted under Delegated Powers 6/10/08
<u>08/719/COU</u>	5-6 Ironmarket, Newcastle Done Bookmakers	Change of use of ground floor from retail (Class A1) to betting shop (Class A2)	No comments from the Working Party	Permitted under Delegated Powers 29/10/08
<u>08/726/FUL & 08/727/LBC</u>	Black Horse House, Main road, Betley Mr & Mrs C King	Ground floor rear extension and installation of two rear roof lights	No objections	(726) Refused under Delegated Powers 21/10/08 (727) Permitted under Delegated Powers 21/10/08

Reference	Location and Applicant	<u>Development</u>	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
<u>08/735/FUL</u>	Canal Tavern, Hardingswood Road, Kidsgrove Admiral Taverns	Raised covered decking area	The Conservation Advisory Working Party felt that this development did not enhance the Conservation Area, in accordance with Policy B13 of the Newcastle Local Plan and regretted the cheap and haphazard design of the shelter. Members felt that painting the structure in the colours of the public house (black and white) would help to blend it in with its surroundings.	Permitted under Delegated Powers 31/10/08
<u>08/736/FUL</u>	Bow House, Church Lane, Betley Mr R Rees	Replacement garden wall & erection of new gates	No objections subject to the wall only having one step up and not several as shown on the plan. This would be more in keeping with and would enhance the appearance of the Conservation Area and in accordance with Policy B13 of the Newcastle Local Plan	Permitted under Delegated Powers 22/10/08
<u>08/766/ADV</u>	Morston House, The Midway, Newcastle Mr Austin (North Staffs PCT)	Two illuminated fascia signs	The Conservation Advisory Working Party objected to the signs due to their style and location. Members felt that the sign facing the A34 detracted from the appearance of the existing Morston House sign. The sign on the Midway elevation was separated from the entrance and would be better placed on the blue structure to the left of the entrance. In their present form, both signs would be harmful to the character and appearance of the Conservation Area. The Conservation Advisory Working Party would like to see individual lettering which would compliment the existing 'Morston House' sign in accordance with Policy B20 of the Newcastle Local Plan.	Refused under Delegated Powers 20/10/08

Reference	Location and Applicant	<u>Development</u>	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
<u>08/777/FUL</u>	St Wulstans RC CP School, Church Lane, Wolstanton St Wulstans RC CP School	Extension to nursery building to create foundation stage unit	The Conservation Advisory Working Party had no objections in principle but regret the lost opportunity for a high quality design approach to this building.	Permitted under Delegated Powers 24/10/08
<u>08/805/LBC & 08/806/ADV</u>	85 High Street, Newcastle Mitchells & Butler	Retention of various illuminated/non-illuminated signs (ten in total)	The Conservation Advisory Working Party objected to these alterations to the Listed Building frontage and requested a more careful approach to the design. Members felt that a traditional hanging sign would be more in keeping with the Streetscene and the character and appearance of the Conservation Area. The 'Lacota' fascia sign was felt to be too high on the building. Members requested that this be moved down onto the stonework below the ridge and be made up of individual lettering in accordance with Policy B20 of the Newcastle Local Plan.	(805) Refused under Delegated Powers 27/10/08 (806) Split decision, decided under Delegated Powers 27/10/08

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
<u>08/877/FUL</u>	Land adj 41 Sneyd Terrace, Silverdale Mr M Burke	Two storey building comprising two flats	Within the Silverdale Conservation Area	Councillor Mrs E Blake Councillor Mrs E Braithwaite
<u>08/915/FUL</u> & <u>08/916/LBC</u>	The Old Bulls Head, Lad Lane, Newcastle Punch Taverns	New timber/glazed roof shelter to rear yard area, including new hard landscaping and boundary wall demolition and rebuilding. Minor internal alterations to provide separation from new public access route to private accommodation at first floor	Within the Newcastle Town Centre Conservation Area and a Grade 2 Listed Building	Councillor D Clarke Councillor Mrs E Shenton
<u>08/924/FUL</u>	The Spinney, Bowhill Lane, Betley J Stanchowsky	Ground floor side extension	Within the Betley Conservation Area	Councillor D Becket Councillor A Wemyss
<u>08/895/FUL</u>	Kingsley, Brampton Road, Newcastle Aspire Housing	Siting of replacement generator and 2m high screen fence	Within the Brampton Conservation Area	Councillor S Holland Councillor I Matthews Councillor S Tagg
<u>08/884/FUL</u>	Chamberlain House, Chamberlain Court, Betley Mr B Baldwin	Two storey side extension	Within the Betley Conservation Area	Councillor D Becket Councillor A Wemyss
<u>08/920/FUL</u>	Mow House Farm, Church Lane, Mow Cop Mr S Dimelow	Stable Building	Affects the Setting of a Grade II Listed Building	Councillor C Slater Councillor Mrs N Salt
<u>08/911/FUL</u>	Georgia Pacific, Lower Street, Newcastle Stanier Homes LLP	Erection of a six storey building comprising ground floor food store and a five storey hotel, associated access, car parking, landscaping and servicing.	Affects the Newcastle Town Centre Conservation Area and a Listed Building	Councillor D Clarke Councillor Mrs E Shenton

OFFICER REPORT ON DELEGATED ITEMS

Applicant - Mrs D Burnham

Application No - 08/000437/FUL

Location - Fayth Cottage, 1 Lees Yard, Maer

Description - Two storey side/rear extension with basement garage and utility (amendments to previous approval 05/00881/FUL).

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

West Midlands Regional Spatial Strategy
Nil

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 T1A – Sustainable Development
Policy NC1 – Protection of the Countryside: General Considerations
Policy NC2 – Landscape Protection and Restoration
Policy NC19 – Conservation Areas

Newcastle under Lyme Local Plan 2011

Policy H18 – Design of Residential Extensions, where subject to Planning Control
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 N20 – Areas of Landscape Enhancement

Other Material Considerations include:

National Planning Policy

PPG1 – General Policy and Principles
PPG3 – Housing
PPG15 – Planning and the Historic Environment

Supplementary Planning Guidance
Nil

Relevant Planning History

1 Lees Yard

04/00507/FUL - Two storey plus basement extension - Refused.
05/00463/FUL – Three storey side extension – Refused
05/00881/FUL - Extension - Refused

2 Lees Yard

04/01322/FUL – Garage and workshop – Permitted
04/01327/FUL – Two storey side and rear extension – Withdrawn
05/00196/FUL - Two storey side and rear extension – Permitted

Views of Consultees

Maer and Aston Parish Council – are concerned regarding the different bricks used on the front elevation and welcome any measures to rectify this.

Conservation Advisory Working Party – recommend refusal. The application appears to transgress a number of conditions and would be detrimental to the character and appearance of the Maer Conservation Area.

Representations

None.

Applicants/agents submission

A Design and Access Statement has been submitted in support of the application the main points of which are summarised as follows;

- It is designed to provide living space for a family consisting of 2.1 children, maximising the allowed space and minimising the impact on the surrounding countryside.
- The amended application is due to material changes to the original permission.
- The outer skin is facing bricks to match the existing house.
- Access is via a shared drive.
- The gradient has been lowered to allow vehicular access to the garage as well as safe pedestrian access to the front, side and back of the property.

Key Issues

Planning permission was granted in 2005 for a side extension to this semi-detached dwelling involving a 'basement' garage and a two storey extension above. Construction of this development commenced some time ago and following a site visit to the premises it became apparent that the extension was not being constructed in accordance with the approved plans. The fenestration details differed from the approved plans, and resembled more closely (although not identical to) details shown on an amended plan that had been submitted after the decision was issued which was considered to involve material alterations that justified a further planning application. Windows have been introduced on the side elevation facing the adjoining semi.

The main issues to consider with this proposal remain the visual impact of the development, and residential amenity.

Visual impact of the development

The application site lies within the Conservation Area of Maer. The Local Planning Authority has a duty to pay "special attention" to the preservation and enhancement of the special architectural or historic character or appearance of Conservation Areas. Policy B9 of the Local Plan indicates that the Council will resist development that would cause harm or introduce incongruous elements. Policy B10 allows new buildings in the Conservation Area only if they would preserve or enhance the character or appearance of the conservation area. The form scale, bulk height, materials, colour and detailing need to be considered with respect to other buildings in the area, along with plot coverage, the pattern of development and open space.

Policy H18 of the Newcastle Local Plan states that proposals to extend dwellings will be favourably considered as long as the form, size and location of the extension is subordinate to the design of the original dwelling and 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 the setting.

The extension as constructed and which is subject to this planning permission has a similar bulk and massing to the approved scheme and in this regard the application is acceptable. The fenestration details on the side and rear elevations are more contemporary in appearance than the approved scheme. These elevations are not visually prominent and there are no sustainable objections in this regard. The window

details on the front elevation matches more closely the original dwelling, and the design of the windows in the approval.

The choice of facing bricks used to construct the extension is of concern. A smooth red facing brick was approved under condition and has been largely used to construct the side elevation. A 'reclaimed' brick has been used on the front, more visually prominent elevation and the rear elevation. These bricks do not match the original and whilst the use of the bricks on the rear elevation is considered acceptable, their use on the front elevation is considered visually harmful to the appearance of the dwelling and the wider Conservation Area and as such the development does not accord with local and national policy. Their incongruous appearance is further emphasised by the choice of materials used on the side extension of the adjoining semi, which do match quite closely the original bricks. It does not appear that there is any way of rectifying this concern without replacing the bricks.

Residential Amenity

With regards to this issue, the main change from that approved is the introduction of windows at first floor on the side elevation facing 2 Lees Yard. It is considered that these non-principal windows are acceptable provided that they are obscure glazed and non-opening 1.7m above floor level to ensure that their overlooking is reduced to an acceptable level.

Reasons for the approval of planning permission

The proposal, subject to the replacement of the bricks on the front elevation of the extension, would not harm the character or appearance of the Conservation Area, accords with provisions of the development plan for the locality indicated in the decision notice and with the Supplementary Planning Guidance 'Space Around Dwellings', and there are no other material considerations that would justify a refusal of planning permission.

Recommendation

Permit subject to the following conditions;

1. Within six months of the date of this decision, the bricks used on the front elevation of the extension shall be replaced with bricks which shall have been submitted to and agreed, in writing, by the Local Planning Authority.

R1. In the interests of character and appearance of the dwelling and the wider Conservation Area, and to comply with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policy B9 of the Newcastle-under-Lyme Local Plan 2011.

2. Within three months of the date of this permission, the south-eastern first floor side windows facing 2 Lees Yard, hatched in GREEN on the attached plans, shall be permanently obscure glazed and non-opening to a height of 1.7m above floor level.

R3. To protect the amenity and privacy of the occupiers of the neighbouring property to comply with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011

Performance Checks	Date		Date
Consultee/ Publicity Period	10/10/08	Decision Sent Out	
Case Officer Recommendation	20/10/08	8 Week Determination	23/10/08

Report checked by Back Office			
Management check	GRB 21/10		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr R Moore **Application No** 08/00688/FUL

Location 13 Barracks Road, Newcastle-under-Lyme

Description Two storey rear extension

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

West Midlands Regional Spatial Strategy

Policy QE3: Creating a high quality built environment for all

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

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

Policy NC18: Listed Buildings

Policy NC19: Conservation Areas

Newcastle under Lyme Local Plan 2011

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 H18: Design of residential extensions, where subject to planning control

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)

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

PPG 19: Planning and the Historic Environment

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

Planning History

NNB09804 Permitted 28/3/1972 Retention of two lock up garages on land as described in application 24 January 1972

Views of Consultees

Conservation Officer – No Objections

Conservation Advisory Working Party – No Objections, subject to careful control over materials and detailing

Representations

One letter of representation has been received from 74 Garden Street, Newcastle-under-Lyme, stating that they have no objections to the proposed extension.

Applicants/agents submission

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

Design Elements

This end terraced house lies within a residential/ commercial area in a Conservation Area of Newcastle. However the two storey rear extension will not be in a prominent position and will be in character with the rest of the house. The footprint of the proposed extension will take up just over 10 square metres and the width and length will be about 3 metres by 3.6 metres

respectively. The ridge height of the proposed extension will be at least 2 metres lower than the main roof.

Landscaping

The rear garden at the moment is very overgrown with weeds and shrubs. These will be cut down and replaced by simple lawned areas with beds of random planting of shrubs to soften fences and walls

Layout

Ground floor – It is intended to extend the kitchen sideways to form a new dining area, with the out building converted into a utility room

First floor – Existing bedroom 2 will be divided into an en suite serving the front bedroom, and into the family bathroom. The extension to the rear will form a new bedroom (see drawing)

Appearance

The proposed extension will comprise of facing bricks to match existing rear elevation with brick arches to the door and window openings. The roof covering will be in dark plain clay roof tiles to match existing main roof.

Access

Existing access to the property are from Barracks Road, and from the rear of the property where there is parking for two cars.

Key Issues

Full planning permission is sought for a two storey side extension to 13 Barracks Road, Newcastle, which is located within the urban area of Newcastle as defined by the Local Plan Proposals Map. The property is also located within the Newcastle town centre Conservation Area, adjacent to the Barracks Workshops which is a Grade II* Listed Building.

The property itself is an end terraced residential dwelling, with some historic features including sash windows, leaded windows and porch detail. However, the property is in a state of disrepair and the application is an attempt to extend and improve the appearance of the dwelling, and the garden is also being improved with landscaping.

The proposed two storey extension would project approximately 3500mm from the rear elevation of the dwelling, and would be 7200mm in height, which would be 2300mm below the main ridge height of the dwelling. It would project as far as the existing outrigger on the rear of the dwelling, which forms the kitchen at ground floor and bedroom 3 at first floor at present.

Two windows are proposed to the side elevation of the existing dwelling, and one high level window at ground floor level is proposed on the side elevation of the proposed extension. The proposed window at first floor level on the rear elevation shall match the style of the existing windows on the rear elevation. A set of French Doors are proposed to the rear elevation at ground floor level.

The materials are proposed to match those of the existing dwelling, which would be multi red smooth facing bricks and dark plain clay tiles.

It is considered that the key issues in the determination of this application are the impact of the proposal on the Conservation Area, visual amenity and residential amenity.

The impact of the proposal on the Conservation Area

As the property lies within the Newcastle Town Centre Conservation Area, the proposal needs to be assessed against the Conservation Area policies and national guidance in the development plan.

PPG 15 "Planning and the Historic Environment" states the importance of the preservation and enhancement of Conservation Areas which need to be taken fully into account in development control. Policy NC19 of the Structure Plan states that there will be a presumption in favour of retaining and enhancing buildings, groups of buildings, or other features which contribute to the special character, appearance or interest of the Conservation Area.

Policy B10 of the local Plan "The requirement to preserve or enhance the character or appearance of a Conservation Area" states that the form, scale, bulk, height, materials,

colour, vertical or horizontal emphasis and detailing should respect the characteristics of the buildings in the area. The policy also states that important views within, into and out of the area should be protected and trees and other landscape features contributing to the character or appearance of the area should be protected.

The proposed extension, in terms of its form, scale, bulk and height, would be subordinate to the existing dwelling, and would not dominate the appearance of the property when viewed from the Conservation Area and street scene. The materials are proposed to match those of the existing dwelling, therefore making the extension as sympathetic to the original building as possible in terms of materials and proposed colour. In terms of views into and out of the Conservation Area, the two storey extension would not be visible from the street scene as it would be to the rear of the dwelling. It would, however, be visible from the rear of the dwelling, which consists of informal accesses to the rear of the terraced dwellings. This informal access area is not considered visually significant, and the proposed two storey rear extension has been designed to respect the historic features of the dwelling, therefore it is considered that the extension would not have a detrimental impact on the character and appearance of the dwelling or the Conservation Area overall.

The extension includes a small, high level window in the side elevation which does not reflect the existing window detailing of this property. The window in question, however, is mostly hidden by the side garden wall and is not visible from the Conservation Area. It is therefore considered that the window would not be harmful to the character and appearance of the Conservation Area and whilst not ideal in appearance is acceptable.

The dwelling also lies adjacent to a Grade II Listed Building (The Barracks Workshops) therefore consideration needs to be given to the impact of the proposed extension on the setting of this historically significant building. Local Plan Policy B5 "Control of Development affecting the setting of a Listed Building" states that the Council will resist development that would adversely affect the setting of a listed building. As the extension is to the rear of the dwelling, and is to be of materials to match the existing dwelling, it is not considered that the extension would harm the Listed Building in terms of its setting, as the extension is not visible from the street scene of Barracks Road.

Visual Amenity

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. Policy H18 of the Local Plan requires residential extensions to be of materials and a design to fit in with those of the dwelling to be extended and not to detract materially from the character of the original dwelling.

It is considered that the proposed two storey rear extension would be a sympathetic and subordinate addition to the end terraced dwelling. The materials are proposed to match those of the existing dwelling, and the detailing over the doors and windows on the rear elevation is proposed to match the existing dwelling.

Therefore, in terms of visual impact and design, the proposals are considered acceptable and in compliance with the aims and objectives of PPS 1 and Policy H18 of the Local Plan.

Residential amenity

In terms of residential amenity, the Council's Supplementary Planning Document, "Space Around Dwellings", seeks to ensure that development does not affect residential amenity in terms of a loss of light or privacy to neighbouring residents.

The proposed extension would not result in a material loss of light to any neighbouring principle windows and would not result in a material loss of privacy to any of the neighbouring residents.

Reasons for the grant of planning permission

The proposal accords with provisions of the development plan for the locality indicated in the decision notice and there are no other material considerations which would justify a refusal of planning permission.

Recommendation

Permit subject to conditions:

1. Prior to the commencement of the development hereby approved, full details of the proposed facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority.

R1: To ensure the satisfactory appearance of the development in the Conservation Area, in accordance with policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 and Policies H18, B9, B10 and B13 of the Newcastle-under-Lyme Local Plan 2011.

2. Prior to the commencement of the development hereby approved, full and precise details of the window and door detailing (to an appropriate scale of 1:20) shall be submitted to and approved in writing by the Local Planning Authority.

R2: To ensure the satisfactory appearance of the development in the Conservation Area, in accordance with policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 and policies H18, B9, B10 and B13 of the Newcastle-under-Lyme Local Plan 2011.

Notes to applicant:

1. Please note that the Conservation service at Newcastle-under-Lyme offers small grants to repair attractive features such as sash windows, leaded windows, railings and porch details on properties within Conservation Areas worthy of being retained. Should you wish to discuss this with the Conservation Officer, please contact Louise Wallace on 01782 742408.
2. Applicants should be aware of the requirement to comply with the conditions attached to this planning permission. Please note that a fee is involved in the approval of conditions which is £25 for both conditions approval at the same time, or £25 per condition. Please contact the Planning Department on 01782 742408 should you have any queries regarding this matter

Performance Checks	Date		Date
Consultee/ Publicity Period	3/10/08	Decision Sent Out	
Case Officer Recommendation	6/10/08	8 Week Determination	22/10/08
Management check	Amended 20/10 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant - Done Bookmakers

Application No: - 08/00719/COU

Location - 5-6 Ironmarket, Newcastle-under-Lyme Town Centre

Description Change of use of Ground Floor from Retail (Class A1) to Betting Shop (Class A2 – Financial & Professional Services)

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

West Midlands Regional Spatial Strategy

QE1 Conserving and enhancing the environment
QE3 Creating a High Quality Built Environment for All
PA11 The Network of Town and City Centres
UR3 Enhancing the role of City, Town and District
T7 Car parking Standards and Management

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

D1 Sustainable Forms of Development
D2 The Design and Environmental Quality of Development
TC1 Ensuring the Future of Town Centres
NC19 Conservation Areas

Newcastle-under-Lyme Local Plan 2011

T16 Development – General Parking requirements
T17 Parking in Town and District Centres
B9 Prevention of harm to Conservation Areas
B10 The requirement to preserve or enhance the character or appearance of a Conservation Area

Other Material Considerations

Relevant National Policy Guidance:

PPS1 Delivering Sustainable Development
Companion Guide to PPS1 – The Planning System: General Principles
PPS 6 Planning for Town Centres (2005)
PPG13 Transport (2001)
PPG15 Planning and the Historic Environment

The Newcastle-under-Lyme Town Centre Supplementary Planning Document (Draft)

Planning History

05/00075/COU	Refused	7/4/05	Change of use from Class A1 (retail) to Class A2 (licensed betting office)
05/00518/COU	Refused	16/8/05	Change of use from use class A1 (retail) to use class A2 (licensed betting office)
06/003768/FUL	Permitted	10/7/06	Conversion of upper floors to two self contained flats including rear extension and other external alterations including two front dormer windows
08/00333/COU	Withdrawn	13/6/08	Change of use from retail (class A1) to Betting Shop (Class A2)

Views of Consultees

Highways Authority – No Objections

Environmental Health Division – No comments received

Police Architectural Liason Officer- No Objections

Conservation Officer – No Objections

Conservation Advisory Working Party – Strong Objections to developments of this type in this part of the town. The area needs to be upgraded to improve the quality of the footfall

Representations

Three letters of representation have been received, of which the main points are summarised below:

- Premises in the “prime retail area” should wherever possible, be used as retail outlets, however the proposal is preferable to the premises remaining empty, as has been the case for several years
- Local Plan Policy B16 on Shop fronts “The requirement to preserve or enhance the character or appearance of the Conservation Area” – if the Council approves the Change of Use, a condition to ensure the new occupiers should bring the Ironmarket Façade up to a standard commensurate to its position in the Town Centre Conservation Area
- The proposal is contrary to Policy R5 (Note – this is an Unsaved Policy)
- Overall, in the primary frontage, the level of retail use is high, with 84 out of 103 units (82%) in A1 use. However, along Ironmarket where the unit I question is located, the level of retail use is noticeably lower. Out of 38 units only 26 are A1 (68%)
- Ironmarket appears to be where the majority of bars/ restaurants/ pubs/ hotels are located, and it is apparent that the retail element here is lower than on other primary frontages. This situation should not be allowed to deteriorate further
- Ironmarket forms an important link to Cheapside which is 100% A1 retail use
- The proposed use of a betting office is already well represented on Ironmarket. Two large betting offices are located in the primary frontage (Coral and Ladbrokes) such that this proposal will not widen the range of uses in the area, as advocated in PPS 6.
- In a defined primary frontage such as Ironmarket, generally expected that a high level of retail use (usually above 70%) should be sustained.
- This is not the case on Ironmarket at present, and it has noticeably more non retail uses than other primary frontages, such that further loss of retail should be resisted
- Proposal is contrary to Policy SP7 (?) of the Local Plan. The proposal will result in a diminution of the retail core of the centre
- If allowed, loss of a prominent and important retail unit, resulting in the creation of a large block of non retail units in a key location in the Town Centre
- Recent survey confirms that 54.55% of the units in this part of Ironmarket (between Ladd Lane and Fogg Street) are currently in retail use. This will be further reduced to 45.55% if the proposal is approved, a figure significantly lower than the proportion of retail uses in Town Centres elsewhere
- No evidence submitted as to how the proposed use will contribute to viability and vitality of the Town Centre as a whole
- Two applications for the same use were refused by the Council in 2005, the applicant has provided no evidence of material changes to justify the Council altering previous refusal decision
- Contrary to PPS 6 – which key aim is to retain high proportion of retail uses in the central core area of Town Centres

Applicants/agents submission –

“Supporting evidence on the positive impacts of Done Brothers Betting Offices on the Vitality and Viability of Retail Centres” – This statement provides background information in support of proposals for Class A2 Licensed Betting Offices by Done Brothers (cash betting) Ltd. It sets out the history of the company, and changes in the Betting Industry. The statement includes a patronage survey, comparing the ability of a Done Brother Betting Office to attract members of

the public in comparison with Class A1 retail uses. It goes on to provide various appeal decisions from Inspectors in support of modern Betting Offices.

A unilateral undertaking has been submitted separately, which would ensure the use of No. 4 Ironmarket (also within the applicants ownership and currently A2 use) as A1 use, should A2 use be permitted at 5 & 6 Ironmarket.

Key Issues

Planning permission is sought for a change of use from A1 (retail) to a Betting Shop (A2 – Financial and professional) at 5-6 Ironmarket, which is located within the Newcastle-under-Lyme Town Centre and also within the Town Centre Conservation Area, as shown on the Local Plan Proposals Map.

A unilateral undertaking has also been submitted with the application, which states that should permission be granted for the change of use from A1 to A2 use, then the neighbouring property (4 Ironmarket) which is currently in A2 use, will be used solely for the purposes of A1 retail, unless it receives a future planning permission. This ensures that the town centre primary retail area would not lose an A1 retail unit, but would swap the uses of number 4 and number 5-6. Both properties are currently vacant, and have been for some time.

Only the ground floor of 5-6 Ironmarket (51.69 square metres gross floor area) is subject to the application and unilateral undertaking. All three floors of 4 Ironmarket are subject to the unilateral undertaking, therefore a gross floor area of 83.64 square metres.

The property lies within the Town Centre Conservation Area, however the application does not involve any proposed external alterations.

It is considered that the key issues involved are:

- The principle of a change of use from A1 to A2 in the Primary Retail Area
- Car parking and Highway Safety

The principle of a change of use from A1 to A2 in the Primary Retail Area

The basic principle of the proposal is to replace an A1 unit in the Primary Retail Frontage with an A2 use. Policy UR 3 “Enhancing the Role of City, Town and District Centres,” states that Local Authorities should develop strategies to maintain and enhance the underpinning of urban centres to serve their local communities in terms of retail provision, access to services and cultural/ leisure activities.

The Newcastle Town Centre Supplementary Planning Document is currently a draft document, set to be reviewed for formal adoption in November 2008. This document identifies 6 key themes in the quest to attract investment and increase the Town Centre’s Vitality, one of which is the quantity, range and quality of retailing. The document states that attention should be paid to the effect of any proposed activities that could have an effect on the areas character. Any change must be of a positive benefit and create an asset for this core area of the Town Centre. The whole of the historic core (where the application site lies) is within the Primary Retail Area, and thus retail activities must continue to predominate.

Policy R5 of the Local Plan “Newcastle Town Centre – non retail use in primary shopping frontages,” is an unsaved policy and carries little weight in the determination of planning applications. However, the loss of A1 units in the Primary Retail Frontage is a concern as they contribute to the vitality and vibrancy of town centres, which is a key objective of PPS 6. Therefore, it is considered a loss of an A1 unit in the Primary Retail Frontage would be unacceptable.

However, due to the existence of a unilateral undertaking (which would ensure the adjacent premises No. 4 Ironmarket would become an A1 use should the A2 use be permitted at No. 5 & 6 Ironmarket), this would mean that there would be no loss of A1 use in the Primary Retail Frontage.

The gross floor space of 5-6 Ironmarket (ground floor only) is approximately 51.69 square metres, whereas the gross floor area of number 4 (which would include the shop floor and two

ancillary floors above would total 83.64 square metres. The gross floor area of 4 Ironmarket (to become A1) is larger than that of 5-6 Ironmarket, as all three floors are subject to the undertaking, whereas only the ground floor is subject to the undertaking at 5-6 Ironmarket. However, the ground floor of 4 Ironmarket is only 21.8 square metres which is less than half of the gross floor area of the ground floor of number 5-6 Ironmarket.

4 and 5 & 6 Ironmarket have all been derelict for a number of years, and this needs to be taken into consideration. It is considered that to bring the unit back into use would have positive effects on this part of the Primary Retail Frontage as it would improve the appearance and increase footfall. Further, a shop front could be conditioned as the property lies within the Conservation Area, where design and appearance of shop fronts is important to maintain and improve the character of the Town Centre Conservation Area.

Highway safety and car parking implications

The relevant Local Plan Policy T16 indicates firstly that development will not be permitted to provide more parking than the maximum levels specified in a Schedule. No parking has been proposed for the change of use. However, due to the property being situated within the Town Centre, there are many public car parks in and around the centre, and also a bus station within walking distance.

Further, no objections have been received from the Highways Authority.

Reasons for the grant of planning permission:

The proposal accords with provisions of the development plan for the locality indicated in the decision notice and there are no other material considerations which would justify a refusal of planning permission.

Recommendation

PERMIT subject to conditions:

1. Prior to the commencement of the change of use hereby permitted, full and precise details of any alterations for a new shop front shall be submitted to and approved in writing by the Local Planning Authority.

- R1: To ensure the satisfactory appearance of the shop front in the Conservation Area, in accordance with Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 and policies B9, B10, B13 and B16 of the Newcastle-under-Lyme Local Plan 2011.

Notes

1. Your attention is drawn to the associated Unilateral Undertaking regarding the use of No. 4 Ironmarket.

2. The grant of this change of use application does not grant permission for a shop front or any external alterations at the application site

Performance Checks	Date		Date
Consultee/ Publicity Period	26/10/08	Decision Sent Out	
Case Officer Recommendation	29/10/08	8 Week Determination	4/11/08
Management check			

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr. & Mrs C King

Application No 08/00726/FUL

Location Black Horse House, Main Road, Betley

Description Ground Floor Rear Extension, Loft Conversion and installation of two rear roof lights

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

West Midlands Regional Spatial Strategy

Policy QE3: Creating a high quality built environment for all

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

Policy NC18: Listed Buildings

Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

Policy H18: Design of Residential Extensions, where subject to planning control

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

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development

PPG15: Planning and the Historic Environment

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

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

Planning History

00/00624/FUL Conversion of existing public house to form 3 dwellings, demolition of function suite and erection of 5 mews dwellings, erection of 3 detached dwellings & associated garages Permit

08/00727/LBC Ground Floor rear extension, loft conversion & installation of two rear roof lights - under consideration

See planning history sheet on the file for comprehensive site history.

Views of Consultees

Betley, Balterley & Wrinehill Parish Council supports the application.

Conservation Advisory Working Party has no objections.

Representations

The occupiers of 12 neighbouring properties have been notified with one letter of representation being received raising the following issues;

- The proposed development will cause a significant loss of light to a sitting/ dining room, and;
- Both properties are Grade II Listed Buildings and the proposal will alter the symmetry of the Listed Building.

Applicants/agents submission

None

Key Issues

The applicant seeks planning permission to erect a ground floor extension at the rear of the property which was previously a public house which has now been converted and split into three residential dwellings. The building is grade II listed and so a separate listed building consent application is being determined by the Local Planning Authority. The extension is raised off the ground because of the difference in levels with access via a new metal stairway. The extension will have a contemporary design with a glazed roof and a set of folding glazed doors on the rear elevation and the side elevation being of brick construction. The proposals also involve a loft conversion with the insertion of two roof lights on the rear elevation of the roof space.

Key issues in the determination of the development therefore are:

- the design of the proposal and
- the impact on the character of the Grade II Listed Building and Conservation Area
- the impact upon neighbouring occupiers in terms of amenity

Design of the proposals

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 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 application is a mid terrace of three dwellings that was previously a public house which has been converted. The building is a grade II listed building which faces Main Road in Betley.

The proposal is located at the rear of the property and will measure 4.1m by 3.7m in width and length respectively with an overall height of 4.5m from ground level. The property has an existing raised patio area with access via a set of steps. The proposal will replace the existing raised patio area with a garden room which has a glazed lean to roof, a set of glazed folding doors along the width of the rear elevation with the side elevation being of a red brick construction.

The design of the proposal was considered during a pre application meeting whereby recommendations were made to the applicant. The recommendations made have resulted in the proposal being of a form, size and location that is subordinate to the main dwelling.

The raised nature of the extension from ground floor level and the projection from the rear wall of the main dwelling results in the proposal being a reasonably large extension. The proposal will also be visible from the court yard of a new residential development towards the rear of the property. However, the design is considered acceptable with a contemporary and modest design which will result in it having a minimal impact on the setting and character of the area.

The materials and features of the proposed extension are considered acceptable and will protect the character and appearance of the original building/ dwellings.

The design of the proposal complies with policy H18 of the Local Plan and PPS1, paragraph 33, this being deemed unacceptable.

Impact on the character of the Grade II Listed Building and Conservation Area

Policy B6 of the Local Plan seeks to resist alterations to a listed building that would adversely affect its character or architectural or historic features. Policy B9, B10, B13 and B14 seeks to prevent harm of development on Conservations Areas and a requirement to preserve or enhance the character or appearance of a Conservation Area.

The property is a Grade II listed building and is located within the Betley Conservation Area and in particular, policies B6 and B10 are of importance in this instance.

As discussed earlier in the report, the property is a conversion whereby the public house has been split into three dwellings with a new residential development also being approved at the rear of this conversion. The proposed contemporary design and the lightweight appearance of the structure will result in the proposal not harming the character of the building.

Views of the proposal from the wider area will be limited and so the impact on the conservation area will be limited. The Conservation Officer has had detailed pre-application discussions with the applicant in terms of the design of the proposal and the design is now considered acceptable. The contemporary design will offer a balance between the old and new aspects of design, thus enhancing the Conservation Area and the area in general.

The main views of the proposal will be from the court yard of the adjacent residential development, therefore the proposal will have a limited impact when viewed in this context.

The application is also for a loft conversion with two rear roof lights to replace the existing single roof light. The design, size and location of the roof lights are considered acceptable and in character with the listed building and conservation area in general, subject to the final design being approved.

It is considered that the proposed development would not harm the character of the building, in accordance with policy B6, and it would enhance the appearance of the Conservation Area whilst not having any detrimental impact on the character or appearance of the Conservation Area. This being in accordance with policy B9, B10, B13 and B14 of the Local Plan.

Impact upon neighbouring occupiers in terms of amenity

PPS 1 paragraph 3 states that;

“Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. A widely used definition was drawn up by the World Commission on Environment and Development in 1987: ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs.’”

Supplementary Planning Guidance provides further advice regarding residential extensions.

The proposed development is located at the rear of the property next to the boundary with the neighbouring dwelling, this being Byrne Cottage. The side elevation of the proposal will be of a predominantly red brick construction and will be built up to the boundary with the neighbouring dwelling. The proposal will have a height of 4.5 metres but the boundary has an existing 2 - 3 metre high wall, with the proposed brick built side elevation of the extension being an additional 1.2 metres in height. The proposal will also project back from the rear elevation by 3.7 metres.

A feature of the three dwellings is the projection back of a two storey extension to each dwelling at the rear. The proposal will fill the gap between the rear projecting two storey part of the dwelling and the boundary wall with Byrne cottage which also has a gap between the same boundary and the projecting two storey part of the dwelling.

Byrne Cottage has an existing ground floor window located on the rear elevation of the dwelling. This window serves an existing sitting/ dining room, this being a principal room to the dwelling. Having visited and entered the property for further inspection it was clear that this was a large room with a window on the front and rear elevations. The window on the front elevation is the larger of the two windows but the size of the room results in two windows being necessary to allow natural light in to this room. Therefore both windows are considered to be principal windows to the property.

It is considered that the size, location and construction of the rear extension will result in a loss of light to the rear sitting/ dining room window of the neighbouring property beyond an angle of 45 degrees from the mid point of this principal window. This will result in a loss in amenity to the neighbouring dwelling and will therefore be contrary to the SPG, this being considered unacceptable.

Recommendation

Refuse for the following reason(s):

1. The proposed ground floor rear extension by virtue of its size and proximity to the adjoining property would result in a material loss of light to a principal window and to occupiers of the neighbouring dwelling resulting in an adverse impact upon the residential amenity of the occupants of this neighbouring dwelling. The proposal is therefore contrary to Policy D2 of the Staffordshire and Stoke on Trent Structure Plan 2011 and the aims and objectives of PPS1 - Delivering Sustainable Development (2005).

Performance Checks	Date		Date
Consultee/ Publicity Period	24.09.08	Decision Sent Out	
Case Officer Recommendation	21.10.08	8 Week Determination	23.10.08

Management check			
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OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr. & Mrs C King

Application No 08/00727/LBC

Location Black Horse House, Main Road, Betley

Description Ground Floor Rear Extension, Loft Conversion and installation of two rear roof lights

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

West Midlands Regional Spatial Strategy

Policy QE3: Creating a high quality built environment for all

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy NC18: Listed Buildings

Newcastle Under Lyme Local Plan 2011

Policy B6: Extension or Alteration of Listed Buildings

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development

PPG15: Planning and the Historic Environment

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

Planning History

00/00624/FUL Conversion of existing public house to form 3 dwellings, demolition of function suite and erection of 5 mews dwellings, erection of 3 detached dwellings & associated garages - Permit

08/00726/FUL Ground Floor rear extension, loft conversion & installation of two rear roof lights - under consideration

See planning history sheet on the file for comprehensive site history.

Views of Consultees

Betley, Balterley & Wrinehill Parish Council supports the application.

Conservation Advisory Working Party has no objections.

Representations

One letter of representation being received raising the following issues;

- The proposed development will cause a significant loss of light to a sitting/ dining room, and;

- Both properties are Grade II Listed Buildings and the proposal will alter the symmetry of the Listed Building.

Applicants/agents submission

A design and access statement has been submitted as part of the planning application.

Key Issues

This application is for listed building consent for the erection of a ground floor rear extension, loft conversion and installation of two rear roof lights. The property is a Grade II Listed building. An application for planning permission for the garage is also being considered (Ref. 08/726/FUL).

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 architectural or historic features.

The proposal is for a loft conversion with the installation of two roof lights. The property has an existing roof light which will be relocated with the addition of a further roof light. Internally the building was altered when the public house was divided into 3 houses. A doorway of a bedroom will be blocked up to create a doorway to form a dressing room and this is considered acceptable in terms of any impact to the listed building. The creation of a bedroom in the attic is also considered acceptable with there being very limited impact on the fabric of the building following the previous conversion of the public house. The central chimney stack will still be visible externally with all other trusses and walls to remain also. The proposed roof lights should be a conservation style and set flush with the roof tiles.

The proposed ground floor extension is at the rear of the property and will replace a raised patio area. The ground levels at the rear of the property result in the extension being built up to the level of the main dwelling with access to the rear garden being via a set of steel steps and railings. The applicant had submitted plans before the application was submitted and amendments have been made to the external appearance of the extension following comments from the Council's Conservation Officer. The proposed extension now measures 4.1m by 3.7m in width and length respectively with an overall height of 4.5m from ground level. The proposal will have a glazed lean to roof, a set of glazed folding doors along the width of the rear elevation with the side elevation being of a red brick construction. The conservatory frame appearance of the proposed extension will be in a powder coated aluminium material with a colour to be agreed.

CAWP raised no concerns with the proposal, although a representation has been received from a neighbouring property on the grounds that the proposal will alter the symmetry of the listed building. The extension will replace a raised patio area and it is considered that the lightweight structure would not harm the character of the listed building. The proposal does not dominate the appearance of the listed building and is of an acceptable design.

It is not considered that the internal alterations, ground floor rear extension and the installation of two roof lights would have any detrimental impact on the character or appearance of the Listed Building.

Reason for the grant of listed building consent:

It is considered that the proposal does not have any detrimental impact on the character or appearance of this Grade II Listed Building, and accordingly the proposal complies with policies in the development plan indicated in the decision notice and national guidance on works to Listed buildings.

Recommendation

Grant consent subject to the following conditions;

1. No development shall commence until full and precise details of the following have been submitted to and approved in writing by the Local Planning Authority: -
 - i. The facing brickwork
 - ii. The size and type of rooflights, which shall be 'conservation style' and set flush with the roof
 - iii. The colour of the powder coated aluminium frame, the guard railing and the wire infill panels.

Reason: To protect and safeguard the historic fabric and appearance of the listed building in accordance with the requirements of Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policy B6 of the Newcastle under Lyme Local Plan 2011 and the guidance given in PPG15 and PPS1.

Performance Checks	Date		Date
Consultee/ Publicity Period	03.10.08	Decision Sent Out	
Case Officer Recommendation	21.10.08	8 Week Determination	22.10.08
Management check	Amended RK 21.10.08		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Admiral Taverns
Application No 08/00735/FUL
Location Canal Tavern, Hardingswood Road, Kidsgrove, Newcastle
Description Raised covered decking area smoking shelter

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

West Midlands Regional Spatial Strategy

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
Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

Policy B1: Historic Heritage
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.

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
Companion Guide to PPS1 "The Planning System: General Principles"
PPG24 Planning and Noise

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
Companion Guide to PPS1 "The Planning System: General Principles"
PPG24 Planning and Noise

Relevant Planning History

None.

See also Planning History on file – none relevant to this application.

Views of Consultees

Environmental Health Division:

The decking area has potential to cause nuisance but this could be overcome by imposing conditions:

- Hours of use shall be restricted to 22.30 hours;
- There shall be no musical or amplified voice in the area.

To ensure the shelter complies with the relevant Smoke free Legislation conditions should be imposed to prevent smoke infiltration:

- The windows adjacent to the smoking shelter should be suitably fixed closed
- Doors should be fitted with self closing devices.

Conservation Advisory Working Party:

Members felt this development would not enhance the Conservation Area and regretted the cheap and haphazard design of the shelter. The structure being painted in the colouring of the public house (black and white) would help blend it in with the surroundings.

British Waterways: No objections as would have no impact on the canal.

Representations

None.

Applicants/agents submission

A Design and Access statement has been submitted.

The application site is adjacent to a canal tow path and is surrounded by industry with some housing. The proposal design is low impact being an increase of 11% of ground floor area. The location has been chosen to provide a discreet and minimum impact on nearby houses; the design is of a pagoda and is below the existing roof line. Materials to be used and tanalised timber, polycarbonate roofing sheets and black rainwater goods to match that existing.

Key Issues

This a retrospective application for a smoking shelter. The application site is on the side of a public house set on the pub car park.

The key issues to be considered are:-

- visual amenity;
- public amenity.

Visual Amenity

The shelter is a timber pergola with balustrade and a polycarbonate roof. The application location is on the opposite side of the building to the canal so its impact on the Conservation Area is less than in other circumstances.

It is in an area used for vehicle parking which by its nature is utilitarian in appearance. However the shelter is in a Conservation Area. Accordingly to comply with policy it should preserve or enhance the appearance of the area; the Council should resist development proposals which would adversely affect or would harm the special architectural or historic character or appearance of Conservation Areas. The form, scale bulk, height, materials, colour, vertical or horizontal emphasis and detailing should respect the characteristics of the buildings in the area. The very basic appearance and colour of the shelter would not really enhance the area. However the largely skeletal appearance will reduce its impact; the shelter will also help to obscure an existing flat roofed extension and modern windows which are not in character with the original building so some minor enhancement will be obtained. At present the finish is unpainted timber which stands out against the building, if painted to match the building this will be overcome.

Public Amenity

The outdoor smoking shelter faces across the pub car park and narrow open space and club and its car park beyond. The nearest housing in this direction is 85m distant across a main road. To one side is continuation of the open space, to the other the road and a works beyond. The nearest housing is 35m distant on the far side of the pub and across the canal. Impact from the use of the smoking shelter is accordingly not going to be great, but should still exist. The conditions suggested by the Environmental Health division should overcome this

Reasons for the grant of planning permission

The proposal accords with provisions of the development plan for the locality indicated in the decision notice and there are no other material considerations that would justify a refusal of planning permission.

Recommendation

1. No live or amplified music/voice/entertainment shall be played within the canopied area hereby permitted at any time.

R1. In the interests of public amenity and to comply with Policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011, and the aims and objectives of PPS1.

2 There shall be no use of the smoking shelter after 22.30 hours on any day.

R2. In the interests of public amenity and to comply with Policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011, and the aims and objectives of PPS1.

3. The windows adjacent to the smoking shelter should be suitably fixed closed and doors should be fitted with self closing devices.

R3. To ensure the shelter complies with the relevant Smoke free Legislation conditions by preventing smoke infiltration and to comply with Policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011, and the aims and objectives of PPS1.

4 The shelter shall be painted and maintained in the same colours as those of the main pub building.

R4 To comply with policies Policy D2 and Policy NC19 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011, and Policies Policy B1, B9 B10 and B13 of the Newcastle Under Lyme Local Plan 2011

Performance Checks	Date		Date
Consultee/ Publicity Period	10.10.08	Decision Sent Out	
Case Officer Recommendation	29.10.08	8 Week Determination	3.11.2008
Management check	Amended 3/11 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr R Rees **Application No** 08/00736/FUL

Location Bow House, Church Lane, Betley

Description Replacement garden wall and erection of new gates

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

West Midlands Regional Spatial Strategy

Policy QE3: Creating a high quality built environment for all

Policy QE5: Protection and Enhancement of the Historic Environment

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

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

Policy NC18: Listed Buildings

Policy NC19: Conservation Areas

Newcastle under Lyme Local Plan 2011

Policy B5: Control of development affecting the setting of a Listed Building

Policy B9: Prevention of Harm to Conservation Areas

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

Policy B13: Design and Development in Conservation Areas

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

Policy H18: Design of residential extensions, where subject to planning control

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)

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

PPS 7: Sustainable Development in Rural Areas

PPG 15: Planning and the Historic Environment

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

Planning History

75/01016/N	Permitted	19/3/1975	Provision of vehicular access
N12034	Refused	6/4/1983	Residential Development
N12638	Permitted	3/10/1983	Change of use of premises from residential to office use.

Views of Consultees

Betley, Balterley and Wrinehill Parish Council – No Objections

The **Conservation Advisory Working Party** has no objections subject to the wall having only one step up and not several as shown on the plan. This would be more in keeping and would enhance the appearance of the Conservation Area and be in accordance with Policy B13 of the Local Plan

Representations

Nil

Applicants/agents submission

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

- Amount of Development – The site is located within Church Lane, Betley, and lies within the Conservation Area.
- The amount of development is small, consisting of a replacement wall and a new set of gates, positioned some 15.0 metres into the site.
- Layout – The layout is indicated on the plan as proposed. It is intended to increase the width of the drive by some 500mm to assist vehicular access along the drive. The levels of the drive will remain the same as will the kerb edging to the left hand side. The existing vehicular access from the highway also stays the same.
- Scale – The scale of the project is small, only the width of the drive increases by 500mm. The 1500mm high gates are considered in keeping with the surrounding area.
- Landscape – It is intended to retain all of the existing soft landscape to each side of the drive. Some of the existing Holly Trees are to be carefully pruned back to assist in the construction of the new wall. No new landscaping is proposed. The existing tarmac drive will be extended in tarmac to match.
- Appearance – The overall appearance will not change significantly. The new wall will match the existing in size and appearance, i.e. red brick with blue coping. The new gates are to have a black painted finish
- Access – Access will be gained in the same manner. The vehicular access will be improved by increasing the width of the drive. The gates are intended to provide additional security.

Key Issues

Full planning permission is sought for a replacement boundary wall to the frontage of Bow House, Church Lane, Betley, and the erection of new gates within the site curtilage. The dwelling is a Grade II Listed Building, and is also located within the Betley Conservation Area. It is also located within the rural area, as defined by the Newcastle-under-Lyme Local Plan Proposals Map.

The proposed wall would match the height of the existing wall, and would be of red brick and blue coping detail to match the existing wall. The proposed gates and posts would be set back from the road by approximately 7500mm, and would be black painted metal gates, to a height of approximately 1600mm.

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

- The impact of the proposal on the Grade II Listed Building
- The impact of the proposal on the character and appearance of the Conservation Area
- Visual Amenity
- Residential Amenity

The impact of the proposal on the Grade II Listed Building

Policy NC18 of the Staffordshire and Stoke on Trent Structure Plan states that “There will be a presumption in favour of preserving Listed Buildings and protecting their settings and historic context. In exceptional circumstances, other planning policies may be relaxed to enable the retention or sympathetic reuse of Listed Buildings, or to maintain the integrity of their settings. Local Plan Policy B5 “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. Paragraph 8.15 states that any alteration or extension of a listed building should respect and relate to its character and appearance and be so designed as to enhance its principal architectural features and use of materials. Replacement of original fabric shall be kept to a minimum and care in the choice and use of traditional materials and techniques will be needed. Any extension should be subordinate to the existing building in scale, situation and materials.

The Conservation Officer is satisfied that the proposed gate posts will not touch the listed building and therefore will not require LBC. The present wall is in a poor state of repair and,

providing the workmanship of the new wall is to a high standard, the new wall in the revised position will not have an adverse impact on the setting of the listed building or the Conservation Area.

Therefore the proposed gate and wall would not be detrimental to the character or setting of the listed building, and are therefore considered acceptable.

The impact of the proposal on the Conservation Area

PPG 15 "Planning and the Historic Environment" states the importance of the preservation and enhancement of Conservation Areas which need to be taken fully into account in development control. Policy NC19 of the Structure Plan states that there will be a presumption in favour of retaining and enhancing buildings, groups of buildings, or other features which contribute to the special character, appearance or interest of the Conservation Area.

Notwithstanding the concerns of CAWP that the wall as proposed has too many steps in it, it is considered that the wall as designed reflects the existing levels and the additional steps proposed is more responsive to the levels. It is not considered that the proposed wall or gates would have an adverse impact on the character or appearance of the Conservation Area. The new wall would be built to the same height as the existing wall, in brickwork to match the existing (red brickwork with blue brick coping).

Visual Amenity

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.

The wall would match the existing wall, and the gates would be set back from the road by 7500mm, and would be black painted metal to an approximate height of 1600mm. Neither the wall nor the proposed gates and posts would detract from the character of the overall street scene. Therefore, the proposal is considered visually acceptable, in accordance with Policy H18 and the aims and objectives of PPS 1.

Residential amenity

In terms of residential amenity, the Council's Supplementary Planning Document, "Space Around Dwellings", seeks to ensure that development does not affect residential amenity in terms of a loss of light or privacy to neighbouring residents.

The proposed wall and gates would not cause a material loss of light nor privacy to the neighbouring residents, and would therefore be fully in compliance with the Council's Supplementary Planning Document, "Space Around Dwellings."

Reasons for the grant of planning permission

The proposal accords with provisions of the development plan for the locality indicated in the decision notice and there are no other material considerations which would justify a refusal of planning permission.

Recommendation

Permit subject to conditions:

2. Prior to the commencement of the development hereby approved, full details of the proposed bricks to be used to construct the new wall shall be submitted to and approved in writing by the Local Planning Authority.

R1: To ensure the satisfactory appearance of the development adjoining a Grade II Listed Building and the Betley Conservation Area, in accordance with policies D2, NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 and Policies H18, B5, B9, B10 and B13 of the Newcastle-under-Lyme Local Plan 2011.

Notes to applicant:

3. Applicants should be aware of the requirement to comply with the conditions attached to this planning permission. Please note that a fee is involved in the approval of conditions which is £25 per condition. Please contact the Planning Department on 01782 742408 should you have any queries regarding this matter

Performance Checks	Date		Date
Consultee/ Publicity Period	10/10/08	Decision Sent Out	
Case Officer Recommendation	22/10/08	8 Week Determination	29/10/08
Management check	Amended 27/10 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant North Staffs Primary Care Trust **Application No** 08/766/ADV

Location Morston House The Midway, Newcastle.

Description Two Illuminated Fascia Signs.

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

West Midlands Regional Spatial Strategy

Policy UR3: Enhancing the Role of City, Town and District Centres

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

Policy NC18: Listed Buildings, their settings and historic context

Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

Policy B1: Historic Heritage

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

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)

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

PPG19: Control of Outdoor Advertisements

Relevant Planning History

06/00195/FUL PER 18.4.2006 Extension to form new reception and lobby at ground floor, replacement windows to all elevations and security screening to basement car park.

06/00827COU PER 2.11.2006 Change of use of ground floor from use as offices to part use for provision of consultancy services for mental health and part use for administration.

See also Planning History on file, none relevant to this application.

Views of Consultees

Conservation Officer: No objection in Principal. Signage is well applied to this recently refurbished building and illuminated.

Disappointed that the proposed signs are a standard frame, and the opportunity would be welcomed to explore any more sensitive designs and location.

Conservation Advisory Working Party: Conservation officer's comments supported. The application should be refused as detrimental to the amenity of the Conservation Area, especially on the ring road sign, and the other sign could go on the porch.

Highways: No objections on highway grounds subject to conditions on lighting.

Representations

Nil.

Applicants/agents submission

None.

Key Issues

The application is for two illuminated signs on a large 5/6 storey modern office building which is located between the ring road and Town Centre Conservation Area whose southern boundary it falls within. The building is opposite listed Church Buildings.

PPG 19 "Outdoor Advertisement Control" states that the display of outdoor advertisements can only be controlled in the interest of "amenity" and "public safety". Paragraphs 11-14 of PPG 19 explain what is meant by the term "amenity" – the effect on the appearance of a building – or on the visual amenity in the immediate area in which the sign is to be developed. Therefore the main issues to address are the affect on the amenity of the locality and public safety.

Amenity

One sign is on the end of the building facing toward the Churches. It would be 3.4 x 1.94 m with a polyester powder coated aluminium frame in white and be back lit. It is above 1/2nd floor window height. The second sign faces the Midway and is 1.575 x 0.9m of similar materials and lighting. Both signs are in blue and white with an NHS logos and 'North Staffordshire'.

The signs are of a large functional shape and appearance. Although the building is also large and functional the colour and positioning of the signs detracts from the building and make no concession to the neighbouring historic buildings. The Conservation Advisory Group consider by that a better solution to the requirement for signs could be negotiated. The proposal fails to meet the requirement to preserve or enhance the Conservation Area, the application should accordingly be refused.

Public Safety

The sign, in the position proposed will not cause a distraction to drivers subject to control over the level of brightness of the signs.

Recommendation

Refuse:

The proposed signs by virtue of their design, size and location would not be in visual harmony with the character of the adjoining listed buildings and the Conservation Area. The proposal would therefore be harmful to amenity and would not accord with national policy set out in PPG19 - Control of Outdoor Advertisements. In addition the signs are contrary to Policies B1, B5, B9, and B10 of the Newcastle under Lyme Local Plan 2011 and Policies D2 and NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.

Performance Checks	Date		Date
Consultee/ Publicity Period	19.9.2008	Decision Sent Out	
Case Officer Recommendation	20.10.2008	8 Week Determination	22.10.2008
Management check	Amended 22/10/08 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant The School Governors

Application No 08/00777/FUL

Location St. Wulstans Roman Catholic School

Description Extension to nursery building to create foundation stage unit

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

West Midlands Regional Spatial Strategy

Policy QE1: Conserving and Enhancing the Environment
Policy QE3: Creating a High Quality Built Environment for all

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

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

Newcastle Under Lyme Local Plan 2011

Policy N12: Development and the protection of trees
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
PPG15: Planning and the Historic Environment

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

Other Guidance

Circular 36/78 Trees and Development

BS 5837:2005 – Trees in relation to construction

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

Planning History

See planning history sheet on the file for comprehensive site history.

Views of Consultees

Environmental Health has no objections subject to conditions regarding contaminated land.

Conservation Advisory Working Party has no objections but are disappointed at the lost opportunity for a high quality design approach to the building.

The Highways Authority has no objections.

Landscape and Development Section initially had objections but amended plans have been submitted and there are no objections subject to conditions regarding tree protection measures and landscaping scheme being imposed to mitigate any loss.

Representations

Nil

Applicants/agents submission

A design and access statement has been submitted as part of the planning application.

Key Issues

The school seeks planning permission for a single storey extension to the existing nursery building. The school is located on a large site on the edge but outside of the Wolstanton Conservation Area and adjacent to St. Wulstans Roman Catholic Church. The area can be characterised as a mixed land use. The school has a range of single storey buildings and portable structures with flat roof designs. The nursery building that will be extended is a single storey building away from the main school building and the proposed extension will be on the side/ northwest facing elevation. The building is required to link the nursery and reception aged pupils into a common foundation stage unit, this being the preferred option of the education authority and school. No additional staffs are proposed to be accommodated, other than those already employed by the school. The proposed development will provide both internal and external facilities for the pupils, these being;-

- Two reception classrooms with individual W/C facilities
- Cloakrooms
- Store rooms
- Staffroom
- ICT facility
- Rubberised tarmac recreation area; and
- Disabled ramp.

Key issues in the determination of the development therefore are:

- the design of the proposal
- the impact on the character and appearance of the Conservation Area
- the impact upon neighbouring occupiers in terms of amenity
- the impact on adjacent trees

Design of the proposals

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.”*

The existing nursery building is located adjacent to the main school building and other mobile classrooms. The proposal is an extension to the existing nursery building and will be sited on the side/ north facing elevation, this being a grassed area/ playing field. The extension will measure 16.5m by 22.5m with an overall height of 4.5m a.g.l, however these measurements are approximates because of the slightly irregular rectangular shape of the proposed extension.

The proposed building will be of a predominantly red brick construction for the facing walls with a dark grey standing seam effect metal profiled pitched roof. A coloured render is proposed to the main entrance and other parts of the building. The existing UPVC cladding will also be replaced with cedar boarding on the front elevation near to the main entrance of the nursery building. The existing building will also be refurbished with a new roof to match the proposed extension with the proposed extension having a canopy with a set of powder coated security shutters proposed to the front edge of the canopy on the northeast facing elevation of the extension.

The existing nursery is a small building located close to the main entrance to the school and so the extension will result in a large nursery building, including the rubbered tarmac recreation area, this resulting in the proposal covering a large floor area. However, despite this it is considered that the building will be viewed within the context of the school grounds and other educational buildings within the site. The general design and appearance of the building would represent a functional design and appearance rather than it being a contemporary design or a design that demonstrates innovative design principles. Many of the main design features proposed on the extension, i.e. the cedar boarding, coloured render and canopy will face the other existing main school buildings and so many views from the surrounding area will be limited. Notwithstanding this it is considered that the appearance of the building is acceptable and would have a limited impact on the visual amenity of the area.

The proposed development is considered a sustainable design that will enhance the appearance of this part of the school which otherwise bland predominantly single storey educational buildings. The proposal is therefore in accordance with PPS1, paragraph 33, this being considered acceptable.

Impact on the character and appearance of the Conservation Area

Policies B9 and B14 seek to prevent harm of development on conservations areas and a requirement to preserve or enhance the character or appearance of a conservation area.

The school is located on the edge but outside of the Wolstanton conservation area and so it is important to assess the impact of the proposal on the views out of the conservation area.

The proposal is an extension to an existing nursery building within the grounds of the school, therefore the proposal will be viewed within the context of these buildings. Many views of the proposal, from within the conservation area are limited with existing buildings screening the proposed extension. An embankment with mature trees towards the north of the site will also minimise the impact of views of the proposal from within the conservation area. The design of the building itself is considered to be an acceptable design being only single storey in height and of a functional design which will be viewed within the context of the existing school buildings.

CAWP has raised no objections to the proposal but are disappointed at the lost opportunity for a high quality design approach to the building. These comments have been noted but the proposal represents a functional design for educational purposes and on balance the design of the building is acceptable.

The proposal is therefore a significant distance away from the conservation area for it not to adversely affect the character or appearance of the conservation area, and would be of an acceptable design. The proposal is therefore in accordance with Policy B14 of the Local Plan and PPG15.

Impact upon neighbouring occupiers in terms of amenity

PPS 1 paragraph 3 states that;

“Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. A widely used definition was drawn up by the World

Commission on Environment and Development in 1987: 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'

Supplementary Planning Guidance provides further advice regarding space around dwellings and the impact of development on the privacy and loss of light to existing and proposed residential dwellings.

The proposed development is located within the grounds of a school with residential properties being located at St. Margaret's Court beyond the northern boundary to the school. An embankment of mature trees separates these properties from the proposed extension and the distance between these properties and the proposed extension would be a minimum of 13 metres. The proposed building is a single storey development and so guidance within the SPG advises that a distance of 10.7m between a principal window and a blank wall should be achieved. It is considered that the proposed development would not result in a loss of privacy or light to any principal windows of neighbouring dwellings due to its scale and the separation distance achieved.

It could also be anticipated that a school may generate noise, particularly in this case whereby a new recreation area is proposed. However, comments from the Environmental Health Division have been received with no objections being raised.

The proposal would therefore have a minimal impact on the amenity of nearby residential properties and the amenity of the area in general. This being in accordance with PPS1, paragraph 3, and guidance contained within the SPG, this being considered acceptable.

The impact on nearby trees

The proposed extension would be close to an embankment with mature trees. The proposal would slightly cut into this embankment and would have an impact on the root protection areas of nearby trees. The Landscape and Development section raised objections to the proposal because of the impact to the trees and a tree constraints plan was not included in the tree survey. The applicant has now submitted a tree constraints plan and altered how the building cuts into the embankment so that the external wall of the proposal acts as a retaining wall. The extension has been reduced in size by 0.5 metres, this moving it further away from the trees and the external wall has been extending in width on the north facing elevation by 5.2 metres to contain the embankment further. The extension of this external wall will not result in any additional internal floor area being created. The Landscape and Development Section are satisfied with these amendments and have withdrawn their objections but have requested conditions relating to tree protection measures to BS 5837:2005 being installed prior to the works and the submission of an appropriate landscaping scheme approved and installed to mitigate any loss of tree cover on the embankment.

The amendments made to the proposal and the conditions recommended will result in it being in accordance with Policy N12 and B15 of the Newcastle-under-Lyme Local Plan.

Reasons for the grant of planning permission

The proposal accords with provisions of the development plan for the locality indicated in the decision notice and there are no other material considerations which would justify a refusal of planning permission.

Recommendation

Permit subject to the following conditions;

1. The development / works hereby permitted shall be carried out in accordance with the amended plans, stamped received by the Borough Council on 13th October 2008, numbered 2624-17-11A.

R1 For the avoidance of doubt because revised plans were submitted in respect of the proposed development and because the proposals as submitted were not acceptable to the Local Planning Authority

2. No development shall take place until samples of the materials to be used in the construction of external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

R2. In the interests of amenity to comply with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall provide indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development.

All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season after completion of the development or within 12 months of the commencement of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

R3. In the interests of amenity to comply with the requirements of Policies D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.

4. (a) No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

(b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

R4 To ensure the continued well being of the trees in the interests of the amenity of the locality and in accordance with policy N12 of the Newcastle-under-Lyme Local Plan 2011.

5. In the event that contamination is found that was not previously identified it shall be reported immediately to the Local Planning Authority and works must cease. An investigation and risk assessment must be undertaken, and where remediation is necessary a Remediation Strategy shall be submitted and agreed in writing with the

Local Planning Authority. The agreed scheme shall be completed before work recommences unless otherwise agreed in writing by the Local Planning Authority.

- R5. To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to unacceptable risks from contamination during construction in accordance with the adopted Local Plan (2011).
6. No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development, a suitable methodology for testing this material should be submitted to the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.
- R6. To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to unacceptable risks from contamination during construction in accordance with the adopted Local Plan (2011).

Importation of Soil/Material

Further information regarding the requirements of Newcastle under Lyme Borough Council can be obtained from <http://www.newcastle-staffs.gov.uk/general.asp?id=SXC118-A7804E47&cat=562> or 01782 742 595)

Performance Checks	Date		Date
Consultee/ Publicity Period	10.10.08	Decision Sent Out	
Case Officer Recommendation	24.10.08	8 Week Determination	27.10.08
Management check	27/10 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mitchells and Butler **Application No** 08/00805/LBC

Location 85 High Street Newcastle

Description Retention of various illuminated/ non illuminated signs 10 in total)

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

West Midlands Spatial Strategy

Policy UR3: Enhancing the role of city, town and district centres

Policy QE1: Conserving & Enhancing the Environment

Policy QE3: Creating a High Quality Built Environment for all

Staffordshire and Stoke on Trent Structure Plan 2011

Policy NC18: Listed Buildings

Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

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

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
Companion Guide to PPS1 "The Planning System: General Principles"

PPG 15: Planning and the Historic Environment (1994)

PPG 19: Outdoor advertisement control (1992)

Relevant Planning History

See History sheet on file.

Views of Consultees

Conservation Advisory Working Party object to the proposal on the High Street frontage

Representations

One letter of the objection has been received raising concerns about the number of sign being proposed.

Applicants/agents submission

A Design and Access Statement has been submitted with the application.

Key Issues

This application is for listed building consent for the retention of various advertisement signs on a Grade II Listed Building within the Newcastle-under-Lyme Conservation Area, the premises are currently used as a drinking establishment. An application for advertisement

consent (08/806/ADV) has also been submitted with this application. It is considered that the main issues to address are the impact of the signage on the listed building and the character and appearance of Newcastle Conservation Area.

The signage has already been installed.

The Impact of the Advertisement on the Listed Building and Conservation Area

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 architectural or historic features. Additionally, policy B10 requires alterations to the external appearance of a building to preserve or enhance the character or appearance of a Conservation Area. PPG15 states that preserving or enhancing the character or appearance of a conservation area will result in practice in applying more exacting standards when the authority consider whether to grant consent for a proposed advertisement in such an area.

The building the subject of this consent application, is situated in the town centre having frontages onto High Street and Stubbs Street , and is 3 storeys high, red brick with a slate roof, and was built circa 1790. The signage relates to both the High Street and Stubbs Street frontages. The site is also within Newcastle Conservation Area.

No objection are raised to the signs on the rear elevation i.e those facing the bus station on Stubbs Street.

Turning to the signage on the front elevation (High Street). The signage erected replaced previous signs. This consists of a fascia sign located above the fascia of the building consisting of a fascia light box with brush stainless lettering fixed above the fascia light box. The non illuminated wall fixed projecting sign depicts the corporate logo of a stags head, this is fret cut and painted black and attached to the building with a substantial 'T' shaped bracket. The proposal also includes, although not installed, advertisement window blinds to the first and second floor windows.

It is considered that the installed and proposed signage on the front elevation; in terms of its prominence (not only the signage but the associated paraphernalia to fix the signage to the building,), materials, siting, design, the use of the blinds which obscure the architectural features of the building; does not preserve or enhance the character of the listed building or the surrounding Conservation Area. Consequently, it is considered that the advertisement will have a detrimental impact on the both the Listed Building and the Conservation Area and should be resisted.

Given some of the signage have been installed without LB consent it is considered appropriate to attach a note to the decision notice advising the applicant it is a criminal offence to carry out unauthorised works to a Listed Building and invite the applicant to discuss amendments with the Case Officer. It is also considered appropriate to write separately to the applicant raising these concerns.

Recommendation

Refuse

The installed and proposed advertisement signs on the front elevation (High Street) by virtue of their size, siting, materials and design is detrimental to the character and appearance of the Grade II Listed Building and the Conservation Area within which it is situated contrary to policies B6, B9 and B10 of the Newcastle-under-Lyme Local Plan 2011 and policies NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 -2011 and guidance in PPG15.

Note to applicant

You are advised it is a criminal offence to carry out unauthorised works to a Listed Building and you are advised to contact the Case Officer and the Conservation Officer, within two weeks of the date of this meeting, to set up a meeting at a mutually convenient time to discuss the works carried out and potential solutions to overcome the concerns raised.

Performance Checks	Date		Date
Consultee/ Publicity Period	24 .10 .08	Decision Sent Out	
Case Officer Recommendation	27.10.2008	8 Week Determination	12.11.08
Management check	27/10 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mitchells and Butler **Application No** 08/00805/LBC

Location 85 High Street Newcastle

Description Retention of various illuminated/ non illuminated signs 10 in total)

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

West Midlands Spatial Strategy

Policy UR3: Enhancing the role of city, town and district centres

Policy QE1: Conserving & Enhancing the Environment.

Policy QE3: Creating a High Quality Built Environment for All.

Staffordshire and Stoke on Trent Structure Plan 2011

Policy NC18: Listed Buildings

Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

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

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
Companion Guide to PPS1 "The Planning System: General Principles"

PPG 15: Planning and the Historic Environment (1994)

PPG 19: Outdoor advertisement control (1992)

Relevant Planning History

92/403/ADV Erection of free standing advertisement sign (Permit)

93/92/ADV Erection of projecting sign (Permit)

Views of Consultees

Conservation Advisory Working Party object to the proposal on the High Street frontage

Highway Authority has no objections.

Representations

Nil

Key Issues

This application is for advertisement consent for the retention and the installation of advertisements sign on a Grade II Listed Building within the Newcastle-under-Lyme Conservation Area, the premises are currently used as a drinking establishment. An application for Listed Building Consent (08/805/LBC) has also been submitted with this application. PPG19 states that the display of outdoor advertisements can only be controlled in

the interest of “amenity” and “public safety”. Paragraphs 11-14 of PPG19 explain what is meant by the term “amenity” – the effect on the appearance of a building– or on the visual amenity in the immediate neighbourhood in which the sign is to be developed. In this case the highways authority has no objections to the signage subject to light intensity (and the case officer concurs with this view), and therefore it is considered that the main issue to address is the impact of the signage on amenity.

Amenity

PPG19 states that it is reasonable to expect that more exacting standards of advertisement control will prevail in conservation areas. However, many conservation areas are thriving commercial centres where the normal range of advertisements on commercial premises is to be expected, providing they do not detract from visual amenity. In addition, PPG15 states that preserving or enhancing the character or appearance of a conservation area will result in practice in applying more exacting standards when the authority consider whether to grant consent for a proposed advertisement in such an area.

The building the subject of this consent application, is situated in the town centre having frontages onto High Street and Stubbs Street , and is 3 storeys high, red brick with a slate roof, and was built circa 1790. The signage relates to both the High Street and Stubbs Street frontages. The site is also within Newcastle Conservation Area.

The three signs on the Stubbs Street frontage raises no concerns subject to the control of light intensity.

Turning to the signage on the front elevation (High Street). The signage erected replaced previous signs. This consists of a fascia sign located above the fascia of the building consisting of a fascia light box with brush stainless lettering fixed above the fascia light box. The non illuminated wall fixed projecting sign depicts the corporate logo of a stags head, this is fret cut and painted black and attached to the building with a substantial ‘T’ shaped bracket. The proposal also includes, although not installed, advertisement window blinds to the first and second floor windows.

It is considered that the installed and proposed signage on the front elevation; in terms of its prominence (not only the signage but the associated paraphernalia to fix the signage to the building), materials, siting, design, the use of the blinds which obscure the architectural features of the building; does not preserve or enhance the character of the listed building or the surrounding Conservation Area. Consequently, it is considered that the advertisement will have a detrimental impact on the both the Listed Building and the Conservation Area and should be resisted.

Given some of the signage have been installed without LB consent it is considered appropriate to attach a note to the decision notice advising the applicant it is a criminal offence to carry out unauthorised works to a Listed Building and invite the applicant to discuss amendments with the Case Officer. It is also considered appropriate the write separately to the applicant raising these concerns.

Public Safety

Whilst the sign would be visible from the adjoining highway, a main route into Newcastle Town Centre, it is not considered that the sign would be distracting to drivers and as such would not raise material concerns in respect of public safety to warrant refusal on these grounds.

Recommendation

Split Decision

a) Grant advertisement consent for signs indicated as signs 02, 04 and 06 on the submitted details subject to:

1. This consent only relates to those signs marked 02, 04 and 06 on the submitted details.

Reason: To clarify the extent of the consent.

2. The illumination levels of the illuminated signs hereby permitted shall not exceed 300 candelas per square metre.

Reason: In the interests of visual amenity in accordance with the aims and objectives of PPG15 and PPG19.

Note to applicant

N10 - Crime and Disorder note.

b) Refuse advertisement consent for

Refuse for the following reason

The advertisements marked 01; 03a, 03b, 03c, 03d; and 05, by virtue of their size, siting, materials and design, are detrimental to the character and appearance of the Grade II Listed Building and the Conservation Area within which the property is situated contrary to policies B6, B9 and B10 of the Newcastle-under-Lyme Local Plan 2011, policies NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, and PPG15 and PPG19.

Note to applicant

You are advised it is a criminal offence to carry out unauthorised works to a Listed Building and you are advised to contact the Case Officer and the Conservation Officer, within two weeks of the date of this meeting, to set up a meeting at a mutually convenient time to discuss the works carried out and potential solutions to overcome the concerns raised.

Performance Checks	Date		Date
Consultee/ Publicity Period	10.10.08	Decision Sent Out	
Case Officer Recommendation	27.10.2008	8 Week Determination	27.10.2008
Management check	27/10 ESM		

