

To the Chair and Members
of the
CONSERVATION ADVISORY
WORKING PARTY

Mr G Durham
742222
GD/EVB – R82/48

24 October 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, 4 NOVEMBER 2008** at **7.00pm**.

AGENDA

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of previous meetings to be signed by the Chair.
3. Minutes of meeting held on 14 October 2008 (copy attached for non-Council Members information).
4. To consider the attached reports at Appendix A and B (blue and salmon paper).
5. To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the Officer.
6. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Yours faithfully

A CAMPBELL

Democratic Services Manager

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	Development	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
08/381/FUL & 08/382/LBC	Betley Model Farm, Main Road, Betley. Ms J Pointon.	Conversion of barn complex into 12 bedroom hotel and function room facility, including a restaurant, spa and office accommodation.	Recommend refusal. The proposal would be severely detrimental to the character, integrity and appearance of the Betley Conservation area and upon the listed Model Farm building which has a number of significant historical architectural features that should be preserved.	Applications Withdrawn 8/10/08.
08/541/FUL	4 Alsager Road, Audley. Mr R Melvin.	First and second floor rear extensions, including alterations to roof, external staircase and balcony.	Recommend refusal. The design is confused and in its present form would detract from the character and appearance of the Conservation Area	Permitted under delegated powers 13/10/08.
08/617/FUL	Home Farm Buildings, Keele University, Keele. University of Keele.	Conversion of existing farm outbuildings and construction of new 2 storey wing for Class B1 or A2 uses.	Members were pleased to see a general will to retain most of the model farm buildings with any additional new building offering a restrained approach to complement the original style of building. However in view of the comments made in the current Local Plan and subsequent Core Spatial Strategy, the members were deeply concerned by the proposal to demolish a large part of the buildings. Not withstanding the fact that some of the buildings are later additions it was felt that this is one of only 2 historic model farms in the Borough. CAWP hopes that the applicant will see a way forward to retaining the integrity of the whole site by not demolishing any part of the farm thus preserving for posterity an important part of our built heritage.	Permitted by Planning Committee 17/09/08.

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
08/662/FUL	18 Mount Pleasant, Newcastle. Ms B Liu.	Retention of rear conservatory.	No objections.	Permitted under delegated powers 29/09/08.
08/720/COU	Bouhey Hall, Nantwich Road, Audley. Paul Ball.	Change of use from function room to activity centre.	No objections.	Permitted under delegated powers 13/10/08.
08/738/LBC	Harecastle Farm Beefeater, Newcastle Road, Talke. Mitchells & Butlers Retail Ltd.	Installation of new kitchen ventilation system.	No objections subject to a satisfactory finishing colour being agreed.	Permitted under delegated powers 13/10/08.

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
08/833/FUL	Old Police House, Ravenshall, Betley. Mr P Doherty.	Rear single storey extension and alterations.	Within the Betley Conservation Area.	Councillor D Becket Councillor A Wemyss
08/882/FUL	2-4 Marsh Parade, Newcastle. Mr P Daniow.	Demolition of existing buildings and erection of a single storey building to be used as a place of worship with associated parking.	Within the Stubbs Walk Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton
08/887/ADV	27 Castle Walk, Newcastle. Phones 4 U Ltd.	Illuminated fascia sign and illuminated projecting sign.	Within the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton
08/00872/FUL 08/00873/LBC	Keele Hall, Keele University, The Village, Keele. Keele University - Mr Mike Leech.	External and internal alterations to Keele Hall including insertion of double door fire exit, raised terrace area and mechanical treating / ventilating plant.	Affects the setting of a Listed Building within Keele Hall Conservation Area.	Councillor Mrs W Naylor Councillor R Studd

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr R Melvin
Application No: 08/00541/FUL
Location: 4 Alsager Road, Audley
Description: First and second floor rear extension, including alterations to roof, external staircase and balcony

Policies and Proposals in the Approved 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
Policy QE5: Protection and Enhancement of the Historic Environment

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 D5A: Green Belts
Policy D5B: Development within the Green Belt
Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

Policy H18: Design of Residential Extensions
Policy S3: Development in the Green Belt
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 B14: Development in or adjoining the boundary of Conservation Areas

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
Companion Guide to PPS1 "The Planning System: General Principles"
PPG 2: Green Belts
PPS 7: Sustainable Development in Rural Areas
PPG 15: Planning and the Historic Environment

Relevant Planning History

00/757/FUL Permitted - 15/12/00 - Formation of a vehicular access
07/1114/FUL Refused - 3/3/2008 - First and second floor rear extension, including alterations to roof, external staircase and balcony

Views of Consultees

Conservation Advisory Working Party – Recommend a refusal. The design is confused and units would detract from the character and appearance of the Conservation Area.

Audley Parish Council – No Objections.

Representations

Nil

Applicants/Agents Submission

Nil

Key Issues

Full planning permission is sought for a residential extension to the rear of 4 Alsager Road, Audley. The dwelling is located just outside of the Green Belt (to the north and east) and the Audley Conservation Area (to the south and south east). The rear elevation faces onto allotment gardens within the Green Belt. The area is predominantly residential to the west and south east, however is predominantly rural to the north.

Full planning permission is sought for extensions and alterations to the rear elevation of the dwelling. At present the dwelling is two storey at the front and single storey at the rear, with a rear cat slide roof. The application is a resubmission following a previous refusal of a similar scheme.

It is proposed to extend the dwelling at the rear to a two storey dwelling, with three dormers in the rear roof slope, a balcony at first floor level, and various windows and balcony doors of different sizes and styles. The middle dormer would have a long window to light the stairwell proposed to bedrooms 3 and 4. New windows are proposed to be inset 100mm to create a shadow line, and the upper part of the dwelling is to be pebble dashed to match the existing front and side elevations of the dwelling at first floor level.

The balcony would have a timber handrail and spindles and an external staircase to the rear of the dwelling.

It is therefore considered that the key issues in the determination of this application are:-

- Appropriate development adjacent to the Green Belt?
- The impact of the proposal upon the Rural Area
- Design and visual amenity issues
- Residential amenity

Appropriate development adjacent to the Green Belt

The proposed extension would be adjacent to the Green Belt therefore although the proposed extensions are not directly within it. The development would have an impact on the overall openness and character of the Green Belt.

Policy S3 "Development in the Green Belt", part iv, states that:

"The well designed extension or alteration of an existing dwelling, or its replacement, may be acceptable as long as it does not result in disproportionate additions over and above the size of the original dwelling."

Having calculated the volume increase on the dwelling, the proposal would lead to approximately a 22 % increase on the original size of the dwelling. This is considered a proportionate and an acceptable volumetric increase to a dwelling within/next to the Green Belt. The footprint of the dwelling would not be increased, only the rear part of the dwelling is to be made two storey with additional bedrooms created in the roof space.

The impact of the proposal on the Rural Area

As the dwelling is sited within the Rural Area, rural development policies will apply. In terms of the principle of a residential extension within an area which is mostly residential, the proposal is not considered to raise any significant issues in terms of PPS 7.

In terms of design issues, PPS 7 states that planning authorities should ensure that development respects and, where possible, enhances the qualities of the rural area. Development should also contribute to a sense of local identity and regional diversity and be of an appropriate design and scale for its location, having regard to the policies on design contained in PPS 1. It is considered that the scale of the development would be acceptable within the rural area. Whilst it is considered that the design of the proposal would not enhance the qualities of the rural area, it is noted that the majority of the proposal would be permitted development, provided that the ridge height was kept at 8100mm (the application raises the ridge height by 500mm) and the removal of the balcony (which would not be permitted development as of 1 October) and therefore it is better for the Local Planning Authority to undertake negotiations for a better design and details than the applicant building the proposal without any planning input.

In relation to design, PPS 1 paragraph 34 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. It is considered that, in terms of PPS 1, the proposal would be out of keeping with the surrounding properties within the rural area, however, it is considered that, due to the majority of the works falling within permitted Development rights, it would be better for the Council to approve the scheme subject to conditions, than to refuse the scheme and then for the applicant to build almost the same proposal without planning permission.

Design issues and visual amenity

Policy H18 of the Local Plan states that the form, size and location of each extension should be subordinate to the design of the original dwellings 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.

As the proposal is adjacent to the Audley Conservation Area, the aims and objectives of PPG 15 'Planning and the Historic Environment' need to be considered. This states the importance of protecting Conservation Areas in terms of their natural and architectural characteristics and charm. Structure Plan Policy NC19 'Conservation Areas' states that there will be a presumption in favour of retaining and enhancing buildings, groups of buildings, or other features, including open spaces and views through, into or out of the areas which contribute to their special character. New development within or adjacent to Conservation Areas should respect and protect their character and appearance with regard given to height, scale, intensity and materials.

Local Plan Policy B14 'Development in or adjoining the boundary of Conservation Areas' reflects the national and structure plan guidance, stating that in determining applications for building in a Conservation Area, special regard will be paid to the acceptability of its form, scale and design when related to the character of its setting, including the buildings and open spaces in the vicinity.

The proposed extensions are not visible from New Road which is the closest road to the application site within the Conservation Area. The proposals would be visible from the allotment gardens to the rear of the site, which is not within the Conservation Area.

In terms of design, PPS 1 paragraph 34 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 35 goes on to state that good design should be

integrated into the existing urban form and the natural and built environments. The properties surrounding the dwelling are predominantly of a similar character; inter war housing constructed in brick, pebbledash and decorative timber with plain clay tile roofs.

The works are to the rear of the dwelling, and therefore are not visible from the street scene (apart from the proposed conservation style roof lights to the front roof slope). Attempts have been made to negotiate a better design of the extension in terms of unifying the window styles and agreeing details, however the proposal remains almost exactly the same as the originally proposed plans. Further, as the proposal is almost permitted development, the scheme could be implemented (apart from a few minor changes) without the requirement for planning permission. Therefore it is considered that it would be better to approve the application and to have control over the materials used for the construction of the extension, than to refuse the application and allow it to go through as permitted development (with a few minor changes).

Residential Amenity

The amenity of neighbouring residents needs to be considered in the determination of the application. It is considered that the proposed rear alterations and extension would not harm the neighbouring amenity in terms of loss of light as the proposal would comply with the Guidance contained in the Council's Supplementary Planning Document 'Space Around Dwellings' relating to lighting of neighbouring principle windows. Further, the proposal would not impact upon the neighbouring residents privacy, as all proposed windows are to the rear elevation and the proposed balcony would be on the western side of the rear elevation and there are no dwellings on the western side of the dwelling, just the allotment gardens and then a playground located approximately 37m from the dwelling.

Therefore, in terms of residential amenity, the proposal is considered acceptable.

Conclusion

As the proposal is adjacent to the Audley Conservation Area any proposal adjoining or adjacent to this area must not harm its special character or appearance. As the proposed extensions and alterations would be to the rear of the dwelling which could not be seen from the Conservation Area (from the street) it is considered that the proposal would be considered acceptable. This decision is made with regard to the optional fall back position of the applicant, who will be able to do most of the works under permitted development rights of the General Permitted Development Order (as amended).

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. Prior to the commencement of the development hereby permitted, full and precise details of the external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- R1: To ensure the satisfactory appearance of the development hereby approved, in accordance with policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 and policies H18 and B14 of the Newcastle-under-Lyme Local Plan 2011.
2. Prior to the commencement of the development hereby approved, a scale plan of the proposed window details (to a scale of 1:20) shall be submitted to and approved in

writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

- R2: To ensure the satisfactory appearance of the development hereby approved, in accordance with Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 and policies H18 and B14 of the Newcastle-under-Lyme Local Plan 2011.
3. Prior to the commencement of the development hereby approved, full and precise details of the proposed Conservation style roof lights to be inserted to the front elevation of the dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- R3: To ensure the satisfactory appearance of the development hereby approved, in accordance with Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 and policies H18 and B14 of the Newcastle-under-Lyme Local Plan 2011.
4. The roof lights to the front elevation shall be fixed flush with the roof tiles.
- R4: To ensure the satisfactory appearance of the development, in accordance with Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 and policies H18 and B14 of the Newcastle-under-Lyme Local Plan 2011.

Notes to Applicant:

1. Applicants are reminded of the requirement to comply with the conditions attached to the decision notice. Please be aware of the fee involved for the approval and discharge of conditions, which is £25 per submission.

Performance Checks	Date		Date
Consultee/ Publicity Period	25/7/08	Decision Sent Out	
Case Officer Recommendation	13/10/08	8 Week Determination	18/8/08
Management check	Amended 15/10/08 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Beverley Liu
Application No: 08/00662/FUL
Location 18 Mount Pleasant, Newcastle
Description Rear/Side Conservatory.

Policies and Proposals in the Development Plan Relevant to This Decision:

West Midlands Regional Spatial Strategy

Policy Q3: Creating a High Quality Built Environment.

Staffordshire and Stoke on Trent Structure Plan 2011

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

Newcastle Under Lyme Local Plan 2011

Policy H18: Design of residential extensions
Policy B 9: 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"

Supplementary Planning Guidance

Space Around Dwellings (2004)

Relevant Planning History

None relevant to this application.

See also history sheet on file – none relevant to this proposal.

Views of Consultees

Conservation Advisory Working Party - no objections.

Representations

None.

Applicants/Agents Submission

Design and Access Statement. Conservatory built to replace a small porch/utility. Designed not to detract from Conservation Area.

Key Issues

The application site is a pre WW1 semi-detached house within the Stubbs Walk Conservation Area. The present application is retrospective for full planning permission for a small conservatory on the side of the rear wing of the house.

The main issues for consideration in the determination of this application are visual amenity and residential amenity.

Visual amenity

Policy B 9 states that the Council will resist development that would harm the special character or appearance of Conservation Areas. Policy B10 upholds the Requirement to preserve or enhance the character or appearance of a Conservation Area. Planning Policy Statement 1 (34) states that Planning Authorities should plan positively for the achievement of high quality and inclusive design in the external design of all new developments. 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. Policy H18 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 also required that an extension must not detract materially from the integrity of the original design.

Being in a conservation area it is desirable for any extension to match the original building, and so far as possible enhance its appearance. However since the conservatory is of modern design in modern materials this is difficult to achieve. However the side wall of the house is followed and a reasonably matching brick base has been provided. The conservatory has simple lines and is mainly glazed so that although it does not enhance the appearance of the house it has little impact and so preserve the character of the original. The proposal will not further detract from the integrity of the original design and is acceptable in terms of the impact on the visual amenity of the property and the surrounding area.

Residential amenity

The conservatory is single storey and within the angle between the main house and rear wing of a two storey house. The neighbouring property is a block of low rise flats from which it is separated by a c1.9m high wall and trees. No loss of amenity can be caused to neighbouring properties.

Reasons for the Approval of Planning Permission

The proposal does accord 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

Permit

Note to the Applicant:

N10. (Crime prevention)

Performance Checks	Date		Date
Consultee/Publicity Period	10.09.2008	Decision Sent Out	
Case Officer Recommendation	29.09.2008	8 Week Determination	1.10.2008
Management check	30.9.08 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr Paul Ball
Application No : 08/720/COU
Location: Boughey Hall, Nantwich Road, Audley
Description: Change of Use from Function Room to Activity Centre

Policies and Proposals in the Development Plan Relevant to This Decision:

West Midlands Regional Spatial Strategy

Policy RR1: Rural Renaissance
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 D4: Managing change in rural areas
Policy T3: Rural areas
Policy T13: Local Roads
Policy T18A: Transport and Development
Policy T18B: Operational requirements for employment development
Policy NC19: Conservation Areas

Newcastle-under-Lyme Local Plan 2011

Policy E12: The conversion of rural buildings
Policy T16: Development – General Parking Requirements
Policy C22: Protection of community facilities
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 include:

National Planning Policy

PPS1: Delivering Sustainable Development and its supplement, The Planning System – General Principles (2005)
PPS7: Sustainable Development in Rural Areas (2004)
PPG13: Transport (2001)
PPG15: Planning and the Historic Environment (Sept 1994)

Planning History

The application building was granted planning permission in 1991 as a functions room associated with the neighbouring public house. In addition, application 07/813/FUL proposed the change of use of the adult centre opposite the site, to first floor offices for outdoor pursuits company and ground floor education/training centre with associated car parking and landscaping to front and side. This was approved subject to a number of conditions, one of which required the proposed parking and turning facilities to be provided before the change of

use took place. County Highways has raised concerns that this condition has not been complied with and that trailers are parked in car spaces.

Views of Consultees

County Highways - recommends refusal on the grounds that the proposal does not make adequate provision for the parking of vehicles within the site.

Audley Rural Parish Council - supported.

Representations

The application has been publicised by means of a press notice and a site notice. No representations have been received.

Applicants/Agents Submission

Key Issues

The application proposes a new use for a redundant building in the village of Audley. The proposed use is to provide a venue for activities including a climbing wall associated with an Activities Centre office located in the former Council Offices opposite the site. These activities would operate between 10.00 and 21.00 throughout the week and are considered likely to increase employment from 26 to 30 full-time staff and from 2 to 4 part-time staff. The building occupies a prominent corner location in the Conservation Area. It has no car parking facilities attached to it. The main planning issues relate to the use of a redundant building in a settlement boundary in the rural area; its impact on the Conservation Area; and car parking.

Use of redundant building.

The application building is currently vacant having last been used to house events associated with the neighbouring Boughy Arms Publix House. Car parking generated by that use was satisfied by the public House car park. Planning policies generally encourage the reuse of redundant buildings, especially proposals that deliver employment benefits in rural areas (Local Plan policy E12). The proposal relates to a business that organises and delivers outdoor pursuits- rock climbing, mountain biking, canoeing. The application provides the business with a large space that it can use to provide some of these activities on-site such as an indoor climbing wall. The application states that it would result in an increase in employment by 4 full-time and 2 part-time staff.

Conservation Area impact

The building is not listed but is located in a prominent location on the corner of New Road and Church Street. It is currently vacant and the application therefore enables its future maintenance. The proposal does not involve any external alterations to the building, although the application explains that some internal alterations may be required to facilitate various activities. The proposal is considered to have a beneficial impact on the Conservation area.

Parking and other highway matters

The site has no parking attached to it, and its former use associated with the public house relied on the public house car park. The current proposal is also associated with an existing neighbouring use, this time the Activity Centre offices in the former Council offices on the north side of New Road. This use was introduced following the grant of planning permission last year. The permission was granted subject to a number of conditions, one of which required the provision of car parking and turning facilities in accordance with the approved plans. These showed a parking court for 6 cars at the side of the building and a re-arrangement of the area at the front of the building to provide a further 6 spaces. County Highways has objected to the current proposal on the basis that those facilities have not been provided in full.

On site the parking court at the side of the building has been provided. In reality it provides more space than the approved 6 cars, and on a recent site visit accommodated 6 cars, a large van and two large trailers. At the front of the building is an area that is part road, part parking and part public space. It appears to be used by the public for parking and for turning. The County required this to be laid out in a way that prevents conflict between public and private use by closing one of the accesses and carrying out other works following the approval of a "stopping up" order under S247 of the Planning Act. Whilst the planning report for that proposal referred to the sustainable credentials of the site- being situated in a large village with reasonable public transport routes to neighbouring towns and villages, and seemed to find the County's case less than convincing, it nevertheless included a condition requiring this to be done before the use commenced. It is acknowledged that the current use of the former Adult Centre is in breach of that condition.

That having been said, it is considered that the site currently provides a sufficient level of parking. There are 7 vehicle spaces on the side area and about 5 at the front. The applicant has explained that the current proposal would reduce pressure on site parking by reducing the need to "bus" customers from the site to activity sites, by providing some of those activities at Boughey Hall. Where the breach seems to lie is the failure of the applicant to secure the closing order and to carry out the approved works. The applicant has explained that he submitted an application for a closing order to the County Council but that this was returned because the applicant is not the landowner. The applicant therefore requested the Borough Council (the landowner) to submit the application, but there have been delays in this happening. Whilst accepting that there is a planning breach, it is considered that given the nature of the breach, the fact that the applicant is taking steps to remedy it and that sufficient car parking has been secured on the site, enforcement action is not justified at this time, and that this situation should not detrimentally affect the current proposal. However, should the breach continue beyond a reasonable period of time, and evidence of parking difficulties arise, this decision will need to be reviewed. However the solution to that difficulty if it arises is to enforce against the former use, not the current proposal.

Having reached this conclusion on the parking situation, it is considered that there are no planning objections to the current proposal. The highway situation at the Activity Centre will need to be reviewed in about 3 months time, and the applicant should be informed that this will happen so that he can put some resources into implemented the changes on the site. The proposed change of use will however need to be conditioned to operate in conjunction with the use at the Activity Centre to ensure that the parking facilities are available to it.

Reasons for the grant of planning permission

The proposal accords with the 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 permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:-

1. The use hereby authorised shall operate only in conjunction with the use of the Activity Centre granted planning permission on the 29th of October 2007 and indicated in blue on the approved plan. Should the use of the Activity Centre cease, the use hereby approved shall also cease.
- R1. The application has no parking facilities and therefore relies on the parking facilities at the Activity Centre. Should the Activity Centre use cease, the parking requirements generated by the proposal operating in isolation may take place on the public highway to the detriment of highway safety and contrary to the provisions of policy T13 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011.
2. The use hereby authorised shall operate only between the hours of 10.00 am and 9.00pm.

R2. To safeguard residential amenity and to accord with policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011.

Performance Checks	Date		Date
Consultee/ Publicity Period	26.09.2008	Decision Sent Out	
Case Officer Recommendation	13.10.2008	8 Week Determination	16.10.2008
Management check	15.10 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mitchell's & Butlers Retail Ltd
Application No: 08/00738/LBC
Location: Harecastle Farm Beefeater Newcastle Road
Description: Installation of new kitchen ventilation system

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 D2: The Design and Environmental Quality of Development
Policy NC18: Listed Buildings

Newcastle Under Lyme Local Plan 2011

Policy B1: Historic Heritage
Policy B5: Control of development affecting the setting of a Listed building
Policy B6: Extension or Alteration of Listed Buildings
Policy N19: Landscape Maintenance Areas

Other Material Considerations include:

National Planning Policy

PPS1: Delivering Sustainable Development (February, 2005)
Companion Guide to PPS1: The Planning System: General Principles.
PPG15: Planning and the Historic Environment (September, 1994)
Circular 01/07: Revisions to Principles of Selection for Listed Buildings
Circular 11/95 – Conditions

Supplementary Planning Guidance
Space Around Dwellings (July 2004)

Relevant Planning History

08/737/FUL Installation of new kitchen ventilation system - *under consideration*

Refer to the planning history sheet on the planning application file for the full and comprehensive site history.

Views of Consultees

Conservation Advisory Working Party – no objections subject to a satisfactory finishing colour being agreed.

Kidsgrove Town Council – no comments received.

Representations

A site notice has been displayed advertising the application. No letters of representation have been received.

Applicants/Agents Submission

A Design and Access Statement has been submitted with the application – details of which can be viewed on the application file. Some technical information has also been submitted by the applicant's agent.

Discussion

This application is for the instillation of a new ventilation system on the Harecastle Farm pub – a Grade II Listed Building.

Policy B6 states that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features.

The proposals are acceptable in principle being located on the modern infill link building in between the main former farmhouse and the barn, towards the rear of the building. However the system proposed system is particularly large and guidance from the Environmental Health Division suggests that there is a more sympathetic way of achieving adequate ventilation however that the proposal would be hidden from the main vantage points surrounding the building and that the system could be externally finished in an appropriate colour it is not considered that the proposals should be resisted.

Reason for recommendation

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

Approve subject to the following conditions:

1. The external finishing colour of the ventilation system shall match as closely as possible that of the roof of the building to which it is attached.
- R1 Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B1, B5 and B6 of the Newcastle under Lyme Local Plan 2011 and the guidance given in PPG15 and PPS1.

Note to the Applicant:

You are reminded that it is a criminal offence to undertake unauthorised works to a Listed Building without receiving the necessary consent beforehand and that such works without the appropriate consent can result in formal prosecution proceedings being taken against you.

Performance Checks	Date		Date
Consultee/ Publicity Period	22.9.08	Decision Sent Out	
Case Officer Recommendation	13.10.08	8 Week Determination	13.10.08
Report checked by Back Office			
Management check	13.10 ESM		