

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/EVB – R82/48
Yours ref

19 December 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 **MONDAY, 5 JANUARY 2009** 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 2 December 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

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	Development	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
08/338/FUL	Willowbrook, Woore Road, Madeley, Nr Crewe. Mr N Fox.	Removal of condition 4 of permission 97/900/COU requiring all garage openings to be closed during the loading of the milk vehicle/float and all such loading to be undertaken within the garage and variation of conditions 6,7 & 8 relating to other matters including hours of delivery and size of vehicles.	No objections. It would appear that the views of the residents and parish council had been taken into account. Request that Officers monitor the progress of this proposal.	Permitted under Delegated powers 22/10/2008.
08/702/LBC & 08/701/DEEM3	Lancaster Buildings, High Street, Newcastle. Newcastle Borough Council.	Alterations forming part of refurbishment including replacement windows, works to canopy and other works.	Members expressed concern that the proposed changes to the external access may have on the overall appearance of the building and its effects on the general Conservation Area and how it related to the 'Public Realm'.	Permitted by Planning Committee 21/08/2008.
08/818/ADV	University of Keele, Keele Keele University.	Car parking and information signage.	In view of the careful siting and due consideration given adjacent to a Conservation Area, the Conservation Advisory Working Party had no objections.	Permitted under Delegated Powers 5/11/2008.
08/821/FUL	54 Church Street, Audley Mr F Boon.	Change of use of shop to dwelling (Renewal of Planning Application 06/373/FUL).	No objections subject to careful control over materials and detailing. Request that the entrance door, frame and windows be constructed from timber and kept in the character and proportion of the existing building.	Permitted under Delegated Powers 10/11/2008.

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
08/833/FUL	Old Police House, Ravenshall, Betley. Mr P Doherty.	Rear single storey extension and alterations.	The Conservation Advisory Working Party welcomed the applicants careful attention to detail and the proposed use of matching bricks, tiles and timber windows. However, it was felt that the Officers should discuss the deletion of the Velux roof lights from the proposal as these were felt to be detrimental to the integrity and appearance of the roof.	Permitted under Delegated Powers 18/11/2008.
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.	The Conservation Advisory Working Party were extremely concerned at the scale and design of this proposal that did nothing to preserve or enhance the character or appearance of the adjoining Conservation Area as sought by Policy B10(v) of the Local Plan. Furthermore, the proposal was considered to be unsympathetic to this important part of Newcastle's historic street scene.	Refused under Delegated Powers 4/12/2008.
08/887/ADV	27 Castle Walk, Newcastle. Phones 4 U Ltd.	Illuminated fascia sign and illuminated projecting sign.	No objections.	Permitted under Delegated Powers 24/11/2008.
08/872/FUL 08/873/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.	No objections.	Permitted under Delegated Powers 4/12/2008.
08/877/FUL	Land adj 41 Sneyd Terrace, Silverdale. Mr M Burke.	Two storey building comprising two flats.	No objections.	Permitted under Delegated Powers 4/12/2008.

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
08/920/FUL	Mow House Farm, Church Lane, Mow Cop Mr S Dimelow	Stable Building	No objections in view of the distance between the stable building and the Listed Building.	Permitted under Delegated Powers 10/12/2008.

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
08/489/FUL	Betley Court Farm, Main Road, Betley. Mr & Mrs F Speed.	Change of use of farm building to provide toilets, office and storage at ground floor and office and storage at first floor and associated car parking.	Within the Betley Conservation Area.	Councillor D Becket. Councillor A Wemyss.
08/961/FUL	The Old Wood, Betley Hall Gardens, Betley. Mr J Williams.	Construction of a one and a half two storey two bedroom lakeside guest annexe.	Within the Betley Conservation Area.	Councillor D Becket. Councillor A Wemyss.
08/965/FUL	Church Lawton Works, Liverpool Road East, Kidsgrove. Barnes Window Blinds Ltd.	Rear extension and internal alterations.	Affects the Hardingswood Conservation Area.	Councillor Mrs S Burgess. Councillor J MacMillan. Councillor D Richards.
08/970/FUL	Sennen House, Main Road, Betley. Mr M Kendrick.	Alterations to front elevation including front porch.	Within the Betley Conservation Area.	Councillor D Becket. Councillor A Wemyss.
08/972/FUL	7 Holly Mews, Keele. Ms C Roach.	Two storey rear extension.	Within the Keele Conservation Area.	Councillor Mrs W Naylor. Councillor R Studd.
08/938/PLD	The South Lodge, Old Springs Hall, Market Drayton. Mr L Price.	Certificate of proposed use as residential dwelling and associated residential curtilage.	Within the curtilage of a Grade II listed building.	Councillor B Tomkins. Councillor Mrs F Myatt. Councillor P Maskery.
08/492/COU & 08/493/LBC	The Old Coach House, Old Springs Hall, Market Drayton. Mr L Price.	Change of use to residential and ground floor extension.	Within the curtilage of a Grade II listed building.	Councillor B Tomkins. Councillor Mrs F Myatt. Councillor P Maskery.

OFFICER REPORT ON DELEGATED ITEMS

<u>Applicant</u>	Mr Nicholas Fox
<u>Application No</u>	08/338/FUL
<u>Location</u>	Willowbrook, Woore Road, Madeley
<u>Description</u>	Removal of condition 4 of permission 97/00900/COU requiring all garage openings to be closed during the loading of the milk vehicle/float and all such loading to be undertaken within the garage, and variation of conditions 6, 7 and 8 relating to other matters including hours of delivery and size of vehicles

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 T1A: Sustainable Location

Policy T13: Local Roads

Policy T18A: Transport and Development

Policy NC19: Conservation Areas

Newcastle-under-Lyme Local Plan 2011

Policy B9: Prevention of Harm to Conservation Areas

Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)

PPG4: Industrial and Commercial Development and Small Firms (2001)

PPG13: Transport (2001)

PPG15: Planning and the Historic Environment (1994)

PPG24: Planning and Noise (2001)

Companion document to PPS1 'The Planning System – General Principles' (February 2005)

Circular 11/95 – Use of Conditions in Planning Permission

Planning History

83/12774/N Erection of dormer bungalow and garage – Approved

84/13859/N Erection of detached cottage and garage – Approved

95/00675/FUL Erection of garage – Approved

97/00900/COU Change of use of garage for the storage of milk in connection with milk delivery business – Approved

Views of Consultees

The **Environmental Health Division** – In consideration of the potential for noise nuisance to occur during daytime and night time, the relevant time period activity noise measurements have been carried out. The noise levels have been assessed under PPG24, WHO – Guidelines for Community Noise Exposure, and BS4142. The removal of Condition 4 and Variation of Conditions 6, 7 and 8 will present insignificant change in the environmental noise climate and there are no objections to the application.

Highway Authority – no objections.

Madeley Parish Council – no objections.

Representations

Two letters of support have been received. It is stated that the delivery service is totally reliable and Mrs. Fox regularly offers assistance to any of her older customers with mobility issues or other problems. It is essential that the business continues. When loading in the early morning, Mrs Fox works quickly, efficiently and with minimum noise. Her refrigerator, storage area and float are immaculately clean and tidy.

Nine letters have been received from the occupiers of two properties. A summary of the points raised is as follows:

- All of the conditions imposed on the original permission were “to prevent nuisance” to adjacent properties.
- Condition 4 is currently not adhered to. Loading within a closed garage is feasible when using a float referred to in Condition 7 and noise and light nuisance are therefore minimised in the early morning. Loading and unloading of vehicles takes place in full illumination, affecting privacy.
- The times referred to in Condition 6 are varied by large margins involving heavy lorries as early as 6.50am. Importantly, the 7.5 ton refrigerated vehicles used for delivery involves internal reorganisation while at the site resulting in substantial noise nuisance. When a sound recording visit was carried out, it was brief, quiet and unusually involved no internal movements of the metal racks.
- On many occasions, there have been more than one delivery on the same day, and deliveries are made early on Saturdays.
- Condition 6 requires that both milk and ancillary goods should be delivered once a day to the site at a specified time, but Mrs Fox brings in and takes out eggs, potatoes and possibly other goods in her own vehicle.
- The present use of a Piaggio vehicle remains within the spirit of the condition but the recent use of a replacement diesel transit type float caused significant noise nuisance.
- The Local Authority should assess any proposed change in the model of the vehicle.
- Mr Fox suggests that the originally authorised van is the same as the currently used 7.5 tonne refrigerated lorry.
- When the application was originally made the Parish Council suggested that there should be no deliveries to the property. Mrs Fox then requested that milk be delivered to the premises but this was just a transit type van. There is now a 7.5 tonne refrigerated lorry.
- Not only are the large refrigerated trucks noisy, but they cause highway safety issues.
- Their concerns regarding highway safety have not been passed on to the Highway Authority.
- The Parish Council was not aware of neighbour consultations or the breach of conditions when they commented on the application.
- No noise monitoring of the refrigeration unit on the DAF lorry occurred and neither were the metal shelves within it moved, as usually happens.

Applicants/Agents Submission

The applicants' agent has submitted a letter to accompany the application. A summary of the comments made is as follows:

Condition 4 – The vehicle is parked over night and loaded inside the garage and the crates are not moved any further than is necessary. It takes no more than 5 minutes to load. The garage and the area in front cannot be seen by anyone other than an occupant of Church House and they would have to be stood on the landing at 2.30am. A noise monitoring test has proved that no noise nuisance is caused. If the normal vehicle is unavailable a short term replacement is hired which may not fit inside the garage. In reality it makes no difference whether the vehicle is loaded inside or outside the garage or with the doors open or not.

Condition 6 – The stipulated times have been complied with for the past 10 years except for Saturday delivery which altered 6 months ago. The supplying dairies needs should be taken into account. The delivery vehicle is on a predetermined route and so the delivery times should be simplified and should take account the more traffic intensive times of the day. Due to the closeness of both neighbouring properties to the A525 any disturbance is likely to be caused by the heavy traffic using the road. It is ridiculous to suggest that the delivery vehicle will cause any incremental disturbance. The delivery window should be between 7.30am and 5.30pm every day and this would reduce the daily delivery window by one hour per day.

Condition 7 – Daihatsu pick-ups are no longer manufactured but the spirit of the condition has been complied with. A vehicle has been purchased that is more or less identical but made by Piaggio. Whether a pick-up or a van is used is irrelevant. A control should be imposed limiting the size of the vehicle based on weight instead of a manufacturer. This would be definitive. A vehicle gross weight of 3000kgs should be applied.

Condition 8 – The wording of this condition has two fundamental flaws. The reference to weight needs qualifying – is it laden or unladen weight? Secondly, the wording seems to suggest that this is the qualifying section of the control. This will mean different things to different people. It is considered that the 7.5 ton gross weighted vehicle is a lightweight commercial van. The condition is breached by a mere 117kgs and this has occurred by the practice of using gross weight instead of unladen weight during the process of vehicle manufacture. This is the normal and modern way of classifying commercial vehicles. A new wording is proposed as follows “no vehicle having a gross vehicle weight of more than 7500kgs shall be involved with the delivery of milk to the site”. The access is sufficient to accommodate the current vehicle and larger vehicles.

The following is proposed:

Condition 4 – To be removed.

Condition 6 – Vary to read “Deliveries of milk and dairy related products to be made between the hours of 7.30am and 5.30pm daily and to be restricted to one delivery per day”.

Condition 7 – Vary to read “No milk vehicle/float which is used in the delivery of airy products to the customers of the business shall have a gross vehicle weight of more than 3000kgs”.

Condition 8 – Vary to read “No vehicle having a gross vehicle weight of more than 7500kgs shall be involved with the delivery of milk to the site”.

Two further letters have been submitted by the applicant in response to letters of objection. The additional points made are as follows:

- There are four properties behind the milk storage area and there have been no complaints from these properties.
- The conditions do not enable the applicants to operate without contravention.
- The scheduled times are adhered to except for Saturday. It is requested that the time is varied from 8.30am to 7.30am and at present it arrives at 7.45am. On one occasion it arrived at 6.50am but it has not happened again.
- Evidence of a tachograph chart has been submitted.
- The original Daihatsu was diesel powered, noisy, smoky and unreliable.
- The words lightweight commercial van are impossible to quantify.
- On no occasion has a gross weighted 10 tonne express lorry accessed the site.
- Following the incident of a refrigeration unit, the applicants have instructed all potential drivers to turn off the fridge before entering the site and this is being adhered to.
- It is impossible that the light emitted from the garage can affect the neighbours. A normal 5ft strip light is used which distributes a small amount of light to a point 10 feet from the boundary with Church House.

- The refrigeration unit fitted to the delivery lorry cannot be heard if it is not switched on when entering the site.
- The damage to the wall is nothing to do with the applicants or their delivery vehicles.

Key Issues

Planning permission was granted in 1998 for the change of use of a garage at Willowbrook, Woore Road, Madeley, for the storage of milk in connection with a milk delivery business (Ref. 97/00900/COU). Permission was granted subject to a number of conditions and this application seeks to remove condition 4 and to vary conditions 6, 7 and 8. Each condition will be discussed in turn below.

Circular 11/95 refers to the use of conditions in planning permissions. Section 73 of the Town and Country Planning Act 1990 provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue.

Paragraph 15 of Circular 11/95 states that:

“When considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification. The argument that a condition will do no harm is no justification for its imposition: as a matter of policy, a condition ought not to be imposed unless there is a definite need for it. The same principles, of course, must be applied in dealing with applications for the removal of a condition under section 73 or section 73A: a condition should not be retained unless there are sound and clear-cut reasons for doing so. “

Condition 4

The application seeks permission to remove condition 4, which states:

‘All doors and window openings on the garage shall remain closed during the loading of the milk vehicle/float, which shall only be undertaken within the garage.’

The stated reason for the condition is as follows:

‘To prevent nuisance.’

With respect to this condition, the applicants have stated that if their normal vehicle is out of commission and they are forced to loan a short-term replacement that does not fit inside the garage, they would be in breach of this condition. They consider that in reality it makes no difference to amenity whether the vehicle is loaded inside or outside the garage or with the doors open or not. The rear windows are left slightly ajar permanently because the refrigeration unit generates a certain amount of heat and the area needs to be ventilated. They are concerned that this again could be considered a breach.

Circular 11/95 states that as a matter of policy, conditions should only be imposed where they satisfy a number of tests. In particular, consideration should be given to whether a condition is necessary and a condition should not be retained unless there are sound and clear-cut reasons for doing so.

At the time of the planning application in 1998, arrangements were made to simulate typical activities at the site. The activity involved the diesel vehicle being loaded with crates of milk inside the garage with the main and the side door closed. The main door was then opened and the vehicle started, reversed out, and driven onto the main road. At the time, the Environmental Health Department stated that provided the activities were restricted by appropriate planning conditions, the noise impact would be minimised.

In consideration of this application, the Council's Environmental Health Officer has visited the site during a period of activity in the early hours of the morning and has carried out noise measurements. He has assessed background noise, the length of time of the activity and the noise level associated with the activity. Applying the British Standard, he is satisfied that the removal of condition 4 would present insignificant change in the environmental noise climate.

The letters of objection consider that this remains a valid condition to ensure that light and noise nuisance is minimised in the early morning.

The garage building is approximately 29m from Church House and there is only a landing window on the elevation facing the application site. The garage is 37m from Church Cottage and there is substantial landscaping along the boundary. The nearest residential properties are on Laverock Grove to the west and there is a dense conifer hedgerow along the boundary.

The operation of the business involves the delivery of the milk from the dairy and the loading of the milk into a refrigeration unit within the garage. At approximately 2.30am the following morning, the milk is loaded onto the milk float and the applicant leaves to start deliveries. The applicant has confirmed that generally, the loading of the milk float takes no more than 5 minutes.

Regarding the issue of potential light and noise pollution, the principal issue would be the impact of the activity during the early hours of the morning. Given that the neighbouring residential properties are some distance away and that the loading of the milk is a short-lived activity, it is not considered that the activity would have any significant adverse impact on residential amenity, even with the doors of the garage open or the vehicle parked outside. Given that the Environmental Health Officer has no objections to the removal of the condition, it is considered that it would be unreasonable to insist upon the retention of condition 4.

Condition 6

The application seeks permission to vary condition 6, which states:

'Milk and any other ancillary products shall only be delivered to the site once a day between the hours of 8.30am and 6.30pm on Monday to Saturday, and between 10.00am and 6.30pm on Sunday.'

The stated reason for the condition is as follows:

'To prevent nuisance.'

The applicants have stated that the needs of the supplying dairies should be taken into consideration. The vehicle that delivers is on a predetermined route starting at Keele and finishing at their property. It is proposed that the rush hours should be avoided and therefore, the condition should be varied to allow deliveries between 7.30am and 5.30pm seven days per week. At present, they don't use the Sunday delivery window and don't intend to, but it is open to them if necessary.

The letters of objection consider that the times on the condition are consistent with the avoidance of nuisance and should be adhered to. At present they are varied by large margins. There have also been a significant number of times when more than one delivery has been made in one day.

The applicant has confirmed that milk is delivered to the property just once a day, Monday to Saturday. The Council's Environmental Health Officer has visited the site at the time of a daytime delivery and he has assessed the length of time of the activity and the associated noise level. Applying the British Standard, he has confirmed that 'daytime' hours are from 7am and therefore, he is satisfied that the variation of condition 6 to include 7.30am to 5.30pm would be acceptable.

Given the fairly limited level of activity associated with the delivery of milk and the comments of the Environmental Health Officer, it is considered reasonable to allow the variation of the condition as requested.

Condition 7

The application seeks to vary condition 7, which states that:

'No milk vehicle/float shall be used in connection with the development hereby permitted other than presently used, a Daihatsu Hijet pick-up, unless otherwise agreed in writing with the local planning authority.'

The stated reason for the condition is as follows:

'To prevent nuisance because the size and engine type of the said vehicle is considered to minimise the potential for significant noise nuisance.'

With respect to this condition, the applicants have stated that since Daihatsu pick-ups are no longer manufactured, this condition is in fact obsolete and irrelevant. Their new vehicle is made by Piaggio as they are now the only manufacturer to make these vehicles. It is proposed that the controlling factor determining the size of vehicle should be based on weight instead of a specific manufacturer's model. Weight limitation is definitive and therefore it is proposed that a limit based on vehicle gross weight should be applied and that limit should be 3000kgs.

The letters of objection state that a diesel transit-type float has been used that has caused significant noise nuisance. If variation to include such a vehicle were granted, the original intention of the Council, to prevent noise nuisance to the adjoining dwellings would be negated.

In response to this, the applicant has confirmed that the transit vehicle would not be permitted, as it is 3500kg, as most of the larger vehicles are.

Clearly, as the particular model referred to in the condition is no longer manufactured, it appears reasonable to vary the condition. Referring to a specific model would be unduly restrictive and therefore would be unreasonable. The applicant has suggested a weight limit as an alternative restriction. Given that the reason for the original condition was because the size and engine type of the said vehicle was considered to minimise the potential for significant noise nuisance, a weight restriction appears reasonable. Research of commercial vehicles indicates that a maximum gross vehicle weight of 3000kg would limit the applicants to a transit vehicle of a reasonable size and it is not considered that an objection to the variation of the condition could be sustained.

Condition 8

The application seeks to vary condition 8, which states that:

'There shall be no deliveries of milk to the site in any vehicle that is greater than 3 tonnes in weight (i.e. lightweight commercial van size).'

The stated reason for the condition is as follows:

'To prevent nuisance'.

The applicants have stated that the wording of this condition will lead to misinterpretation. It does not confirm whether the 3 tonnes in weight is unladen or laden. Secondly, the wording 'lightweight commercial van size', which seems to be the qualifying section of the control will have different meanings to different people. A new wording is proposed as follows:

'No vehicle having a gross vehicle weight of more than 7500kgs shall be involved with the delivery of milk to the site.'

The access is more than sufficient to accommodate the vehicle and there have been no accidents involving any of the vehicles connected to the property.

The letters of objection state that the unauthorised use of the 7.5 tonne refrigerated lorry causes nuisance and danger. The truck has a powerful, noisy refrigerator unit and has difficulty negotiating the entrance to the properties. During the noise monitoring that has been carried out the refrigeration unit was switched off, there was a minimal movement of crates and the duration of the visit was a few minutes rather than the normal 20 minutes or longer.

Clearly, there is some ambiguity in the wording of this condition. The phrase 'vehicle that is greater than 3 tonnes in weight' does not clarify whether it is intended to refer to the laden or unladen weight. The use of the phrase 'lightweight commercial van size' introduces further ambiguity but the view of the Council's Legal Services Manager is that such a phrase would not override the first part of the restriction.

Circular 11/95 states that a condition that is not sufficiently precise for the applicant to be able to ascertain what must be done to comply with it is *ultra vires* and cannot be imposed. The current wording is vague and therefore, it is considered that a variation of the condition is reasonable and necessary.

The wording requires that the vehicle is no greater than 3 tonnes in weight and therefore, it is considered that this was meant to refer to the unladen weight. The applicant has suggested that a restriction on the size of the vehicle to a gross vehicle weight of no more than 7500kgs would be reasonable. Research of trucks, indicates that maximum gross vehicle weight of 7500kg would limit the applicants to a vehicle of a reasonable size and it is not considered that an objection to the variation of the condition could be sustained.

Concern has been expressed that such a vehicle has an adverse impact on highway safety. The Highway Authority has no objection to the application to vary the conditions and it is not considered that a refusal on such grounds could be sustained.

Recommendation

Permit, subject to the following conditions:

Condition 4 to be deleted.

1. Milk and any other ancillary products shall only be delivered to the site once a day between the hours of 7.30am and 5.30pm daily.
- R1. In the interests of residential amenity in compliance with the aims and objectives of PPS1.
2. The milk vehicle/float to be used in connection with the operation of the milk delivery vehicle shall have a gross vehicle weight of no more than 3000kgs.
- R2. In the interests of residential amenity in compliance with the aims and objectives of PPS1.
3. There shall be no deliveries of milk to the site in any vehicle with a gross vehicle weight of more than 7500kgs.
- R3. In the interests of residential amenity in compliance with the aims and objectives of PPS1.
4. All other conditions of 97/00900/COU that remain outstanding other than condition 4 that has been removed by this permission shall continue to apply.
- R4. For the avoidance of doubt.

Advisory Note

The 'gross vehicle weight' referred to in conditions 2 and 3 above is intended to refer to the laden weight of the vehicle.

Performance Checks	Date		Date
Consultee/Publicity Period	30.5.08	Decision Sent Out	
Recommendation	22.10.08	8 Week Determination	17.6.08
Management check	Checked 31/10 GRB Finalised 5/11 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Commerical & Facilities Management Directive

Application No 08/00818/ADV
Keele University

Location University of Keele, Keele

Description Car park and information signage

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

West Midlands Regional Spatial Strategy

Policy QE1: Conserving & Enhancing the Environment.
Policy QE3: Creating a High Quality Built Environment for All.

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D2: The Design & Environmental Quality of Development.
Policy NC18 Listed Buildings
Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

Policy N19: Landscape Maintenance Areas
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 B5: Control of Development Affecting the Setting of Listed Buildings

Other Material Considerations include:

National Planning Policy

PPS7 Sustainable Development in rural areas (Aug 2004)
PPG15: Planning & the Historic Environment (2002)
PPG19: Outdoor Advertisement Control (March 1992)
Circular 03/07: Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Relevant Planning History

The planning history to the site shows that there have been various applications for signage in and around the university campus the most recent being;

Application 05/00544ADV for the retention of signs displaying car park and on site parking information and charges and relocation of two signs from within the Keele Village Conservation Area which was part approved and part refused.

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

Views of Consultees

Keele Parish Council – No observations.

Highway Authority – No objections.

Conservation Advisory Working Party – Comment that in view of the careful siting and due consideration given to the Conservation Area the Conservation Working Party has no objections.

Garden History Society – No comments received.

Representations

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

Applicants/Agents Submission

A statement summarising why the signage is required which primarily relates to pay and display parking facilities management.

Key Issues

The application is for the erection of some 27 signs displaying car park and on-site parking information and charges. Part of the site lies within the Keele Village Conservation Area and the university campus is set within a Grade 2 Historic Parkland included within the Register of Parks and Gardens of Special historic Interest.

The proposed advertisements fall into 3 main categories;

Category A – Aluminium signs on lampposts. The maximum height of any text being 40mm. The dimensions of the sign being 0.6m by 0.8m. Coloured yellow, blue, red and black on a white background.

Category B signs – Aluminium signs that are pole mounted measuring 1.2m by 1.2m with text 70mm in maximum height. Coloured blue, red, black and yellow on a white background.

Category C signs – Aluminium signs that are pole mounted measuring 1.2m by 1.8m with text 70mm in maximum height. Coloured blue, red, black, white and green.

Advice of PPG19 which 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. Following the release of Circular 03/07 Local planning authorities are required to exercise their powers under the Regulations with regard to amenity and public safety, taking into account relevant development plan policies in so far as they relate to amenity and public safety, and any other relevant factors. The definition of “amenity” includes both visual and aural amenity. Therefore as well as visual amenity, the noise generated by advertisements should be considered. “Public safety” is not confined to road safety. Crime prevention and detection are relevant; the obstruction of highway surveillance cameras, speed cameras and security cameras by advertisements is now included. The main issues to address are therefore amenity – and public safety.

Amenity

A large proportion of the signs are in and around the campus of the university, principally around the car park areas and are attached to existing poles. These signs are not considered detrimental to amenity levels as they are within the university campus, appropriately sited and do not generate public concern.

The remaining signage as shown on the submitted plans within Keele village Conservation Area are also considered to be appropriately sited and are not considered harmful to the appearance of the Conservation Area – a view shared by the Council’s Conservation Officer. Moreover the proposal is not considered harmful to the appearance of the Historic Parkland of Keele and no comments have been advanced to the contrary of this view.

Public safety

The proposed advertisement signs do not raise any significant highways concerns and accordingly cannot be resisted on such grounds.

Reasons for the grant of advertisement consent

The proposal would not have an adverse impact on the interests of either highway safety, residential or visual amenity and would accord with relevant policy contained within the Development Plan.

Recommendation

Approval no conditions.

Performance Checks	Date		Date
Consultee/ Publicity Period	17.10.08	Decision Sent Out	
Case Recommendation Officer	5.11.08	8 Week Determination	10.11.08
Management check			

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr Frederick Boon
Application No 08/00821/FUL
Location 54 Church Street, Audley, Newcastle
Description Change of Use from Shop to Dwelling House.

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

West Midlands Regional Spatial Strategy

Policy QE3: Creating a high quality built environment.
Policy CF2: Housing Beyond the Major Urban Areas;
Policy CF4: The Reuse of Land and Buildings for Housing.

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 H6: Conversions;
Policy T3: Rural Areas – retention and improvement of rural services;
Policy T13: Local Roads;
Policy TC4: Local Shops.

Newcastle Under Lyme Local Plan 2011

Policy H 1: Residential Development and Protection of the Countryside;
Policy R15: Non-retail uses in District Centres and other Groups of Shops;
Policy T16: Development – General Parking Requirements;
Policy B 9: Prevention of Harm to Conservation Areas.

Appendix 3 Transport Assessment and Parking.

Other Material Considerations

PPS1: Delivering Sustainable Development
Companion Guide to PPS1 “The Planning System: General Principles”.

Housing Clarification report (Feb 2008)

Supplementary Planning Guidance

Space about dwellings (2004)

Relevant Planning History

This application is substantially an application for renewal of 06/373/FUL but varies in garden area and boundary and driveway detail. It is also associated with the Change of Use of numbers 50 and 52 Church Street from the same shop unit as this present application to two dwelling houses; which was approved under Planning Permission 08/00431/FUL of 8 August 2008, the area of that permission being edged blue on the present application.

06/00373/FUL	PER	13.6.2006	Change of use of part of shop premises to a dwelling house and associated external alterations.
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06/00373/RED Removal of Permitted Development Rights.

See also Planning History on file, non relevant to this application.

Views of Consultees

Environmental Health - No objections to the proposal, the proposed use is compatible with the surrounding environment.

Audley Parish Council - Supported.

Highway Authority - Because the present application and Application 08/00431/FUL are concerned with the same shop the Highway Authority have taken both into consideration when assessing the situation. The Authority states that a substantive response to the present application is not possible due to inaccurate and conflicting information being provided.

For Application 08/00431/FUL refusal was recommended because the applicant had failed to demonstrate that it would be possible for a vehicle to enter and egress from the proposed parking bays given the distance between the respective piers to the three entrances and the restricted carriageway width of Dean Hollow in the vicinity of the site accesses. As a way forward it was advised for the applicant to either demonstrate vehicular movements by swept path analysis or alternatively to remove the proposed piers and gates from the application.

Conservation Advisory Working Party - No objections subject to careful control over materials and detailing. Request that the entrance door, frame and windows be constructed from timber and kept in the character and proportion of the existing building.

Representations:

None received.

Applicants/Agents Submission:

Design and access statement

Preliminary discussions have taken place. Proposed use, size of development, layout considerations, scale of the development, landscaping and appearance are set out together with access principles.

Key Issues

The shop unit forming the application site is in the Audley Village Envelope within the Rural Area; it is on the southern boundary of the Audley Conservation Area. The site is on the main shopping street which is a mix of shops and houses. Almost opposite is the public library set in open land. The shop is made up from the amalgamation of three properties nos 50, 52, 54; Planning Permission 06/00373/FUL permitted no 54 to be changed to a dwelling house, Planning Permission 08/00821/FUL followed to similarly convert the remaining two properties.

The application is for renewal of planning permission 06/00373/FUL. In accordance with the advice in Circular 11/95 planning permission should be granted in such circumstances unless there has been a material change in planning circumstances since the permission was granted; continued failure to begin development will contribute to unacceptable uncertainty about the future pattern of development in the area; or the application is premature because permission still has a reasonable time to run. In this case it is considered that the renewal of permission would not contribute to unacceptable uncertainty, nor is it premature.

The main issues to be addressed are whether such a conversion complies with policies on retail, housing, traffic and parking, and amenity.

Compliance of Conversion with Retail Policy

There has been no material change in policy on this issue since Planning Permission 06/00373/FUL was issued so this continues to be acceptable.

Compliance of conversion with Housing Policy

The site lies within a village in the Rural Area. It is within the Audley village envelope; the frontage is onto a road which carries a bus service from Wereton Estate in Audley through Newcastle centre to Hanley that runs three times an hour in the day and hourly on evenings and Sundays. Although the proposed building lies within the area where Local Plan Policy H1 indicates that residential development may be acceptable in principle, provisions of both the Structure Plan, and the more recent Regional Spatial Strategy on residential development need to be considered. The housing clarification report (February 2008) summarises the current position – residential development here should accord with the Development Plan and is not to be permitted where it is considered that the scale of development would be contrary to the RSS strategy of increasing the proportion of development taking place in urban areas and that "note will be taken of current trends in rural development". RSS CF2 which indicates that in such a location the provision of new housing should generally be restricted to meeting local housing needs, with priority being given to the reuse of previously developed land and buildings within existing villages enhancing their character wherever possible. The proposal is for three dwellings within existing buildings at a location which relative to many other rural ones has access by means other than private motor car to a large range of facilities. The housing clarification report does not imply an absolute moratorium on all residential development, other than that meeting local housing needs, in rural areas.

On balance, in view of the above, and the granting of Planning Permission 08/00431/FUL it is considered that it would be inappropriate to raise policy objections to the proposal.

Traffic and parking

Church Street is busy and winding and Dean Hollow is a narrow lane with traffic restrictions so provision of off highway parking is a key issue. There is currently no provision for customer or delivery parking; the only parking presently attached to these premises is in the private drive way off Dean Hollow, under Planning Permission 06/00373/FUL this would go into the garden of no 54, under Planning Permission 08/431/FUL it would be compromised by the garden and driveway provision for number 52. The submitted plans show the demolition of the rear outbuilding adjacent to Dean Hollow to give a total width sufficient for 3 driveways with one serving the rear garden to each of the proposed dwellings. There would be sufficient drive length to give two parking spaces for no 54, two for 52 and one for no 50. Under Appendix 3 of the Local Plan the maximum number of parking spaces for a two bedroomed (as 50,52) or three bedroomed (as 54) dwelling is two. Since two of the houses will have the maximum number of parking spaces and the third will have provision of only one less the requirements of policy would be met as was set out in the consideration of application 08/00431/FUL.

The Highway Authority have objected to the proposed driveway provision on the grounds that the narrow width of Dean Hollow gives insufficient room to swing a car into and out of them, so there would be no useable off street parking provision. This objection was raised when application 08/431/FUL was determined. It is important to note that application 08/431/FUL included identical parking arrangements to that submitted with this application as it also included parking provision for 54 Church Street in addition to 50 and 52. Notwithstanding this objection application 08/431/FUL was permitted and the parking arrangements, gateways and piers for properties 50, 52 and 54 as shown in the current application were therefore accepted.

When permitting application 08/431/FUL contrary to the advice of the Highway Authority it was argued that;

“one of the driveways is presently in use, the width of Dean Hollow is constant along the section in question demonstrating this ground of objection to be false. There is no footpath on the side of Dean Hollow adjacent to the gateways so they will immediately abut the carriageway, which is a possible cause of danger. A visibility splay could improve safety but

would spoil the existing enclosure pattern which gives character to the conservation area; and the Highway Authority have not requested such provision. Gates can be conditioned to open inwards. There is a wide footpath on the other side of Dean Hollow which pedestrians would use and the restricted nature of the carriageway means that traffic is only travelling slowly along it so any danger is not acute.”

The details submitted with this application therefore replicate the parking arrangements that have already been permitted and remain capable of implementation given that both planning permission 06/373/FUL and 08/431/FUL remain extant. It would be unreasonable, therefore, to refuse the application on the basis of the concerns raised by the Highway Authority in their consultation response given this fall back position and in view of the fact that there have not been a material change in planning circumstances since the previous decision was granted.

Amenity

Policy D2 of the Structure Plan holds that in determining planning applications for any type of development, the Council will have regard to the conservation and where possible improvement of the quality of life. This includes (a) the development being informed by, or sympathetic to the character and qualities of its surroundings, in its location, scale and design; and (d) avoiding hazards to health and safety.

The proposal has been drawn up to restore the houses to the sort of appearance they would originally have had. Apart from the demolition of the rear of the single storey rear wing the changes will be minor, restoring the residential frontage and window opening. In the mixed housing and shop frontage the change from retail to residential will not adversely affect the relationship of the properties to the surrounding area. Window openings and the proposed front elevation have been styled to match the existing. The enclosed character of Dean Hollow is maintained by the brick wall and gates, this would be lost if an amended scheme to improve access from Dean Hollow were to be introduced. The appearance of the property will meet the requirement to preserve and enhance the area.

The Environmental Health Division concludes that there are no objections to the proposal thereby showing which supports the conclusion that the proposal is in accord with the quality of life issues raised by policy.

A garden will be provided for the proposed dwellings this is in accord with the scheme shown in Planning Permission 08/00431/FUL which will provide sufficient room for parking and amenity. The amenity areas (excluding parking) will be approximately 30 square metres which be smaller than desirable but larger than that for many terraced houses of this age so it will be acceptable. The distance from the back bedroom window to the rear boundary is only 8 metres but this is an existing window and was not raised as an issue on Planning Application 06/00373/FUL so can be accepted. There being no new building overshadowing or domination will not arise.

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,

- 1 PD5
- R To protect the character and appearance of the Conservation Area and residential amenity in accordance with Policy B10 and B13 of the Newcastle Local Plan.

Performance Checks	Date		Date
Consultee/Publicity Period	17.10.2008	Decision Sent Out	
Case Officer Recommendation	10.11.2008	8 Week Determination	12.11.2008
Management check	Revised 12.11.08 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr P Doherty

Application No 08/00833/FUL

Location Old Police House, Ravenshall, Betley

Description Rear single storey extension and alterations to existing flat roof to form pitched roof.

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 1996 - 2011

Policy D2: The Design and Environmental Quality of Development.

Policy D5B: Development in the Green Belt

Newcastle under Lyme Local Plan 2011

Policy H18: Design of Residential Extensions

Policy B9: Prevention of Harm to Conservation Areas

Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area

Policy B13: Design and Development in Conservation Areas

Policy S3: Development in the Green Belt

Other Material Considerations:

Relevant National Policy Guidance:

PPG2: Green Belts

PPS1: Delivering Sustainable Development (2005)

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

Supplementary Planning Guidance

Space Around Dwellings (2004)

Relevant Planning History

There have been no previous planning applications at this property, however having studied the planning history of the property, there appears to have been a two storey flat roofed rear extension and porch developed at the property.

Views of Consultees

Betley, Balterley & Wrinehill Parish Council – No objections to the application

Conservation Advisory Working Party (CAWP) – Generally supportive of the scheme and its careful attention to detail and proposed use of matching materials however they were concerned that the velux roof lights were detrimental to the integrity and appearance of the roof and the removal of these should be discussed.

Representations

Five neighbour notification letters were sent out regarding the proposal with no written representations received.

The application was also advertised by way of a site notice and a press advertisement. The expiry date for these were 31/10/08 and no representations were received as a result.

Applicants/Agents Submission

The requisite application forms and drawings were submitted.

Key Issues

The application is for a single storey rear extension and alterations to existing flat roof to form pitched roof. The single storey rear extension would be developed in the courtyard at the rear of the property and would link the main property to the existing outbuildings. A pitched roof would be developed for this extension and an existing flat roof on part of the outbuildings would be replaced with a pitched roof to match the existing. A pitched roof is also proposed above an existing two storey flat roofed extension.

Visual amenity

The proposed pitched roof to replace the flat roof of the two storey rear extension would have a beneficial impact upon the aesthetic appearance of the building as well as the character of the conservation area due to it replacing an unsightly feature located in a prominent position. A velux rooflight was originally shown in the Northern elevation of the proposed pitched roof but after discussions with the applicant, highlighting the concerns of CAWP, amended plans were received showing the velux rooflight moved to the Southern elevation of this pitched roof which would not be visible within the streetscene. The proposed development would therefore have no adverse impact upon the conservation area.

The proposed pitched roof to replace the flat roof of the outbuilding would also have a beneficial impact upon the aesthetic appearance of the property due to the development again replacing an unsightly feature that can be seen from the streetscene. The proposed velux rooflights to be placed in the rear of this structure would not have an adverse impact upon the character of the conservation area or the integrity of the roof due to their modest scale in relation to the roof slope. The proposal would also have a sustainable benefit, providing a natural light source into the property therefore saving on lighting costs.

The proposed rear extension is in keeping with the scale and design of the existing outbuildings at the rear of the property and would not appear as a dominant addition to the property. The glazed element would assimilate well within the design whilst not dominating the traditionally designed brick and tile extension and would therefore have no adverse impact upon the character of the conservation area. The proposed velux windows to be utilised in this part of the development would not be visible from the streetscene due to their location at the rear of the property shielded from view by the existing property.

The application form specifies that the materials to be utilised in the development would match those of the existing building and this would be conditioned as part of any planning permission. The type of velux rooflights have not been specified within the application however due to the property's location within a conservation area, it would not be unreasonable to ask for conservation rooflights to be utilised in the development. Having spoken to the applicant he gave me a verbal indication that it was his intention to utilise these as a matter of course.

Residential amenity

The proposal would not have any adverse impact upon the residential amenity of the adjoining property (Ravenshall) due to the development complying with part SD8 of Supplementary Planning Guidance 'Space around Dwellings'

Although the proposed atrium link would remove a rear courtyard to the application property, this would not have an adverse impact upon the residential amenity of this property with other private amenity areas present at the property.

Green Belt

Due to the small scale of the proposed single storey extension and pitched roofs in addition to the existing two storey flat roofed extension, the overall development in relation to the original dwelling house and outbuildings, the development would not be disproportionate to the property which accords with the principles of policy S3 of the adopted local plan as well as policy D5B of the Staffordshire and Stoke on Trent Structure Plan 1996-2011 and guidance contained within PPG 2.

Reasons for the approval of planning permission

The development adheres with the principles of policies B9, B10, B13, H18 and S3 of the adopted local plan, policies D2 and D5B of the Staffordshire and Stoke on Trent structure plan, PPG2 and guidance contained within the supplementary planning guidance note 'Space around Dwellings'.

Recommendation

Approve subject to the following conditions

1. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the local planning authority.
- R1: To ensure the satisfactory appearance of the development and preserve the character of the conservation area in accordance with policies B9, B10, B13 and H18 of the adopted local plan and policy D2 of the Staffordshire and Stoke on Trent Structure Plan.
2. The velux rooflights to be used in the approved development shall be conservation type unless otherwise agreed in writing with the local planning authority.
- R2: To ensure the satisfactory appearance of the development and preserve the character of the conservation area in accordance with policies B9, B10, B13 and H18 of the adopted local plan and policy D2 of the Staffordshire and Stoke on Trent Structure Plan.

Performance Checks	Date		Date
Consultee/Publicity Period	31/10/08	Decision Sent Out	
Case Officer Recommendation	18/11/08	8 Week Determination	24/11/08
Management check	Amended 24/11 ESM		

OFFICER REPORT ON DELEGATED ITEMS

<u>Applicant</u>	Daniow
<u>Application No</u>	08/00882/FUL
<u>Location</u>	2 – 4 Marsh Parade Newcastle under Lyme
<u>Description</u>	Demolition of existing buildings and erection of a single storey building to be used as a place of worship with associated parking

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 Forms of Development
Policy D2: The Design and Environmental Quality of Development
Policy T1A: Sustainable Location
Policy NC19: Conservation Areas

Newcastle under Lyme Local Plan 2011

Policy T16: Development – General Parking Requirements
Policy B9: Prevention of Harm to a Conservation Area
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

Other Material Considerations include:

National Planning Policy

PPS1: Delivering Sustainable Development (2005)
PPG13: Transport (2001)
PPG15: Planning and the Historic Environment (1994)

The Planning System: General Principles (2005)

Planning History

See history sheet on file

Views of Consultees

The **Highway Authority** has no objections to the proposal subject to conditions regarding provision of parking/turning areas, soakaways, boundary wall construction details, access gradients and closure of existing redundant accesses.

The **Environmental Health Division** has no objection subject to contaminated land conditions and construction condition.

Conservation Advisory Working Party were extremely concerned at the scale and design of this proposal that did nothing to preserve or enhance the character or appearance of the adjoining Conservation Area as sought by Policy B10 (v) of the Local Plan.

The Landscape Development have no objections subject to tree protection measures, hand tool only excavation under the crown spread of retained trees and use of porous materials.

The Environment Agency has no objections subject to contaminated land conditions.

Representations

Nil

Applicant's/Agent's Submission

A Design and Access Statement has been submitted. This document is available for inspection at the Council Offices and at www.newcastle-staffs.gov.uk.

Key Issues

This application seeks full planning permission to demolish the existing buildings on the site and to erect a new single storey building to be used as a place of worship; and associated car parking.

The site is located outside but on the edge of Stubbs Walk Conservation Area. The site contains protected trees.

Marsh Parade is made up of a variety of building styles from different periods with both commercial and residential uses.

The site is bounded by a surface car park on one side and a large detached property dating from the middle of the 20th Century currently having a commercial use on the other.

The site currently contains a short run of traditional terraced type properties having small forecourts together with a number of other ancillary buildings to the rear. The last known use of the site was commercial.

Given the past commercial use it is considered the principle of the proposal in terms of highway safety, residential amenity and site safety (contaminated land) is accepted subject to the conditions outlined by the consultees, the main issues for consideration therefore are:

- The Design of the proposal
- Impact on the Conservation Area

Design of the proposal

The proposed building would be positioned along the sites southern boundary and would be single storey – brick walls under a pitched tiled roof. The building would be approximately 21.3 metres long by 11.6 metres wide with a maximum eaves height of approximately 4.2 metres with a maximum ridge height of approximately 7.8 metres. The building would have a access ramp on two of its sides. The remainder of the site would be laid out to car parking associated with the proposed use of the new building. The roadside frontage is proposed to have a new dwarf wall with iron railing boundary.

The design of the proposal is considered to be simple and functional, the applicant has provided some architectural detailing with decorative contrasting brickwork whilst in isolation the overall design may be acceptable, however special regard must be paid to the sites location adjacent to a Conservation Area boundary.

Impact on the Conservation Area

The site lies immediately adjacent to the Stubbs Walk Conservation Area. Policy NC19 of the Structure Plan states that new development within or adjacent to Conservation Areas should respect, protect and enhance their character and appearance with respect to its height, scale, intensity and materials.

Policy B10 of the Local Plan advises permission will be granted ... only if its appearance or use will preserve or enhance the character or appearance of a Conservation Area. At point (v) it advises that important views within, into and out of the area are protected.

Policy B14 of the Local Plan - Development in or adjoining the boundary of the Conservation Area - advises in determining applications for buildings in a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity.

The LPA has a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

The existing situation regarding the site is, as previously stated, two storey traditional terraced properties to the north of the site with an open frontage to the south with ancillary buildings to the rear. Whilst these ancillary building add little value to the area generally, it is considered the existing two storey buildings reflect the grain and pattern of development in the streetscene which characterises the appearance of the adjoining Conservation Area.

The new building would be sited adjacent to and parallel with the Conservation Area boundary and would be single storey and of a simple design. Whilst there are some breaks and some dilution of the pattern of development to the north of Marsh Parade the proposed development would exacerbate this situation by opening up the northern part of the site by providing a car park area.

It is considered the building would lack presence, in terms of its design and scale, which in turn would have a detrimental impact on the existing grain of the streetscape and the character and appearance of Stubbs Walk Conservation Area and should be resisted as such.

Recommendation

Refusal for the following reason

Given the modest design and scale of the development proposed the existing grain of the street scene would be adversely affected and as such the development would be harmful to the character and appearance of the adjoining Stubbs Walk Conservation Area, contrary to requirement of Policy NC19 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, Policies B9, B10 and B14 of the Newcastle under Lyme Local Plan 2011 and the aims and objectives of PPS1 Delivering Sustainable Development and PPG15 Planning and the Historic Environment.

Performance Checks	Date		Date
Consultee/ Publicity Period	14.11.08	Decision Sent Out	
Case Officer Recommendation	04.12.08	8 Week Determination	01.12.08
Management check	Amended 5/12/08 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Phones 4 U Ltd
Application No 08/00887/ADV
Location The Works, Castle Walk, Newcastle
Description Illuminated fascia sign and illuminated projecting sign

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 Forms of Development.
Policy D2: The Design & Environmental Quality of Development.
Policy NC19: Conservation Areas
Policy T13: Local Roads

Newcastle under Lyme Local Plan 2011

Policy B9: Prevention of harm to Conservation Areas
Policy B10: The Requirement to preserve or enhance the Character or appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B16: Shop fronts in Conservation Areas
Policy B19: Illuminated signs in Conservation Areas
Policy B20: Illuminated fascia and other signs in Conservation Areas

Other Material Considerations include:

National Planning Policy

PPS1: Delivering Sustainable Development (February 2005)
Companion Guide to PPS1: The Planning System: General Principles.
PPG 15: Planning and the Historic Environment
PPG19: Outdoor Advertisement Control (March 1992)
Circular 03/07 Town and Country Planning (Control of Advertisement) Regulations 2007

Relevant Planning History

Nil

Views of Consultees

Conservation Officer – No objections

Conservation Advisory Working Party – No objections

Representations

Nil

Key Issues

Advertisement Consent is sought for an illuminated fascia sign and an illuminated projecting sign, at The Works, Castle Walk, Newcastle, which is located within the urban area of Newcastle-under-Lyme, as defined by the Local Plan Proposals Map. The property is also located within the Town Centre Conservation Area. This application is retrospective, as the signs have already been erected.

The fascia sign on the front elevation displays the company logo, in brand colours of predominantly red. It also displays the brand logos of 8 mobile phone networks. The sign is internally illuminated.

The proposed projecting box sign is located on the northern side of the front elevation of the property, and measures 600mm by 600mm, displays the Phones 4 U company logo and is internally illuminated.

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 neighbourhood in which the sign is to be developed.

The main issues to address are therefore:

- The impact of the fascia signs on the amenity of the property it relates to and the surrounding area
- Impact of the signs on the character and appearance of the Town Centre Conservation Area
- The impact upon public and highway safety

The impact of the signs on the amenity of the property it relates to and the surrounding area

Paragraph 33 of PPS 1 states that "Good Design is indivisible from Good Planning." In paragraph 34 it goes on to state that "Good design should contribute positively to making places better for people, and that 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."

PPG 19 "Outdoor Advertisement Control" states that outdoor advertising is essential to commercial activity in a free and diverse economy. Outdoor advertisements take many forms, communicating information or a message to passers by. It goes on to state in paragraph 4 that poorly designed signs can spoil the appearance of a good building.

The building is not of special architectural character or appearance, and the signs therefore do not detract from the character of the building. In terms of the aims and objectives of PPS 1, it is considered that the design of the signs does not detract from the character or appearance of the area or street scene. Several of the shop units on Castle Walk have internally illuminated fascia signs and projecting box signs, therefore this sign is in keeping with the existing retail street scene.

The impact of the proposed signs on the character and appearance of the Conservation Area

Planning Policy Guidance note 15 "Planning and the Historic Environment" outlines the requirement to preserve or enhance the character and appearance of Conservation Areas. Policy B16 of the Newcastle-under-Lyme Local Plan is concerned with shop fronts in Conservation Areas, and policies B19 and B20 of the Newcastle-under-Lyme Local Plan are concerned with illuminated signs in Conservation Areas. The Local Plan states that it is recognised that Newcastle Town Centre is an important commercial centre where there is a legitimate need to advertise, and it is therefore inappropriate to apply Policy B19 to this area, however there is still a need to consider the effect of proposed advertisements on the preservation and enhancement of their amenity. Policy B20 of the Local Plan "Illuminated fascia and other signs in Conservation Areas" states that the light intensity of illuminated signs in Conservation Areas should not exceed 300 Candelas per square metre. Therefore, this should be included as a condition.

Policy B16 "Shop fronts in Conservation Areas" states that the Council will take into account how the design of shop fronts or other commercial premises, respects the architectural or historic interest, scale, features and materials of the existing and nearby buildings. The building concerned and the surrounding buildings are not of any architectural or historic interest, therefore the signage does not cause any harm to historic features.

Furthermore, the council's Conservation Officer and the Conservation Advisory Working Party have expressed no objections to the signage. Therefore, the signs are considered acceptable in terms of its impact on the Town Centre Conservation Area, and are in compliance with the aims and objectives of PPG 15, Policy NC19 of the Structure Plan, and Policies B9, B10, B13, B16, B19 and B20 of the Local Plan.

Public safety and highway safety

It is considered that the fascia signs do not cause any undue harm to public safety. Policy T13 'Local Roads' of the Staffordshire and Stoke-on-Trent Structure Plan states that the priorities for local roads will be to improve safety for all users. As Castle Walk is pedestrianised, the main safety issue would concern pedestrians. It is not considered that the signs in any way compromise the safety of pedestrians on Castle Walk.

Recommendation

Approve subject to condition:

1. Within two months of the date of this permission, the illumination levels of the illuminated signs hereby permitted shall not exceed 300 candelas per square metre.
- R1: In the interest of protecting the visual amenity of the Conservation Area, in accordance with Policies D2, NC19 and T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policy B20 of the Newcastle under Lyme Local Plan 2011 and National Planning Guidance PPG 19.

Note to the applicant

1. The lighting scheme shall be installed and retained strictly in accordance with the submitted design/ specification and the Institution of Light Engineers "Guidance for the Reduction of Light Pollution, 2000" for Environmental Zone E3.

Performance Checks	Date		Date
Consultee/ Publicity Period	22/11/08	Decision Sent Out	
Case Officer Recommendation	24/11/08	8 Week Determination	8/12/08
Report checked by Back Office			
Management check	1/12/08 GM		

OFFICER REPORT ON DELEGATED ITEMS

<u>Applicant</u>	Keele University
<u>Application No</u>	08/00872/FUL
<u>Location</u>	Keele Hall, Keele University
<u>Description</u>	External and internal alterations to Keele Hall including insertion of double door fire exit raised terrace area and mechanical treating/ventilating plant and formation of new accesses.

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
Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

Policy B5: Control of Development affecting the setting of a Listed Building
Policy B6: Extension or Alteration of Listed Buildings
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
PPG15: Planning and the Historic Environment

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

Planning History

There have been numerous historic applications relating to this site however none directly relate to this application apart from the current listed building consent application (08/873/LBC) for the same works submitted in tandem with this planning application.

Views of Consultees

Keele Parish Council: No objection to the application.

Conservation Advisory Working Party: No objection to the application.

English Heritage: The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Garden History Society: No comment to make upon application based upon the information received.

Environmental Health Division: No objection to the scheme subject to a condition requesting that if unexpected contamination were found works should cease and the Local Planning Authority informed.

Staffordshire County Council Highways and Transport Service: No objections to the application.

Representations

No written representations were received.

Applicants/Agents Submission

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

Key Issues

This application is for planning permission for external and internal alterations to Keele Hall including insertion of double door fire exit, raised terrace area and mechanical treating/ventilating plant and formation of new accesses. (The internal alterations would not require planning permission and would be dealt with by the Listed Building Consent application). Keele Hall is a grade II* listed building that has previously been extended with a more recent restaurant extension.

The proposed extensions and alterations to the raised terrace area would have a beneficial impact upon the aesthetics of the building due to the proposal improving the external appearance of the development removing a dilapidated structure that appears relatively unused. The proposal would remove the existing balustrading and replace it with a brick built development incorporating planting beds that would appear more appropriate for the property. The new additional entrance proposed on to the terraced area would assimilate well with the existing external elevation and would not have an adverse impact upon the character of the listed building or the surrounding Conservation Area.

Due to the modest scale of the proposed mechanical treating/ventilating plant and its position on the roof of the building, this part of the proposal would not be readily visible and would not therefore have an adverse impact upon the character of the listed building or the surrounding Conservation Area.

The alterations to the access doors at the front of the property would not have an adverse impact upon the character of the listed building. The existing access doors are located behind a more recent porch addition that currently appears dilapidated and the proposals would improve the appearance of this porch installing new doors in the front as well as carrying out general repairs and modernisation. This part of the development would be undertaken in conjunction with the internal alterations and would be required to achieve the level floor throughout the restaurant and improve accessibility. Due to the location of this development in relation to the main part of the listed building and the orientation of the access drive, this part of the proposal would not be readily visible due to it being screened by existing planting and there being no direct view of it as you enter/leave Keele Hall.

To ensure the proposed alterations to the access arrangements at the front of the property assimilate well with the surrounding environment, a condition would be included requesting that the landscaping shown on the approved plans is implemented within the first planting season following completion of the development. Due to the small area involved it is not necessary however to request details of the specific plants proposed.

The conservation officer has viewed the plans in detail and is happy that the materials being used are satisfactory and has stated that samples of these would not need to be submitted unless changes were proposed.

It is not considered that the proposed external alterations and the installation of mechanical treating/ventilating plant would have any detrimental impact on the character or appearance of the Listed Building or the surrounding Conservation Area

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 on the decision notice and national guidance on works to Listed buildings and development in Conservation Areas.

Recommendation

Grant consent subject to the following conditions;

1. The proposals shall be developed in accordance with the materials highlighted on the plans hereby approved and specified on the accompanying planning application forms unless previously agreed in writing with the local planning authority.
- R1 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.
2. The landscaping shown on the plan shall be implemented within the first planting season following completion of the development hereby approved, or in accordance with a programme first agreed in writing with the Local Planning Authority. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
- R2 To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Country Planning Act 1990.
- 3 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.
- R3 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).

Performance Checks	Date		Date
Consultee/ Publicity Period	21.11.08	Decision Sent Out	
Case Officer Recommendation	04.12.08	8 Week Determination	8.12.08
Management check	Amended 4.12.08 ESM		

OFFICER REPORT ON DELEGATED ITEMS

<u>Applicant</u>	Keele University
<u>Application No</u>	08/00873/LBC
<u>Location</u>	Keele Hall, Keele University
<u>Description</u>	External and internal alterations to Keele Hall including insertion of double door fire exit raised terrace area and mechanical treating/ventilating plant and formation of new accesses.

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
Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

Policy B5: Control of Development affecting the setting of a Listed Building
Policy B6: Extension or Alteration of Listed Buildings
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
PPG15: Planning and the Historic Environment

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

Planning History

There have been numerous historic applications relating to this site however none directly relate to this application apart from the current planning application (08/872/FUL) for the same works submitted in tandem with this listed building consent application.

Views of Consultees

Keele Parish Council: No objection to the application.

Conservation Advisory Working Party: No objection to the application.

English Heritage: The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Garden History Society: No comment to make upon application based upon the information received.

Environmental Health Division: No objection to the scheme subject to a condition requesting that if unexpected contamination were found works should cease and the Local

Planning Authority informed. This will be included on the planning application and not the listed building consent application.

Staffordshire County Council Highways and Transport Service: No objections to the application.

Representations

No written representations were received.

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 external and internal alterations to Keele Hall including insertion of double door fire exit, raised terrace area and mechanical treating/ventilating plant and formation of new accesses. Keele Hall is a grade II* listed building that has previously been extended with a more recent restaurant extension.

The proposed extensions and alterations to the raised terrace area would have a beneficial impact upon the aesthetics of the building due to the proposal improving the external appearance of the development removing a dilapidated structure that appears relatively unused. The proposal would remove the existing balustrading and replace it with a brick built development incorporating planting beds that would appear more appropriate for the property. The new additional entrance proposed on to the terraced area would assimilate well with the existing external elevation and would not have an adverse impact upon the character of the listed building or the surrounding Conservation Area.

Due to the modest scale of the proposed mechanical treating/ventilating plant and its position on the roof of the building, this part of the proposal would not be readily visible and would not therefore have an adverse impact upon the character of the listed building or the surrounding Conservation Area.

The alterations to the access doors at the front of the property would not have an adverse impact upon the character of the listed building. The existing access doors are located behind a more recent porch addition that currently appears dilapidated and the proposals would improve the appearance of this porch installing new doors in the front as well as carrying out general repairs and modernisation. This part of the development would be undertaken in conjunction with the internal alterations and would be required to achieve the level floor throughout the restaurant and improve accessibility. Due to the location of this development in relation to the main part of the listed building and the orientation of the access drive, this part of the proposal would not be readily visible due to it being screened by existing planting and there being no direct view of it as you enter/leave Keele Hall.

The proposed internal alterations within the restaurant including the change of floor levels to create a venue with the same level are appropriate and would not have a detrimental impact upon the built fabric of the listed building. The conservation officer has viewed the plans in detail and is happy that the materials being used are satisfactory and has stated that samples of these would not need to be submitted unless changes were proposed.

It is not considered that the proposed internal and external alterations and the installation of mechanical treating/ventilating plant would have any detrimental impact on the character or appearance of the Listed Building or the surrounding Conservation Area

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 on the decision notice and national guidance on works to Listed buildings.

Recommendation

Grant consent subject to the following conditions;

- 3. The proposals shall be developed in accordance with the materials highlighted on the plans hereby approved and specified on the accompanying planning application forms unless previously agreed in writing with the local planning authority.

- R3 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	21.11.08	Decision Sent Out	
Case Recommendation Officer	04.12.08	8 Week Determination	5.12.08
Management check	4.12.08 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr M Burke
Application No 08/877/FUL
Location Land adj. 41, Sneyd Terrace, Silverdale
Description Two storey building comprising two flats

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

West Midlands Regional Spatial Strategy

Policy UR1: Implementing Urban Renaissance
Policy CF1: Housing Within the Major Urban Areas
Policy CF3: Levels and Distribution of Housing Development
Policy CF4: The Reuse of Land and Buildings for Housing
Policy QE3: Creating a High Quality Built Environment for all

Staffordshire and Stoke on Trent Structure Plan 2011

Policy D1: Sustainable Forms of Development
Policy D2: The Design and Environmental Quality of Development
Policy T1A: Sustainable Location
Policy T11: Management of Traffic
Policy T13: Local Roads
Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

Policy H1: Residential Development – Sustainable Location & Protection of the Countryside
Policy H3: Priority to Brownfield Sites
Policy T16: Development – General Parking Requirements
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
PPS3: Housing (2006)
PPG13: Transport (2001)
PPG15: Planning and the Historic Environment (2004)

Companion Guide to PPS1 “The Planning System: General Principles”

Supplementary Planning Guidance

Supplementary Planning Guidance relating to the control of residential development

Clarification of Policy on Housing Development February 2008

Planning History

98/434/FUL	Erection of detached dwellinghouse	Refuse
98/665/FUL	Detached dwelling	Refuse

Views of Consultees

The **Highway Authority** has no objections to the scheme subject to conditions regarding parking, access and drainage.

Silverdale Parish Council has no objections to the application subject to any comments of neighbours being taken into consideration.

The **Environmental Health Division** has no objections subject to hours of construction and contaminated land conditions.

Conservation Advisory Working Party has no objections to the proposal.

Representations

Nil

Applicants/Agents Submission

A Design and Access Statement has been submitted. A summary is as follows:

- The development will have minimal impact on the streetscene as it is in-fill.
- The site has been the garden area to 41, Sneyd Terrace.
- Vehicular access will be retained and 3 off-road parking spaces will be provided.
- The surrounding properties are predominantly 2-storey private dwellings, including semis, terraced and 1960s Council housing stock. To the rear is a garage lock-up area.
- There are a number of community facilities and bus routes nearby.
- The scheme tries to complement the existing dwellings by incorporating some of their features.

This document is available for inspection at the Council's offices and on www.newcastle-staffs.gov.uk.

Key Issues

Full planning permission is sought for the erection of a two-storey building comprising two flats on land adjacent to No. 41, Sneyd Terrace. In the adopted Local Plan the site lies within the Urban Area of Newcastle and within the Silverdale Conservation Area.

The main issues in the consideration of the application are:

- The principle of residential development on the site
- Impact on the character and appearance of the Conservation Area
- Impact on residential amenity
- Highway safety

The principle of development

Although the site lies within the area where Local Plan Policy H1 indicates that residential development may be acceptable in principle, provisions of both the Structure Plan, and the Regional Spatial Strategy on residential development need to be considered. The Council's Housing Clarification Report (February 2008) summarises the current position - it indicates that this site is to be treated as part of the Major Urban Area. On this basis residential development is acceptable on previously developed land (which this site is) provided it is in accordance with the RSS and assists with the aims of Renew. This proposal is for two residential units in an existing residential area and is not considered to be significant in terms

of the RSS or Housing Market Renewal strategy. Therefore, the principle of residential development on this site is considered acceptable.

Impact on the character and appearance of the Conservation Area

The site lies within the Silverdale Conservation Area. The Authority has a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

Policy NC19 of the Structure Plan states that new development within or adjacent to Conservation Areas should respect, protect and enhance their character and appearance with respect to its height, scale, intensity and materials. Policy B9 of the Local Plan requires the Council to resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

The previous applications for a detached dwelling on this site (Refs. 98/434/FUL & 98/665/FUL) were refused for a number of reasons, including the detrimental impact on the character and appearance of Silverdale Conservation Area. The site is just within the boundary of the Conservation Area, and the area is characterised by a mix of dwelling styles. To the north-east is a row of Victorian terraced properties, to the south-west is a pair of inter-war semis, and opposite the site are 1960s former Council owned houses. The design now proposed is simple and traditional. Some of the features of the adjacent terraced houses are replicated, including the eaves immediately above the first floor windows, the use of stone sills and heads, and the incorporation of bay windows. Facing bricks and tiles are proposed.

The Conservation Advisory Working Party has no objections to the proposal. Subject to conditions regarding materials and detailing, it is not considered that the design now proposed would harm the special architectural or historic character or appearance of the Conservation Area.

Impact on residential amenity

The property would be sited so that the principal windows would front onto the access track to the side of the site. There are no principal windows in the side elevation of No. 41, Sneyd Terrace. It is not considered therefore, that there would be any significant impact on privacy.

The previous application (Ref. 98/665/FUL) for a detached dwelling was refused on the grounds that the development failed to comply with the Council's adopted supplementary planning guidance regarding space about dwellings standards, and would be harmful to the reasonable amenities of its prospective occupants.

The Council's Supplementary Planning Guidance relating to Space Around Dwellings does not provide any guidance relating to development comprising of flats. However, PPS3 refers to the need to consider the provision of private open space in all residential developments and it is generally considered that a reasonable area should be provided for outdoor activities such as drying clothes and sitting out. Sufficient space would be provided within the site for the occupiers of the proposed flats.

The application site currently comprises the garden area of No. 41, Sneyd Terrace and therefore, the proposed development would result in that property having just a small yard/garden area. The resultant amenity space would be similar in size to the other properties in the terraced row and therefore, it is not considered that a refusal could be sustained on the grounds of insufficient amenity space.

Highway safety

Access to the site would be via the existing access from Sneyd Terrace. Three parking spaces are proposed within the site, two for the flats and one for the existing dwelling. The Highway Authority has no objections to the proposal subject to conditions.

Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate on street parking or traffic problems. Development may be permitted where local on street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets.

PPG13 states that local authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction of enforcement of on-street parking controls.

The Highway Authority requires the provision of an additional parking space for No. 41, Sneyd Terrace. The property is likely to be 2-bedroomed and therefore, the maximum standards in the Local Plan would require 2 spaces. The shortfall in parking spaces relative to the maximum parking standards in the Local Plan would not be significant therefore, and it is not considered that there would be any significant implications for road safety.

National planning policy advises that Local Planning Authorities should reduce the need to travel and where that is not appropriate promote other sustainable modes of transport by reducing the need for the use of private vehicles. This site is in a sustainable location in close proximity to the services and facilities in Silverdale and regular public transport links to locations further afield.

Given the above, it is not considered that the proposed scheme would result in any significant increase in highway danger and therefore, it is no longer considered that an additional parking space is necessary. The condition recommended by the Highway Authority regarding the length of the parking spaces can be achieved.

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

Permit 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 external facing materials
 - ii. The proposed means of boundary treatment
 - iii. The proposed windows and doors and the depth of their reveals
- R1. In the interests of visual amenity and in accordance with the aims and objectives of PPS1.
2. No development shall commence until the access and parking areas as broadly indicated on the Building Plans & Design 1:100 Site Plan, shall be surfaced and thereafter maintained in a porous bound material with the parallel parking bays extended to 6m in length. The parking spaces shall all be clearly delineated and thereafter retained only for the approved purpose and for the life of the development.
- R2. In the interests of highway safety in accordance with the aims and objectives of PPG13.
3. The access shall be un gated.
- R3. In the interests of highway safety in accordance with the aims and objectives of PPG13.

4. No development shall commence until an investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. Competent persons shall undertake the investigation and risk assessment and a written report of the findings shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development. The report of the findings shall include;
- (i) A survey of the extent, scale and nature of any contamination;
 - (ii) An assessment of the potential risks to
 - Human health,
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes,
 - Adjoining land,
 - Ground and surface waters,
 - Ecological systems,
 - Archaeological sites and ancient monuments.

This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

- R4. 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 provisions of PPS1 and PPS23.
5. No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use is submitted and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed clean up criteria, timetable of works and site management procedures.
- 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 provisions of PPS1 and PPS23.
6. The approved remediation scheme shall be carried out in accordance with CLR11 prior to the commencement of the development otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the agreed works.
- 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 provisions of PPS1 and PPS23.
7. 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.
- R7. 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 provisions of PPS1 and PPS23.

8. 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 and agreed in writing by 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.
- R8. 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 provisions of PPS1 and PPS23.
9. Following completion of measures identified in the approved remediation strategy a validation report and certificate shall be submitted and agreed in writing with the Local Planning Authority.
- R9. 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 provisions of PPS1 and PPS23.

Notes to applicant

The site is suspected to be contaminated. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- a) Tiered risk assessment shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-11
- b) Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
- c) The Local Planning Authority will determine the application on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II(a) of the Environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.
- d) Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II(a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
- e) During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
- f) The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site,

the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.

- g) Local Planning Authority will provide a Validation Certificate Template mentioned in Condition 7 for completion by the applicant/developer. This certificate will not only provide confidence in the site for the Local Authority in terms of development control and the Part II(a) regime but will help discharge conditions applied by the approved inspector and also provide confidence for solicitors and homebuyers in the conveyancing process
- h) Newcastle under Lyme Borough Council is keen to liase with all stakeholders involved in this application. As such we would welcome details and proposals of site investigation prior to works being undertaken and is prepared to review draft copies of reports prior to final submission in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions. 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&cate=562> or 01782 742595

Performance Checks	Date		Date
Consultee/ Publicity Period	28.11.08	Decision Sent Out	
Case Officer Recommendation	15.12.08	8 Week Determination	18.12.08
Management check			

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr S.J. Dimelow
Application No 08/00920/FUL
Location Mow House Farm, Church Lane, Mow Cop
Description Retention of Stable building

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 D4: Managing Change in Rural Areas
Policy D5B: Development in the Green Belt
Policy NC1: Protection of the Countryside: General Considerations
Policy NC2: Landscape Protection and Restoration

Newcastle Under Lyme Local Plan 2011

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

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPS7: Sustainable Development in Rural Areas

The Planning System: General Principles

Planning History

03/00008/FUL Replacement building for machinery and general store Permit

Views of Consultees

Kidsgrove Parish Council - Nil

Environmental Health Division has no objections subject to conditions regarding the burning of waste materials and artificial lighting.

Environment Agency has no objections

Staffordshire Moorlands district Council – Nil

Conservation Advisory Working Party has no objections

Representations

Nil

Key Issues

This application is for full planning permission for the retention of a stable building that has already being sited on the land and for the change of use of land for the purposes of keeping horses. Amended plans have been received during the planning application with the application site being reduced so that the change of use of the land for the keeping of horses now only relates to a small section of field. The site lies within the Green Belt and an Area of Landscape Restoration as designated in the Local Plan.

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

- Whether the development is appropriate or inappropriate in the Green Belt
- If inappropriate, whether special circumstances exist to justify approval
- Whether the development conflicts with other policies relating to development in the countryside as a whole

Appropriate or inappropriate development in the Green Belt?

PPG2 states that the erection of buildings for the provision of essential facilities for outdoor sport or recreation uses can be appropriate development in the Green Belt. Essential facilities are those which are genuinely required for uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within Green Belts. Examples given include 'small stables' for outdoor sport and outdoor recreation. Policy S3 of the Local Plan refers to the need for such buildings to be limited to those essential to the use and sited to minimise their impact on the openness of the Green Belt.

The land in which the stable building is sited is located on land which falls under the ownership of Mow House farm. However, the land is not currently being farmed as part of an agricultural business. The applicant has detailed that the stable building is and will be used for domestic i.e. non-commercial, use only. The building measures 13.3m by 3.8m with a maximum height of 3.2m. It comprises 3 stables with a tack room and is of a timber construction with a dark brown profile sheet roof. Each stable has its own separate stable access door on the front elevation with the tack room also having its own access door on the front elevation.

A definition of small stables is not provided within national or local Green Belt policy but PPS7 refers to small scale equine enterprises as being ones involving up to 10 horses, albeit in a different context - the reuse of existing buildings. The stable building is considered modest in terms of its size and scale with a traditional design and appearance. Its location next to a hedgerow and small trees on the field boundary help to maintain the openness of the Green Belt despite the stable buildings location away from existing buildings which would have further minimised its impact on the openness of the Green Belt. In this instance it is considered that the building does not materially reduce the openness of the Green Belt and thus being associated with outdoor recreational activities, constitutes appropriate development.

PPG2 advises that the carrying out of engineering operations and changes of use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land within the Green Belt. The application site includes an area of land to the south/ south east of the stable building which will be used for the keeping of horses. This area is fenced off and accessed from the stable building through a timber gate. The use of land for equestrian purposes is a use that is considered appropriate development within the Green Belt.

There is no requirement therefore, for the applicant to demonstrate that there are any special circumstances to justify the development.

Any conflict with policies on development in the countryside?

Policies NC1 and NC2 of the Structure Plan seek to protect the countryside for its own sake and Policy NC2 sets out a list of criteria by which applications should be determined.

The site lies within an Area of Landscape Restoration. Policy N21 of the Local Plan states that it must be demonstrated that development will not further erode the character or quality of the landscape.

The proposed building would be relatively modest in scale and would be constructed of traditional rustic materials. The site is well screened from the surrounding countryside and no landscape features would be affected as a result of the development. It is not considered that the character or quality of the landscape would be eroded to a sufficient extent to justify refusal.

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 that would justify a refusal of planning permission.

Recommendation

Permit subject to the following conditions:

1. The stable building shall be painted in a suitable colour within 3 months of the date of this decision, details of which shall be first approved in writing by the Local Planning Authority.
- R1. In the interests of visual amenity to comply with the requirements of Policies D2, D5B and NC2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies S3 and N21 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of PPG2.
2. The stables permitted shall be for personal use only and shall not be used as a commercial stable or livery yard.
- R2. For the avoidance of doubt and to protect residential amenity and safeguard highway safety in accordance with the aims and objectives of PPS1 and PPG13.
3. The change of use of land for the keeping of horses relates to the area edged red on the amended plans date stamped received 05 December 2008 and no other land under the ownership of the applicant should be used for the keeping of horses.
- R3. For the avoidance of doubt and to protect residential amenity and safeguard highway safety in accordance with the aims and objectives of PPS1 and PPG13.
4. No artificial lighting shall be installed until full and precise details have been submitted to and approved in writing by the Local Planning Authority and thereafter all external lighting shall be in accordance with the aforesaid approved scheme.
- R4. In the interests of amenity in compliance with the aims and objectives of PPS1.**
5. This consent relates to the proposals indicated on sheet no. 2/3 (plan and elevation drawing) date stamped received 12 November 2008 and sheet no's. 3/3 & 4/3 (location and site plans) date stamped received 05 December 2008.
- R5. For the avoidance of doubt and to reflect the submission of revised proposals during the consideration of the application.

Notes to Applicant:-

1. No burning of waste is permitted to take place on the site.
2. You are reminded of the need to comply with the conditions attached to the planning permission.

Performance Checks	Date		Date
Consultee/ Publicity Period	20.11.08	Decision Sent Out	
Case Officer Recommendation	10.12.08	8 Week Determination	17.12.08
Management check	Amended 11/12/08 ESM		