When calling or telephoning please ask for Mr G Durham

Direct line or ext 742222

My ref GD/EVB - R82/48

27 August 2010

To the Chair and Members

of the

CONSERVATION ADVISORY WORKING PARTY

Dear Sir/Madam

A meeting of the CONSERVATION ADVISORY WORKING PARTY will be held in COMMITTEE ROOM 1, CIVIC OFFICES, MERRIAL STREET, NEWCASTLE on TUESDAY, 7 SEPTEMBER 2010 at 7pm.

AGENDA

- 1. To receive Declarations of Interest from Members on items included in this agenda.
- 2. Minutes of meeting held on 17 August 2010 (copy attached for non-Council Members information).
- 3. To consider the attached reports at Appendix A and B (blue and salmon paper).
- 4. To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the Officer.
- 5. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Yours faithfully

PWCLISBY

Head of Central Services

Members: Councillors Miss Cooper, Heesom, Mrs Naylon, Richards and Mrs Williams.

Outside Representatives: Messrs Chatterton, Ferrington, Heeks, Manning, Miss Barter, Tribbeck and Worgan

The appropriate Parish Council representative(s)

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
05/200/EXTN	Butterton Nurseries, Park Road, Butterton. Mr J N Leath.	Extension to the time limit to implement Planning Permission 05/200/FUL for the erection of four single storey dwellings with attached office accommodation.	No objections.	Permitted by Planning Committee 03/08/2010.
10/365/FUL	7 Mount Pleasant, Newcastle. Ms M Mainwaring.	Two storey rear extension and rear conservatory.	The Conservation Advisory Working Party felt that, despite the proposal not being very prominent, the balcony uprights would blend in better if they were painted/coated in black and not chrome.	Permitted under Delegated Powers 23/08/2010
10/366/FUL	9 and 10 Maer Village, Maer. Mrs P Evans and Mr P Adams.	Rear single storey extension.	The Conservation Advisory Working Party welcomed some design elements to reflect the character of the existing house but asked for the applicant to reconsider the rendered element with a view to replacing with brickwork.	Permitted under Delegated Powers 02/08/2010
10/386/FUL	Lower Stoney Low Farm, Three Mile Lane, Newcastle. Miss T Emery.	Application to remove condition CN 03 of 09/409/FUL – Outbuilding to house equipment associated with wind turbines.	No objections.	Refused under Delegated Powers 19/08/2010

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
10/463/ADV	60-62 High Street, Newcastle. The Boots Company.	One illuminated fascia sign and one illuminated projecting sign.	Within the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton
10/458/LBC & 10/459/FUL	Ashley Farm, School Lane, Ashley. Dr DJ West.	Single storey extension to form garden room.	Grade II Listed Building.	Councillor A Howells Councillor Mrs F Myatt Councillor B Tomkins
10/446/DEEM3	Castle Mott, Silverdale Road and John O'Gaunt's Corner, Newcastle. Newcastle Borough Council.	Construction of viewing platform for Castle Mott, creation of a ramp, new entrance gate and improved footpath. Improvement and interpretation of site of Castle Mott and John O'Gaunt's Corner.	Grade II Listed Building and Scheduled Ancient Monument.	Councillor D Clarke Councillor Mrs E Shenton
10/469/FUL	Newcastle-under-Lyme Boys School, Mount Pleasant, Newcastle. Newcastle-under-Lyme Boys School.	Remodelling of existing courtyard (quad) area into a new school plaza incorporating connecting pathways, hard and soft landscape elements and associated infrastructure.	Within the Stubbs Walk Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton
10/478/ADV	Lidl. Lower Street, Newcastle. Lidl UK GmbH.	Erection of advertising hoarding.	Affects the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Ms M Mainwaring **Application No**: 10/00365/FUL

Location 7, Mount Pleasant, Newcastle

<u>Description</u> Two storey rear extension and rear conservatory

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

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

Policy NC19: Conservation Areas

<u>Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026 adopted 2009</u>

Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle Under Lyme Local Plan 2011

Policy H18: Design of Residential Extensions, Where Subject to Planning Control

Policy B9: Prevention of Harm to Conservation Areas

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

Conservation Area

Policy B13: Design and Development in Conservation Areas

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development PPS5: Planning for the Historic Environment

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

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

Planning History

Nil

Views of Consultees

The **Conservation Advisory Working Party** states that despite the proposal not being very prominent, the balcony uprights would blend in better if they were painted or coated in black and not chrome.

Representations

Nil

Applicant's/Agent's Submission

A Design and Access Statement has been submitted. The main comments are as follows:

- The proposal is to use the rear corner of the yard adjoining the house and to enclose part of the yard between the house and the party wall boundary with No. 35, Princess Street.
- At first floor level a doorway will be formed to access the flat roof to provide a roof garden. A parapet wall 1 metre high will be surmounted by an obscure glazed modesty screen.
- The proposal will have no effect on the general environment of the area as little will be seen from any highway.

Key Issues

Full planning permission is sought for an extension to the rear of the property to form an entrance hall with a balcony above. A conservatory is also proposed measuring 1.9m x 6.7m with a maximum height of 3.5m.

The key issues in the determination of the application are:

- Design and impact on the character and appearance Conservation Area
- Impact on residential amenity

Design and impact on the character and appearance Conservation Area

Policy B9 of the Local Plan states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

Policy H18 of the Local Plan states that the form, size and location of the extension should be subordinate to the design of the original dwelling and the materials should fit in with those of the dwelling to be extended. The extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the streetscene or the setting.

The proposed conservatory would infill part of an existing courtyard area. It would be small in scale and not visible from any public view point. The extension to the rear of the dwelling would be 3.7m high with a flat roof that would form a balcony enclosed with an obscure glazed modesty screen. The extension would be relatively minor in scale and the materials would match the existing dwelling. The Conservation Advisory Working Party has no objection to the proposal but states that the balcony uprights would blend in better if they were painted or coated in black and not chrome. Subject to conditions, it is not considered that there would be any material harm to the character or appearance of the Conservation Area. The extensions are subordinate in design and accordingly the proposal is considered to comply with Policy H18 of the Local Plan.

Residential amenity

The adjoining property to the west has a small balcony on its rear elevation. However, given that the existing situation does not comply with the guidance in the Council's Supplementary Planning Guidance on Space Around Dwellings, and given that a glazed modesty screen is proposed, it is not considered that the proposal would lead to any significant additional impact on residential amenity.

Reasons for the Grant of Planning Permission

The proposed development is of a scale and design that is in keeping with the character of the main dwelling house and would not be detrimental to the character and appearance of the Conservation Area. Taking into account the position of the development and its scale it will

not result in significant additional harm to neighbouring residential amenity levels in terms of visual intrusion, overlooking or loss of light. The development is in accordance with Policies H18 and B9 of the Newcastle-under-Lyme Local Plan 2010, Policies D2 and NC19 of the Stoke-on-Trent Structure Plan 1996-2011 and Policies CSP1 and CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026.

Recommendation

Permit subject to the following conditions:

- 1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1. To comply with the provisions of Section 91 of the Town and Country Planning Act.
- 2. The external facing materials to be used in the construction of the development hereby permitted shall match as closely as possible in all respects (size, texture and colour) those of the existing dwelling.
- R2 In the interests of amenity to comply with the requirements of Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies H18 and B9 of the Newcastle-under-Lyme Local Plan 2011.
- 3. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Sheet 1 and Sheet 2 received 11 June 2010
- R3. For the avoidance of doubt and in the interests of proper planning.
- 4. Notwithstanding the details on the approved plans, the balcony uprights shall be painted or coated black.
- R4. In the interests of amenity to comply with the requirements of Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies H18 and B9 of the Newcastle-under-Lyme Local Plan 2011.

Performance Checks	Date		Date
Consultee/ Publicity Period	23.7.10	Decision Sent Out	
Case Officer Recommendation	23.8.10	8 Week Determination	24.8.10
Management check			

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mrs. P Evans & Mr. P Adams Application No: 10/00366/FUL

Location: 9 & 10 Maer Village, Maer

<u>Description</u>: Rear single storey extension

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

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development Policy NC1: Protection of the Countryside: General Considerations

Policy NC2: Landscape Protection & Restoration

Policy NC19: Conservation Areas

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

CSP1 - Design Quality

CSP2 - Historic Environment

Newcastle Under Lyme Local Plan 1996 - 2011

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

Policy B9: Prevention of Harm to Conservation Areas

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

Conservation Area

Policy B13: Design and Development In Conservation Areas

Policy B14: Development in or Adjoining the Boundary of Conservation Areas

Policy N19: Area of Landscape Maintenance

Other Material Considerations

Circular 11/95 - Conditions

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development

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

PPS5: Planning for the Historic Environment

Supplementary Documents

Space Around Dwellings (July 2004)

Planning History

None relevant in the determination of this planning application

Views of Consultees

Conservation Advisory Working Party welcomed some design elements to reflect the character of the existing house but asked for the applicant to reconsider the rendered element with a view to replacing with brickwork.

Maer and Acton Parish Council - No comments were received by the due date

Representations

No representations were received by the due date

Applicant/ agents submission

A design and access statement has been submitted to support the application because the site lies within the Maer conservation area. Its contents can be viewed on the application file or by visiting Public Access on the Council's website.

Key Issues

The application is a joint application by the occupiers of 9 and 10 Maer Village for single storey rear extensions. The properties are semi-detached cottages within Maer village which is designated as a conservation area and is within an area of landscape maintenance, as indicated on the Local Development Framework Proposals Map. Therefore the key issues in the determination of the development are:

- the design of the proposals and the impact of the proposed development on the Conservation Area and landscape maintenance area
- the impact upon neighbouring occupiers in terms of amenity

The design of the proposals and the impact of the proposed development on the Conservation Area and landscape maintenance area

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

The joint planning application would result in a rear extension to each property. The proposed extensions would be a mirror image of one another in terms of their form, scale and location. It is considered that in basic design terms the proposals represent a subordinate design that would respect the character of the original dwelling, this being in accordance with policy H18 of the local plan.

The properties are within the Maer Conservation Area and policies B9, B10, B13 and B14 seek to prevent harm of development on Conservation Areas and a requirement to preserve or enhance the character or appearance of a Conservation Area.

The proposals would extend beyond the rear elevation by 5 metres and have a height of 4.5 metres. Each extension would have a pitched roof that when viewed together appears as a gable with the proposals being built up to the boundary. The side elevations are proposed to be rendered, however there is no existing render on the main dwellings and because of the proposals location within the conservation area it is considered that this element is not acceptable. Therefore a condition requiring the extensions to be built using facing brick and roof tiles should be imposed. The two extensions would also have rear porches on each side elevation. These porches match the design of the existing front porches to each property which is considered acceptable. However, concerns have been raised by the conservation officer about the wall plate materials of these porches. A condition is also considered necessary to control the materials to be used for this gable wall plate.

The use of white UPVC frames is far from ideal but a majority of the existing windows in the properties are white UPVC and so it would be difficult to request timber frames and a refusal on these grounds would be hard to sustain at appeal.

In consideration of the above and subject to necessary conditions being imposed, the proposal represents an acceptable design within the conservation area with limited views due to the location of the proposals at the rear of the property. The proposals would result in two outbuildings being replaced which is not considered to raise any issues and high hedgerows

on the front boundaries would further limit views from any main vantage points. The materials of these outbuildings will be used on the proposed extensions which would help to preserve the character of the extensions.

It is considered that the proposed development would enhance the appearance of the conservation area consequently having no detrimental impact on the character or appearance of the Conservation Area. The proposals would also maintain the character and quality of the landscape and so the proposals are in accordance with policies N19, B9, B10, B13 and B14 of the Local Plan.

The impact upon neighbouring occupiers in terms of amenity

The two properties are the only two within the immediate locality. The proposal is a joint proposal that represents a mirror image of one another and so there would be no windows adversely affected by the proposed development and none of the proposed windows would cause any loss in amenity to its neighbour. Therefore the proposals are considered acceptable with no impact on residential amenity.

Reasons for the Grant of Planning Permission

The proposed development is of a scale and design that is in keeping with the character of the main dwelling houses whilst preserving the appearance of the Maer Conservation area and it would not be detrimental to the visual amenity of the area of landscape maintenance. Taking into account the position of the development it would not result in harm to neighbouring residential amenity levels in terms of visual intrusion, overlooking or loss of light. The proposed development accords with Policy H18, N19, B9, B10 & B15 of the Newcastle under Lyme Local Plan 2010, Policy D2, NC1, NC2 & NC19 of the Stoke on Trent Structure Plan 1996-2011 and policy CSP1 & CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026.

Recommendation

Permit subject to conditions:

- 1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1: To comply with the provisions of Section 91 of the Town and Country Planning Act
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting information;
 - Drawing title 'ga00 plans and elevations as existing', date stamped received by the LPA on 09 June 2010.
 - Drawing title 'ga01 general arrangement ground floor plan', date stamped received by the LPA on 09 June 2010.
 - Drawing title 'ga02 general arrangement plans', date stamped received by the LPA on 09 June 2010.
 - Drawing title 'ga03 general arrangement sections', date stamped received by the LPA on 09 June 2010.
 - Site location plan (scale 1:1250), date stamped received by the LPA on 09 June 2010
- R2: For the avoidance of doubt and in the interests of proper planning.
- 3. Notwithstanding the detail of rendering indicated on the plans hereby approved, the materials of the side and rear elevations shall be constructed using facing brick only, details of which shall be first submitted to and approved in writing by the Local Planning Authority before any part of the development approved first commences. Development shall be carried out in accordance with the approved details.

- R3: In the interests of amenity and to preserve the character and appearance of the conservation area to comply with the requirements of policies D2 & NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policies B9, B10 of the Newcastle-under-Lyme Local Plan 2011.
- 4 No development shall take place until sample roof tiles and details of the material to be used on the gable wall plate of each porch have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- R4: In the interests of amenity and to preserve the character and appearance of the conservation area to comply with the requirements of policies D2 & NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policies B9, B10 of the Newcastle-under-Lyme Local Plan 2011.

Note to the applicant

1. You are reminded of the need to comply with the conditions attached to the planning permission, failure to do so could lead to enforcement action against the owners of the property.

Performance Checks	Date		Date
Consultee/ Publicity Period	16.07.2010	Decision Sent Out	
Case Officer Recommendation	02.08.2010	8 Week Determination	04.08.2010
Management check	3/8/10 GM NV		

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Miss T Emery Application No: 10/00386/FUL

Location: Lower Stoney Low Farm, Three Mile Lane, Keele

Description Application for the removal of condition 3 (outbuilding to be constructed after

wind turbines) on planning permission 09/00409/FUL for an outbuilding to

house equipment associated with wind turbines.

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

Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 (SSSP)

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

Policy NC18: Listed Buildings

Newcastle-under-Lyme Local Plan 2011(NLP)

Policy S3: Development in the Green Belt Policy N21: Areas of Landscape Restoration

Policy B5: Control of Development Affecting the Setting of a Listed Building

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)

PPG2: Green Belt (1995)

PPS7: Sustainable Development in Rural Areas (2004)
PPG15: Planning and the Historic Environment (1995)

PPS22: Renewable Energy (2004)

Planning for Renewable Energy: A Companion Guide to PPS22

Companion Guide to PPS1 "The Planning System: General Principles" Planning and Climate Change Supplement to Planning Policy Statement 1

English Heritage guidance Note "Wind Energy and the historic environment"

Supplementary Planning Guidance

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

Relevant Planning History

Extensive planning history for planning permissions and listed building consent for the conversion of barns into residential dwellings the latest being app no. 06/00560/FUL & 06/00561/LBC

Planning permission for two 14.7m high wind turbines granted 21st October 2008 (08/00517/FUL).

Two 19.5m high turbines in place of the 12m turbines granted 31st March 2009 (09/00040/FUL).

09/00409/FUL Permit Outbuilding to house equipment associated with wind turbines

Views of Consultees

Madeley Parish Council raises no objections.

The Environmental Health Division raises no objections

Conservation Advisory Working Party raises no objections

Staffordshire County Council Footpaths Officer - must be assumed to have no observations having made no comments on the consultation.

Representations

None received.

Applicants/agents submission

The applicant has provided two statements which indicate the following:-

- The main reason for the building is to not only to house the electrics for the wind turbines but also the water pump and filter. This feeds the drinking water to the two barn conversions. This is constantly becoming contaminated and the filter has been damaged beyond repair, hence the sole source of drinking water is too dangerous to drink. This would be totally preventable if the filter and pump were housed in a building.
- No wind turbine suppliers will allow the turbines to be erected until the building is completed. The turbines are the sole source of electricity to the properties.
- The erection of the building would stop a totally preventable but dangerous accident from occurring either with deadly electrics or the contaminated drinking water. This would be solved with the removal of the above condition.

Discussion

The application is for the removal of planning condition number 3 on planning permission 09/00409/FUL for an outbuilding to house equipment associated with wind turbines at Lower Stoney Low Farm.

Condition 3 states that "No part of the development shall be undertaken until the wind turbines referred to in either planning permission 08/00517/FUL or planning permission 09/00040/FUL have been erected, unless the written consent of the Local Planning Authority has first been obtained."

In the committee report prepared in the determination of application no. 09/00409/FUL it was concluded that the proposed building represents inappropriate development within the Green Belt but the building was promoting renewable energy sources and was of a scale that meets this need. This need being to house the pump and filter for the borehole and the electrical equipment associated with the wind turbines. This would amount to the very special circumstances required that would outweigh the harm to the openness of the Green Belt. The permission was subject to conditions, most notably condition 3.

The reason for condition 3 was due to the location of the building within the Green Belt and the Council only considered that the building as acceptable because it would house the equipment indicated above. The applicant has now indicated that the wind turbines cannot be

erected until the building is constructed and the borehole can not provide safe drinking water until the pump and filter are provided within the building.

No evidence has been presented, other than the applicant's statement, that the building needs to be constructed before the turbines. Therefore there are concerns that should this application be approved then the turbines would not be constructed and this would undermine the reasons for the decision of 09/00409/FUL because the building would be larger than is required to house the pump and filter.

Consideration was given as to whether the condition could be varied to give the applicant 12 months to construct the turbines approved under 08/00517/FUL or planning permission 09/00040/FUL. However this was not considered appropriate because an enforcement issue would arise if the building was constructed but the turbines were not installed within the relevant time period. The necessary enforcement action could only require the removal of the building and the exposure of the pump and filter inside. This would leave the occupiers of the barn conversions with no safe drinking water.

The applicant is encouraged to provide further evidence and submit a variation of condition application or submit a new application for a smaller building until they are in a position to install the wind turbines.

In consideration of the above it is considered that the condition cannot be removed due to the concerns expressed above, the original decision and the fact that no evidence has been submitted by the applicant that would satisfy these concerns. The application should therefore be refused in order to protect the Green Belt from inappropriate development that would harm the openness of the Green Belt.

Recommendation

Refuse the application for the following reason:

Should the condition be removed and in the absence of any guarantees that the wind turbine would be constructed the proposed building would be of a scale that is disproportionate to requirements associated with the housing of water pumping and filtration equipment, and would therefore represent inappropriate development within the Green Belt that would harm the openness of the Green Belt. The very special circumstances that were accepted and justified the approval of application no. 09/00409/FUI would no longer exist and no other satisfactory justification has been presented that would outweigh the harm on the openness in this application. Accordingly the development is contrary to the guidance within PPG2, Policy D5B of the adopted Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, and Policy S3 of the adopted Newcastle-under-Lyme Local Plan 2011.

Performance Checks	Date		Date
Consultee/ Publicity Period	23.07.2010	Decision Sent Out	
Case Officer Recommendation	19.08.2010	8 Week Determination	20.08.2010
Management check	Varied 19/8 ESM		