

When calling or telephoning please ask for
Mr G Durham

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My ref
GD/SH – R82/48

28 August 2009

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, 8 SEPTEMBER 2009** at **7pm**.

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 18 August 2009 (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

Members: Councillors Miss Cooper, Heesom, Mrs Naylor, Slater and Mrs Williams

Outside Representatives: Messrs Chatterton, Ferrington, Heeks, Manning, McNair Lewis, 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 and Comments made with regard to Conservation Areas
07/765/CPO	Land adj Kidsgrove Station, Station Road, Kidsgrove Staffordshire County Council	Managed workspace scheme and offices with driveways, parking spaces, landscaping and fencing	Some concerns raised but Members agreed to go along with what officers had assessed and determined regarding the ramp.	Permitted by Planning Committee 24/08/07
09/177/FUL	Lower Bungalow Farm, Almington Mr S Simkin	Construction of agricultural building for the housing of livestock	No objections	Permitted under Delegated Powers 30/07/09
09/236/FUL	2 Crown Gardens, Talke, Stoke-On-Trent. Mr Paul Maxfield	Single storey side extension	No objections but Members would prefer a different design for the windows in the proposed extension that can be viewed from the adjoining Conservation Area	Permitted under Delegated Powers 22/07/09
09/266/LBC	6 Balterley Court, Balterley Mr J Nicholas	Infill of gated opening to form additional two storey accommodation	No objections particularly as the barn complex is relatively modern and the proposed infill development does not appear to affect any historical features or to have any affect on the listed Balterley Hall	Permitted under Delegated Powers 20/08/09
09/267/FUL	Wrinehill Garage, Wrinehill McCroy Brickwork Ltd	Erection of 7 dwellings and associated landscaping and car parking	The Working Party welcomed the amended scheme and the care taken by the applicant to preserve the sight line to the listed summerhouse	Refused under Delegated Powers 10/07/09

Cont...

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
09/273/LBC	Brampton Lodge, Brampton Road Newcastle. Mrs N Croxton	Internal alterations and alterations to 2 windows	Concern was expressed at what was happening to the external envelope of the property and objections were raised to the works already carried out to its internal fabric. As the works did not have the benefit of Listed Building Consent it was considered that enforcement proceedings may be an appropriate course of action to restore the fabric of the building. It was considered that the applicant should be asked to stop the works pending detailed consultation with the Council's Conservation Officer.	Refused under Delegated Powers 28/07/09
09/283/FUL	Peatswood Hall, Peatswood, Market Drayton. Mr Tony Fair	Conversion of existing buildings to living accommodation (Granny Annexe)	No objections subject to discussions being held between the applicant and Conservation Officer to secure the retention of as much of the garden wall as possible.	Permitted under Delegated Powers 22/07/09
09/286/FUL	9 Brunswick Street, Newcastle MIC Properties	Conversion and alterations to form restaurant and four apartments	The Working Party welcomed this imaginative proposal considering that every effort should be made to retain the 'string course' on the front elevation	Permitted under Delegated Powers 12/08/09
09/286/FUL	9 Brunswick Street, Newcastle M I C Properties	Conversion and alterations to form restaurant and 4 No apartments *Amended Plans	The Working Party has no objections and welcomes the amended scheme.	Permitted under Delegated Powers 12/08/09
09/290/ADV	2 Queens Parade, Ironmarket, Newcastle Edward Jones Ltd	Non-Illuminated fascia sign	No objections	Permitted under Delegated Powers 12/08/09
09/346/COU	2 Queens Parade, Ironmarket, Newcastle Edward Jones, Ltd	Change of use to Class A2 Financial and Professional Services	No objections	Permitted under Delegated Powers 07/08/09
09/371/ADV	55-57 High Street, Newcastle Talarius Ltd	Advertisement	No objections	Permitted under Delegated Powers 06/08/09

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
09/317/FUL	16 Wilbrahams Walk, Audley Beth Johnson Home Improvement Agency	Two storey rear extension	Within the Audley Conservation Area	Councillor Mrs A Beech Councillor Mrs D Cornes Councillor I Wilkes
09/385/FUL	7 Brassington Street, Betley Mr P Johnson	Two storey side extension	Within the Betley Conservation Area	Councillor D Becket Councillor A Wemyss
09/433/COU	67-69 High Street, Newcastle Instant Cash Loans Ltd	Change of use from A1 (retail) to A2 use (Financial and Professional Services)	Within the Newcastle Town Centre Conservation Area	Councillor D Clarke Councillor Mrs E Shenton
09/406/FUL	Morston House, The Midway, Newcastle North Staffordshire NHS	Smoking shelter canopy attached to existing building	Within the Newcastle Town Centre Conservation Area	Councillor D Clarke Councillor Mrs E Shenton
09/424/FUL	Butterton Nurseries, Park Road, Butterton	Two single storey dwellings with attached office accommodation	Within the Butterton Conservation Area	Councillor P Maskery Councillor Mrs F Myatt Councillor B Tomkins
09/450/ADV	New Look, Castle Walk, Newcastle New Look Group Plc	Eight advertisement signs	Within the Newcastle Town Centre Conservation Area	Councillor D Clarke Councillor Mrs E Shenton
09/359/FUL	5-6 Ironmarket, Newcastle Done Brothers (Cash Betting Ltd)	Installation of two air condenser units to the rear (Retrospective Application)	Within the Newcastle Town Centre Conservation Area	Councillor D Clarke Councillor Mrs E Shenton
09/444/FUL	Spring Cottage, The Holborn, Madeley Mr D Speakman	Side extension forming a sitting area with two bedrooms above	Within the Madeley Conservation Area	Councillor J Bannister Councillor Mrs H Morris
09/464/LBC	Woodshutts Farm, Second Avenue, Kidsgrove Mr J Wood	Demolition of two storey north corner section of existing dwelling	Development may affect the setting of a Listed Building	Councillor Mrs M Maxfield Councillor Mrs T Morrey

Reference	Location and Applicant	Development	Remarks	Ward Councillors
09/466/DEEM3	Kidsgrove Town Hall, Liverpool Road, Kidsgrove Newcastle Borough Council	Alterations and additions to include two new air conditioning condensing units	Within the Kidsgrove Conservation Area	Councillor Mrs M Maxfield Councillor Mrs T Morrey
09/464/LBC 09/463/FUL	& The Old Rectory, Mucklestone Road, Mucklestone Mr & Mrs J Friend	Internal and external alterations to vehicular access	Within the Mucklestone Conservation Area	Councillor P Maskery Councillor Mrs F Myatt Councillor B Tomkins

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr Stephen Simpkin

Application No 09/00177/FUL

Location Lower Bungalow Farm Alington Market Drayton

Description Construction of agricultural building for housing livestock

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

West Midlands Regional Spatial Strategy 2008

Policy QE1: Conserving and Enhancing the Environment
Policy QE6: The conservation, enhancement and restoration of the region's landscape
Policy PA14: Economic Development and the Rural Economy
Policy RR1: Rural Renaissance

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 D6: Conserving agricultural land
Policy NC1: Protection of the countryside: General considerations
Policy NC2: Landscape protection and restoration
Policy T13: Local Roads
Policy T18A: Transport and Development

Newcastle Under Lyme Local Plan 2011

Policy N17: Landscape Character – General Considerations
Policy N18: Areas of Active Landscape Conservation
Policy B5: Control of Development Affecting the Setting of a Listed Building

Other Material Considerations

Planning for Landscape Change: Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, (formally adopted on 10 May 2001)

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (Feb 2005)
PPS7 Sustainable Development in rural areas (Aug 2004)
PPG13: Transport (March 2001)
Companion Guide to PPS1 "The Planning System: General Principles"

Planning History

95/00100/AGR Erection of an agricultural building Permitted.

Views of Consultees

Loggerheads Parish Council – No objections.

Environmental Health Division – No response received.

Conservation Area Working Party – No objections.

Representations

No letters of representation have been received.

Applicants/agents submission

A Design and Access Statement has been submitted raising some of the following points;

- Lower Bungalow Farm is an owner-occupied holding and extends to approximately 89 acres (36.02ha).
- The holding has approximately 6000 ft. squared of agricultural buildings which are used for a combination of livestock housing, storage and workshop facilities.
- Many of the buildings are traditional brick built and not ideally suited for the housing of large beef livestock.
- The new building will house between 15 and 25 livestock. In addition to the loose housing, a feed passage is to be erected along one side, to allow ease of feeding the stock. The sizes of all aspects of the cattle housing comply with the Codes of Recommendations for the Welfare of Livestock as published by DEFRA.
- The proposed development is for an agricultural building extending to 10.36m by 9.14 m with an eaves height of 4.57m. The building has been designed to be in keeping with the existing farm buildings.
- The roof will be clad with corrugated fibre cement with roof lights included to provide maximum light for the building. The rear and sides have half height block-work from ground level with Yorkshire Boarding to eaves height. The front of the building will have an access gate and feed barrier.

Key Issues

The key issues are the following;

- The principle of the development
- The design of the building and the impact to the wider landscape
- The impact to the setting of Lower Farmhouse a Grade II Listed Building
- The impact to neighbouring occupiers

The principle of the development

PPS7 notes the important and varied roles of agriculture, including in the maintenance and management of the countryside and most of our valued landscapes. It also advises that rural areas should promote, diverse and adaptable agricultural sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity.

Over and above this current policies state the countryside must be protected for its own sake – development is to be strictly controlled. Hence the need for the development at this site needs to be demonstrated.

The applicant has put forward a case to say why the building is required in this location in connection with an agricultural operation. The new building would not create sporadic development in the countryside because of its very close relationship with other farm buildings. The conclusion reached is that the need for the development has been successfully demonstrated.

The design of the building and the impact to the wider landscape

Policy N18 Areas of Active Landscape Restoration states that development that will harm the quality and character of the landscape will not be permitted. Within these areas particular consideration will be given to the siting, design, scale, materials and landscaping of all development to ensure that it is appropriate to the character of the area.

The proposed building is grouped together with other existing farm buildings and there are also existing landscape features such as intervening trees and hedgerows to consider. The external facing materials of the building would blend in with neighbouring buildings which have grey corrugated roofs. The siting, design, scale and materials of the development are appropriate and in compliance with Policy N18.

The impact to the setting of Lower Farmhouse a Grade II Listed Building

Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a listed building.

Lower Farmhouse is located to the south –some 30 metres from the application site. The applicant has positioned the proposed building so that it will be viewed in the context of other existing agricultural buildings and the proposal is well screened from the Listed Building by existing vegetation. The Councils Conservation Officer has not raised any objections to the development. The conclusion reached is that no demonstrable harm to the setting of the Listed Building would result.

The impact to neighbouring occupiers

There are no immediate neighbouring occupiers that would be adversely affected by the proposal.

Reasons for the grant of planning permission

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

Recommendation

Permit subject to conditions:

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

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

Note to the applicant

1. The decision hereby issued was made following consideration of the following plans and supporting information;
 - The submitted 1:5000 /1:1250 location plans, 1:500 site plan and 1:100 elevation drawings/ floor plans/ roof plans and Design and Access Statement received 12th May 2009.

Performance Checks	Date		Date
Consultee/ Publicity Period	10.7.09	Decision Sent Out	
Case Officer Recommendation	30.7.09	8 Week Determination	5.8.09
Management check			

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr. Paul Maxfield

Application No 09/00236/FUL

Location 2 Crown Gardens, Talke

Description Single storey side extension

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 2011

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

Newcastle Under Lyme Local Plan 2011

Policy H18: Design of Residential Extensions, where subject to planning control
Policy N12: Development and the protection of trees
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B14: Development in or Adjoining the Boundary of Conservation Areas
Policy B15: Trees and Landscape in Conservation Areas

Other Material Considerations

Circular 11/95 – Conditions
Circular 36/78 Trees and Development
BS 5837:2005 – Trees in relation to construction

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development
Companion Guide to PPS1 “The Planning System: General Principles”
PPG15: Planning and the Historic Environment

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

Planning History

97/00811/LBC	Demolition of outbuildings	Permit
97/00822/OUT	Residential development	Permit
99/00083/REM	Residential development	Permit
99/00083/RED	REMOVED PERMITTED DEVELOPMENT	

Views of Consultees

Kidsgrove Parish Council None received before determination date

Landscape and Development Section - No objections following the submission of a tree condition survey but replacement tree planting is requested with these being protected for a minimum of 5 years to ensure establishment.

Conservation Advisory Working Party – No objections but members would prefer a different design for the windows in the proposed extension that can be viewed from the adjoining Conservation Area.

Representations

The occupiers of 10 neighbouring properties have been notified. One letter of representation has been received from a nearby neighbour. The representation does not relate to the development itself but to concerns over access whilst the development is being constructed. The blocking of carriageways and public footpaths is something that would be enforced by the Highways department or the police.

Applicants/agents submission

A tree condition survey has been submitted

Key Issues

The application is for a single storey extension at the side of the property that will form an extension to an existing kitchen and dining area that will run the length of the dwelling. The property is a detached dwelling in a small cul-de-sac of large detached properties off Crown Bank within the urban area of Talke.

Amended plans have been received following planning officer comments during the application.

The key issues in the determination of the development are:

- the design of the proposals
- the impact on trees covered by tree preservation orders
- the impact on the character and appearance of the adjoining conservation area
- the impact upon neighbouring occupiers in terms of amenity

Design of the proposals

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

Policy H18 refers to the design of residential extensions, where subject to planning control.

The policy states:

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

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

The application property is a detached property in a 1990's residential cul-de-sac of 7 dwellings. The proposed development will result in a single storey extension at the side of the property.

The proposed extension would measure 2.1m by 9.7 m in width and length respectively with a lean-to roof which would have an overall height of 3.7m. The front canopy of the main dwelling

would be continued onto the proposed extension. The proposal is considered to represent a subordinate design due to its appropriate form, size and location to the original dwelling.

The property occupies an elevated position above Crown Bank whereby Crown Gardens leads off. The property is on the corner of this junction with the proposal being on the side elevation that can be viewed from this junction also. Therefore the proposal would be clearly visible within the street scene but at a maximum height of 3.7 metres and its relationship within the street scene would not result in it having an adverse impact on the street scene or the integrity of the group of dwellings.

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

Impact on trees covered by tree preservation orders

The proposed extension would be close to three large trees protected by tree preservation order no. 95 which are located within the side garden of the property. The applicant has submitted a tree report and survey as part of the planning application following comments from the landscape section. The proposal would result in the removal of these protected sycamore trees but the tree report highlights that these trees are in a poor condition with the existing dwelling having an adverse impact on these. The report highlights that the trees would need to be removed within the next 10 years and so they do not warrant saving. The proposal is therefore to replace these trees by locating them away from the building with extra heavy standard or semi-mature trees helping to provide an instant maturity to the site.

The landscape and development section now raise no objections subject to the replacement tree planting of 2 no. Acer campestre and 1 no. sorbus aucupariaan. All replacement planting to be heavy standards, 18 – 20cm girth, planted in first planting season after development commences and protected for a minimum 5 years to ensure establishment.

These trees clearly dominate the landscape because of their elevated position, maturity and height, therefore the removal of these would be a loss to the visual amenity of the area. The trees also screen certain views of the proposed extension within the street scene and the adjoining conservation area. The replacement of these trees is necessary and following the landscape sections comments a condition requiring the replacement planting of 3 semi mature trees it is considered that the proposal would now be in accordance with Policy N12 and B15 of the Newcastle-under-Lyme Local Plan.

Impact on the character and appearance of the adjoining Conservation Area

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

The boundary of the Talke conservation area runs in part of the garden area of the application property close to the front boundary. The proposed extension would therefore be close to this boundary. The design of the proposal has been amended to improve the appearance of the side elevation of the proposed extension with the two windows on this elevation now having pitched roofs above them.

The conservation area has been designated to protect the stone boundary wall on the road frontage which is a key feature of the road as it ascends into Talke. The proposal has no affect on this key feature and the elevated position would not impact on this key feature. Therefore the impact on the conservation area would be limited and so the proposal would not be contrary to the above policies in this instance.

CAWP has raised no objections but they would have liked different windows in the side elevation. These comments were taken into consideration and amended plans were sought but the applicant was limited in the style and design of windows available because of the internal layout restrictions. It was considered that the amended design further helps the proposal in terms of its appearance but the elevated position within the street scene and the location of tree screening would limit the impact of these windows on the character of the conservation area.

The proposal is therefore in accordance with Policy B14 of the Local Plan and PPG15.

Impact upon neighbouring occupiers in terms of amenity

PPS 1 paragraph 3 states that;

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

Supplementary Planning Guidance provides further advice regarding residential extensions.

The proposed side extension would not result in any loss of light, privacy or cause an overbearing impact on any neighbouring properties with no principal windows proposed and a significant distance between the proposal and neighbouring properties..

Adequate private space would remain to the rear and front of the property.

Reasons for the grant of planning permission

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

Recommendation

Permit subject to conditions:

1. 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 building.
- R2** In the interests of amenity to comply with the requirements of PPS1, policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policy H18 of the Newcastle-under-Lyme Local Plan 2011.
- 3 No development shall commence until a landscaping scheme is submitted to and approved in writing by the Local Planning Authority, indicating the location, type and species of trees to be planted. It is recommended that the replacement trees should include 2 no. Acer campestre and 1 no. sorbus aucupariaan, all being of extra heavy standards with an 18 – 20 cm girth.

The approved planting shall be carried out in the first planting and seeding season after completion of the development or within 12 months of the commencement of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with

others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

R3 To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Country Planning Act 1990.

Informative

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

- Drawing no. RLM506/2 (revision C) date stamped received by the LPA on 19th June 2009
- Drawing no. RLM506/1, date stamped received by the LPA on 18th May 2009.
- Tree Report and Survey date stamped received by the LPA on 13th July 2009

Note to the applicant

You are reminded of the need to comply with the conditions attached to the planning permission.

Performance Checks	Date		Date
Consultee/ Publicity Period	26.06.09	Decision Sent Out	
Case Officer Recommendation	22.07.09	8 Week Determination	23.07.09
Management check	GM 23/7/09		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr J Nichols

Application No 09/00266/LBC

Location 6 Balterley Court Nantwich Road Balterley

Description Infill of gated opening to form additional two storey accommodation

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

West Midlands Regional Spatial Strategy 2008

Policy QE1: Conserving & Enhancing the Environment
Policy QE3: Creating a High Quality Built Environment for all
Policy QE5: Protection and enhancement of the Historic Environment

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable forms of Development
Policy D2: The Design and Environmental Quality of Development
Policy NC18: Listed Buildings

Newcastle Under Lyme Local Plan 2011

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

Other Material Considerations include:

National Planning Policy

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

PPG15: Planning and the Historic Environment (September, 1994)

Circular 01/07: Revisions to Principles of Selection for Listed Buildings
Circular 11/95 – Conditions
Listed Buildings and Conservation Areas in the Borough of Newcastle under Lyme, Planning and Development Department Newcastle under Lyme Borough Council.

Supplementary Planning Guidance
Space Around Dwellings (July 2004)

Relevant Planning History

02/00743/LBC	Building with garaging at ground floor and flat over (revised scheme with flat in lieu of meeting room)	Withdrawn.
02/00697/FUL	Building with garaging at ground floor and flat over (revised scheme with flat in lieu of meeting room)	Withdrawn.
01/00279/FUL	Conversion of redundant agricultural buildings	Permitted.

Views of Consultees

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

Betley, Balterley and Winehill Parish Council – That the Parish Council supports the application as it would improve the appearance of the building.

Representations

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

Applicants/agents submission

None.

Discussion

This application is for the infill of a gated opening to form additional two storey accommodation at number 6 Balterley Court. The infill proposed has a footprint of 2.8m by 6.1m. Whilst the buildings subject to this application are not Listed in their own right they are curtilage buildings to Balterley Hall (a grade II Listed Building) and therefore are subject to the special controls required for such buildings.

The applicant proposes a timber construction to simulate a gated entrance to the rear elevation. The glass and timber is to match existing properties.

Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a listed building. Policy B6 states that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features.

Although some views of Balteley Hall can be obtained from the courtyard area serving Balterley Court through the existing gated entrance these views are quite limited and the proposed infill does not generate concern in this regard. The proposal is appropriately designed in keeping with the character of the existing buildings. The Councils Conservation Officer has not objected to the proposal provided that the materials and application of the infill match the other infill side of the courtyard. It is considered that should such controls be applied there would be no harm caused to the appearance of the former barn building and that its architectural features would be respected.

Reason for recommendation

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

Recommendation

Grant consent subject to;

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

Reason. To comply with the provisions of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby permitted shall be constructed from medium oak with an external finishing colour matching the framing to the glazed units of the existing dwelling and the other neighbouring units of the Balterley Court development.

Reason: Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B1, B5 and B6 of the Newcastle under Lyme Local Plan 2011 and the guidance given in PPG15 and PPS1.

Informative

1. The decision hereby issued was made following consideration of the following plans and supporting information;
- Scale 1:1250 Location Plan
 - Scale 1:200 Block Plan
 - Scale 1:50 Elevations and Floor Plans

Performance Checks	Date		Date
Consultee/ Publicity Period	31.7.09	Decision Sent Out	
Case Officer Recommendation	20.8.09	8 Week Determination	24.8.09
Report checked by Back Office			
Management check			

OFFICER REPORT ON DELEGATED ITEMS

Applicant McCRORY BRICKWORK LIMITED. **Application No** - 09/00267/FUL

Location - WRINEHILL GARAGE, MAIN ROAD, WRINEHILL

Description - Erection of 7 dwellings and associated landscaping and car parking

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

West Midlands Regional Spatial Strategy 2008

Policy RR1 Rural Renaissance
Policy QE1: Conserving and Enhancing the Environment
Policy QE3: Creating a high quality built environment for all
Policy QE5 Protection and enhancement of the Historic Environment
Policy QE6: The Conservation, Enhancement and Restoration of the Region's Landscape
Policy CF2: Housing beyond the Major Urban Areas
Policy CF3: Levels and Distribution of housing development

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 T1A: Sustainable Location
Policy NC1: Protection of the Countryside : General Considerations
Policy NC2: Landscape Protection & Restoration
Policy NC18: Listed buildings

Newcastle-under-Lyme Local Plan 2011

Policy S3: Development in the Green Belt
Policy H1: Residential development: sustainable location and protection of the
Policy H3: Residential development - priority to brownfield sites
Policy T16: Development - general parking requirements
Policy N17: Landscape character – general considerations
Policy N18 Area of Active Landscape Conservation
Policy B5: Control of development affecting the setting of a listed building

Other Material Considerations include:

National Planning Policy

PPS1 Delivering Sustainable Development (2005)
PPG2 Green Belts (1995)
PPS3 Housing (2006)
PPS7 Sustainable Development in Rural Areas (2004)
PPG15 Planning and the Historic Environment (1994)
PPS23 Planning and pollution control (November 2004)
The Planning System: General Principles (2005)

By design – Better Practice Guide -2000

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy – as submitted and as subject to letter from Inspector dated 23rd June 2009 finding the document to be sound provided certain changes are made

Spatial Principle 1.1

Rural Areas Spatial Strategy

Core Strategic Policies CSP1: Design Quality
CSP2: Historic Environment
CSP4: Natural Assets
CSP6 : Affordable housing
ASP6: Rural Spatial Policy

Supplementary Planning Guidance

Space Around Dwellings (2004)

Affordable housing SPD (January 2009)

Relevant Planning History

2001	01/00961/FUL	Refused – Redevelopment of site and refurbishment of existing to provide residential, B1 office and retail development.
2003	03/00086/FUL	Permitted – redevelopment of site including removal of all existing buildings and structures (with the exception of the petrol pumps and canopy) and rebuilding to form two buildings comprising office accommodation, retail shop and living accommodation providing 2 houses and 3 flats; and 1 pair of semi-detached dwellings.
2006	06/00744/FUL	Refused – 7 residential units and 150sqm retail unit with apartments over and 18 parking spaces.
2007	07/00705/FUL	Refused – single storey residential dwelling
2007	06/00984/FUL	Permitted – 7 residential units
2008	08/00631/FUL	Permitted - Reconfiguration of parking and gardens to the rear of the properties permitted under application reference 06/984/FUL and additional 8 parking spaces in vacant southern tip of the site.

Views of Consultees

Staffordshire County Council as Education Authority – no contribution being requested

Betley, Balterley and Winehill Parish Council supports the application subject to the LPA doing everything it can to secure early implementation of the scheme in view of the unsightly and deteriorating condition of the site and all standards are met in respect of any possible impact on the neighbouring residential property

Environmental Health Division recommend conditions relating to hours of construction, external lighting

Highway Authority - no objections subject to a number of conditions

The **County Council as Strategic Planning Authority** – no comments having been received it must be assumed that they have no observations

The **Conservation Advisory Working Party** welcomes the amended scheme and the care taken by the applicant to preserve the sight line to the listed summerhouse

Landscape Development Section – suggest a number of conditions which they consider should be attached to any grant of permission, and express concern about the formality of the landscape treatment proposed to front and rear, the mix of architectural styles and the lack of a strong design concept – the design being one that is “diluted by mock traditional detailing”.

Representations

Nil

Applicant/agent's submission

A Design and Access Statement has been submitted with the application. In addition a Planning Statement has also been submitted which is concluded as follows;

"This application promotes a modest housing development on a site on the edge of Betley, within an established residential settlement and sits neatly within the village envelope.

It removes an unsightly redundant site that is highly visible from the adjacent attractive open countryside and improves views of the grade II listed building.

The proposal represents a more efficient use of an underutilised unattractive brownfield site.

It is unlikely the council will maintain its five-year supply of housing sites in the Borough.

We maintain that the application site is ideally suited to facilitate this development.

The layout, design and density of the proposal have been formulated having regard to the sensitivities of the site and its surrounding. A high quality is being promoted.

There are no ecological or flood risk / drainage concerns associated with the proposal, and the development can be safely and efficiently accessed.

We commend the details of this application to the Council, and in turn request its positive determination. This is, without doubt, an exceptional development opportunity, removing a potential eyesore and enhancing the environs of and improving views of the listed building."

These documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk.

Key Issues

The Application is for full permission for the redevelopment of this former, now cleared, garage site providing 7 dwellings comprising three buildings - two pairs of semi-detached dwellings and a larger building containing 3 dwellings.

14 parking spaces for the dwellings are provided in a shared parking area at the rear of the buildings and in an area to the south of the dwellings.

The site lies in the North Staffordshire Green Belt and an Area of Active Landscape Conservation as defined on the Proposals Map of the Local Plan.

There is a Grade II* Listed building (The Summer House) within close proximity.

The site has the benefit of planning permission, which remains valid until January 2010, for residential redevelopment involving the construction of a pair of semi-detached dwellings and a building containing five dwellings. In addition permission was granted, last year, for the use of the southern section of the site for residential parking which also involved the reconfiguration of the parking and gardens of the dwellings. The existence of such consents constitutes a significant material consideration to be taken into account in the determination of this application

In view of the planning history of the site the main issues for consideration in the determination of this application are :-

- The appropriateness or inappropriateness of this development in Green Belt terms.
- Whether the development complies with housing policies including the latest housing clarification report, the adoption of the SPD on affordable housing, the CSS

- Appropriateness of the design.
- Whether an adequate level of parking provision is made within the development.
- If it is inappropriate development whether the required very special circumstances exist to justify inappropriate development.

Appropriate or inappropriate development in the Green Belt?

PPG2 advises that the erection of new buildings in the Green Belt is inappropriate unless they are for a limited number of certain identified purposes. Policy S3 of the Local Plan and policy D5B of Staffordshire and Stoke on Trent Structure Plan reiterates this advice.

The proposal does not fall within any criterion that what would make it appropriate in Green Belt terms.

The general policies controlling development in the countryside apply in equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances. As to whether such very special circumstances exist requires a weighing up of any harm, against other material considerations

Does the development comply with housing policies, including those on the provision of affordable housing within the rural area?

Whilst the proposal seeks to develop a brownfield site, the development site falls outside of the Major Urban Area and any defined village envelope. As previously it lies outside an area allocated for development within the development plan for the area, and is thus contrary to both national and local policies on the location of new residential development. In terms of the Core Spatial Strategy, as found acceptable by the Inspector in June 2009 but not yet part of the approved development plan, the Strategy only allows for new residential development (in rural areas) to be within a village envelope of one of the key Rural Service Centres, which this site is not. As such the proposal is again contrary to policies on the location of new housing.

The existing scheme furthermore does not include the provision of any affordable housing. In January 2009 the Council adopted a Supplementary Planning Document on Affordable housing which indicates that in the rural area, as here, an element of affordable housing is to be provided in any housing schemes of 5 and over. Some 7 units are here proposed and the developer has not proposed that any would be "affordable". The Core Spatial Strategy similarly, although not yet adopted, includes policy CSP6 which has that same requirement. Given the status of these documents they are a significant new material consideration. However in that there is no change either in the number of units or in the site area – the approved and implementable scheme being similarly for 7 units no purpose would be served by insisting upon affordable housing provision within the scheme, as the development could proceed anyway without such provision.

Very special circumstances to justify inappropriate development?

Local Planning Authorities are advised to only grant planning permission for inappropriate development within the Green Belt where they conclude that there are very special circumstances.

The Planning Authority considered that there existed the very special circumstances necessary to justify the development approved under reference 06/00984/FUL as follows;

- The development provided a significant visual enhancement to the entrance of Wrinehill.
- It involved previously developed land.
- The development provided increased views of the Summer House, the adjoining Grade II* Listed Building.

For very special circumstances to exist in this case any harm to the Green Belt and any other harm caused by the development must be clearly outweighed by other considerations. The development

being inappropriate development would be harmful by definition to the interests of the Green Belt and in that it involves built development, must be considered to be contrary to that purpose of including land within Green Belts which refers to the safeguarding of the countryside from encroachment.

In terms of Green Belt “harm” the comparison to be made is not with the site as it currently is (a cleared site) but rather with the approved scheme – the proposed dwellings are within buildings of slightly lesser footprint than the development permitted - the fall back position. In terms of volume they are similar. As before they are contrary to policies on the location of new housing.

With respect to the provision of increased views of the Listed summer house (relative to the original development on the site) the proposal is of the same order as the approved scheme (in that the buildings are of a similar distance from the “sight line” indicated on the approved and now submitted schemes. CAWP, it should be noted are supportive of the revised scheme although the basis for that support (in terms of Listed building setting issue) is not given.

Does however the scheme provide benefits of the same or lesser weight to the visual appearance of the entrance to Wrinehill ?

The approved scheme whilst it did incorporate a pair of hipped roofed semi detached dwellings, in all other respects was designed so as to give the appearance of a converted group of barns. Features to achieve this included full height glazed openings on front and rear elevations, a narrow gable form and other features such a ventilation diamonds and a circular window. The design was bold and well articulated in both distance back from the highway and height so that the eye is drawn to the corner part of the development (where the development is taller and brought closer, whilst at the same time achieving an appropriate design response to the much more conventional adjacent house.

In contrast the submitted scheme makes no claim to present a rural vernacular (indeed they are called town houses) – although some half timbering is used and the eaves are relatively low, the buildings are by reason of their depth (and height) very different from those more traditional ones in the vicinity. Although there is some articulation in how the buildings relate to the street with a gradual stepping forward, their height is relatively uniform and the development has a symmetrical nature. The use of a half hip (used for the central building) is not a particular feature of this rural area. It is accepted that there are buildings that are of no particular merit (design wise) within Wrinehill , but those which are close to the highway, and thus more noticeable within the streetscene to the passer by, do have a strong traditional vernacular appearance – with lowish eaves, and a relatively narrow building form – the only exception to this being the Listed Summerhouse. The application site is known to have been the site of the former Lord Nelson PH (the only remnants of that being the agricultural building to the rear of the development site). In terms of its context the development occupies a gateway site being visible not only moving northwards along the main road, but also approaching from the Woore/Wyunbury direction.

PPS7 indicates that many country towns and villages are of considerable historic and architectural value, or make an important contribution to local countryside character. Wrinehill could be considered to be such a location – the settlement being located within a valley in a linear manner along the main road. Planning authorities are advised that they should ensure that development respects and, where possible, enhances these particular qualities. It should also contribute to a sense of local identity and regional diversity and be of an appropriate design and scale for its location, having regard to the policies on design contained in PPS1 and supported in *By Design*.

PPS7 does go onto indicate that Planning authorities should take a positive approach to innovative, high-quality contemporary designs that are sensitive to their immediate setting. The submitted scheme could neither be described as such.

PPS1 indicates that Planning authorities should plan positively for the achievement of high quality and inclusive design for all development. 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. Insofar as the enhancement of the village entrance was given weight as a material consideration the test is not would harm be caused, but is there a clear positive public benefit arising from the scheme. In this context it would appear that the Parish Council are supportive of the scheme at least in part because they are concerned about the current appearance of the site, and the

applicant has similarly referred to this. The site has been cleared of all buildings and is surrounded by fencing, and has been in this condition for some time. Whilst there may well be concern with the current appearance of the site and a frustration that the development of the site has not proceeded to date, the buildings once constructed will be in place for many years, and there are powers, albeit limited ones under Section 215 to deal with “untidy land”.

Decision

Refuse planning permission for the following reason :-

The development constitutes inappropriate development within the Green Belt and is for new housing development in a location where new housing development would not normally be considered acceptable in terms of current national and local policy. Whilst a planning permission exists for residential development of some 7 units on this site that consent was only granted on the basis that very special circumstances existed on the basis that there were other material considerations which clearly outweighed the harm to the Green Belt and the conflict with policies on the location of new housing development. However that scheme achieved a design that was of positive benefit to the locality in that it reflected the rural location of the site, used the rural design vernacular and made an important statement at the entrance to the hamlet of Wrinehill. The scheme now proposed does not do this. As such the proposal is contrary to national guidance contained within PPS2 “Green Belts, PPS3 “Housing”, PPS 7 “Sustainable development in Rural Areas and PPS1”Delivering Sustainable Development”, as well as local planning policy on development in the Green Belt and the countryside, and on the location of new housing development.

Informatives

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

- Design and Access Statement (revised and received 17th June 2009)
- Planning Statement – by Gee Squared – dated May 2009
- Proposed Site Plan – drawing L02A
- Proposed Ground floor Plan – drawing G01A
- Proposed First floor plan – drawing G02A
- Proposed Second floor plan – drawing G03A
- Proposed Roof Plan – drawing G04A
- Proposed Elevations to A531 Main Road – drawing G05A
- Proposed Rear Elevation – drawing G06A
- Proposed Gable elevations (1) – drawing G07a
- Proposed Gable elevations (2) – drawing G08A

Performance Checks	Date		Date
Consultee/ Publicity Period	28th July	Decision Sent Out	
Case Officer Recommendation	10th July 09	8 Week Determination	12/8/09
Report checked by Back Office	Report revised by GRB 16.8.09		
Management check			

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mrs N Croxton **Application No** 09/00273/LBC

Location Brampton Lodge The Brampton Newcastle under Lyme

Description Internal Alterations and alterations/repairs to windows (partially retrospective)

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
Policy QE5: Protection and enhancement of the Historic Environment

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable forms of Development
Policy D2: The Design and Environmental Quality of Development
Policy NC19: Conservation Areas
Policy NC18: Listed Buildings

Newcastle Under Lyme Local Plan 2011

Policy B6: Extension or alteration of Listed Buildings
Policy B9: Prevention of harm to Conservation Areas
Policy B10: 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)
PPG15: Planning and the Historic Environment (1994)

Companion Guide to PPS1 "The Planning System: General Principles

Views of Consultees

The **Conservation Advisory Working Party** expressed concerns at what was happening to the external envelope of the property and objections were raised to the works already carried out to its internal fabric. As the works did not have the benefit of Listed Building Consent it was considered that enforcement proceedings may be an appropriate course of action to restore the fabric of the building. It was considered that the applicant should be asked to stop works pending detailed consultation with the Council's Conservation Officer.

English Heritage objects to the proposal partly on the basis of the inadequacies of the submitted details and partly because of the insensitive nature of the proposals. Stating the applicant's approach of seeking to radically alter the listed building because of its inconvenience for modern styles of domestic living and to correct perceived shortcomings of the original design is inappropriate, unsympathetic and fails wholly to accord with the conservation approach which we would expect to see followed.

Representations

None received

Applicants/agents submission

A Design and Access Statement has been submitted.

Key Issues

This application is for listed building consent for internal alterations and alterations/repairs to windows. Some of work which consent is sought has already been carried out. The property is a Grade II Listed building. The site lies within the Brampton Conservation Area.

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

The works for which Listed Building is sought includes:-

Alterations/Repairs to windows.

Internal Alterations

Basement

Bricking up two existing openings

Reopen two arched openings

Creation of a WC area

Ground Floor

Removal of some later internal partitions to form a larger kitchen area

Increase size of window openings

Increase the internal door opening into new kitchen area

Create opening into Dining Room from Kitchen

Removal of internal partitions to create larger side entrance hall

Create archways adjacent existing staircase and hall

Create an archway from the Hall Annex to South Hall

First Floor

Creating an opening from proposed dressing room to bedroom 2

Creating en suite facility in proposed dressing room

Block up doorway

Creating an opening in the wall between bedroom 2 and bedroom3 (already carried out)

Reposition door opening into bedroom 2 (already carried out)

Creation of raised bed platform into bedroom 3 (already carried out)

Removal of chimney breast in bedroom 3 (already carried out)

Creation of an airing cupboard

Installation of kingspan insulation system to external wall in bedroom 4 (already carried out)

Installation of kingspan insulation system to external wall in bedroom 3 (already carried out)

The removal of the floor to create a gallery adjacent to side stairs

Creation of two opening into dressing room from bedroom 1

Creation of opening into proposed dressing room

Blocking up three doorways

Removal of internal partitions to create bathroom

Block up doorway

Removal of internal partitions

Removal of fitted cupboards and enlargement of landing and steps

Create opening from landing to the staircase

Second Floor

Removal of internal partitions

Creation of a WC area

Installation of kingspan insulation system to external walls

As can be demonstrated by the above list the applicant intends to carry out/ or has already carried out extensive works to this Grade II listed building. The property has an historic use as a residential use and this is proposed to continue.

The site has been visited on a number of occasions since the beginning of the year after being made aware works had been carried out without consent. The applicant has been told both verbally and in writing the works require LBC and works carried out may be subject to enforcement action.

Both CAWP and English Heritage have objected to the proposals.

National Guidance in the form of PPG 15 provides advice on works to Listed Buildings stating:-

“Once lost, listed buildings cannot be replaced; and they can be robbed of their special interest as surely by unsuitable alteration as by outright demolition. They represent a finite resource and an irreplaceable asset. There should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out, against the criteria set out in this section, for alteration or demolition. While the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to ‘have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’ (section 16). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent....

Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. Indeed, cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, should not be discounted. Nevertheless, listed buildings do vary greatly in the extent to which they can accommodate change without loss of special interest.

Some listed buildings are the subject of successive applications for alteration or extension: in such cases it needs to be borne in mind that minor works of indifferent quality, which may seem individually of little importance, can cumulatively be very destructive of a building's special interest.

The listing grade is a material consideration but is not of itself a reliable guide to the sensitivity of a building to alteration or extension. For example, many Grade II buildings are of humble and once common building types and have been listed precisely because they are relatively unaltered examples of a particular building type; so they can as readily have their special interest ruined by unsuitable alteration or extension as can Grade I or II structures.*

Achieving a proper balance between the special interest of a listed building and proposals for alterations or extensions is demanding and should always be based on specialist expertise; but it is rarely impossible, if reasonable flexibility and imagination are shown by all parties involved. Thus, a better solution may be possible if a local planning authority is prepared to apply normal development control policies flexibly; or if an applicant is willing to exploit unorthodox spaces rather than set a standardized requirement; or if an architect can respect the structural limitations of a building and abandon conventional design solutions in favour of a more imaginative approach.”

It is considered the applicants have failed to provide any substantial justification of their desire to make extensive alterations to the building to provide the living accommodation they require. The applicants have also failed to demonstrate the work carried out would not compromise the future stability of the other parts of the building. It is considered given the original layout of the property

there is a potential compromise between retaining the character of the listed building and providing sensitive, sympathetic alteration to provide a family home.

It is considered the works proposed and those already carried out are invasive, unsympathetic and inappropriate to the internal fabric of the building affecting the appearance and character of the listed building and the applicant has failed to demonstrate the justification for the alterations and as such the proposal should be resisted as failing to comply with local and national planning policy relating to alteration to listed buildings.

Conservation Areas

The property is located within Brampton Conservation Area, the local planning authority when dealing with listed building consent in Conservation Area have to pay special attention to the desirability of preserving or enhancing the character or appearance of that area (S. 72 of P(L.B. & C.A.) Act 1990). Given the majority of work proposed /carried out are internal it is considered the character and appearance of the Conservation Area would not be materially affected.

Recommendations

Refuse Listed Building Consent due to,

The works proposed and already carried out to the internal fabric of this Grade II listed building would have a detrimental impact on the character and historic proportions of the original rooms of the building and the applicant has failed to demonstrate an acceptable justification for the alteration to be carried out or provide convincing evidence the works already carried out would not compromise or have a detrimental impact on the remaining fabric of the building. As such the proposal would not comply with policy B6 of the Newcastle under Lyme Local Plan 2011 and the advice and guidance found in Planning Policy Guidance number 15 – Planning and the Historic Environment.

Note to the applicant

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

- Location Plan
- 1st Floor 'work carried out to date'
- 2nd floor 'original and proposed'
- Basement 'original and proposed'
- 1st Floor 'proposed layout'
- Ground Floor 'proposed layout'
- 1st Floor 'original layout'
- Ground Floor 'original layout'
- The Design and Access Statement produced by Steve Croxton received 18 May 2008

Performance Checks	Date		Date
Consultee/ Publicity Period	03/07/09	Decision Sent Out	
Case Officer Recommendation	28/07/09	8 Week Determination	28/07/09

Management Check	28/7/09 ESM		
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OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr T Fair

Application No 09/00283/FUL

Location Peatswood Hall, Peatswood

Description Conversion of existing buildings to living accommodation

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

West Midlands Regional Spatial Strategy 2008

Policy QE3: Creating a high quality built environment for all

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy NC18: Listed Buildings
Policy D4: Managing Change in Rural Areas
Policy H6 Conversions
Policy T1A Sustainable development

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 H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy H9: Conversion of rural buildings for living accommodation
Policy H15: Small Additional Dwelling Units within the Curtilages of Existing Dwellings
Policy H18: Design of Residential Extensions where subject to Planning Control

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development
PPS7 :Sustainable development in Rural Areas (2004)
PPG15: Planning and the Historic Environment

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

Local Development Framework – North Staffordshire Core Spatial Strategy (Revised Preferred Options – Draft Spatial Options)

Core Policy 1 – Sustainable Development
Core Policy 5 – Rural Housing

Planning History

There has been a previous planning application and listed building consent granted for a granny annexe at this property with a slightly different design to this application. The approved development incorporated more built development than the current proposal. These permissions are still valid until 23rd September 2009.

Views of Consultees

Loggerheads Parish Council: No objections to the proposal.

Conservation Advisory Working Party: No objection to the application subject to discussions between the applicant and Conservation officer to secure the retention of as much of the garden wall as possible.

Environmental Health: No objections to the proposal

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 full planning permission for the conversion of an existing outbuilding to a granny annexe. The application site is located within the open countryside in a group of two other dwellings. The adjacent 'Clock House' is a Grade II Listed Building and the application building is a "curtilage" Listed building of that building. Peatswood Hall, the building to which the application building is associated, itself is a relatively new building (built within the last 20 years) and is not a Listed Building.

The main issues for consideration in the determination of this application are the effect of the development on the character and setting of the Listed Building, the principle of the use of the building as a 'granny annexe', visual amenity and residential amenity.

The effect of the development on the character and setting of the Listed Building has been dealt with under listed building consent application 09/284/LBC. It was determined that the modest extension and sympathetic alterations to the property would not have an adverse impact upon the character, appearance and setting of the Listed Building and would actually be more sympathetic and assimilate better than the extant permission 04/851/COU.

Principle

The site lies within the open countryside and existing policy encourages sustainable forms of development and is generally opposed to increasing residential capacity within such an area. The building is however already used for ancillary residential purposes and this is still proposed. Planning permission was granted in 2004 and the principle of the development found to be acceptable. New material considerations would include the Core Spatial Strategy (and its more restrictive policy on residential development within the rural area), although a separate dwelling is not being provided. The proposal is more of a conversion than was the previous scheme which included a significant extension element, and thus more compatible with policy on the reuse of buildings within the countryside. Finally planning permission 04/00851/COU is extant and could still be implemented. In the circumstances no purpose would be served by opposing the scheme on grounds of principle.

Visual Amenity

The proposed development which is primarily conversion of existing buildings with a modest amount of new development would not have an adverse impact upon the existing property or the character and setting of the nearby Listed Building. As such the development is in accordance with policies B5, B6 and H18 of the Local Plan.

Residential Amenity

Due to the location of the proposed development in relation to nearby properties, the granny annexe would have no adverse impact upon the residential amenity of these properties.

Reason for the grant of planning permission

Notwithstanding the location of the site within the countryside and the general presumption against unsustainable forms of development, the principle of the proposal has already been accepted, there is an extant planning permission capable of being enjoyed and the proposal has a better impact upon

this curtilage Listed building than the previous scheme, and accords with policies on alterations to Listed buildings, the consideration of the setting of Listed buildings and the provision of granny annexes. Such material considerations justify a further grant of planning permission

Recommendation

Permit subject to the following conditions;

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

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

2. Prior to the commencement of development details of the;
 i. External facing materials (granny annexe and courtyard wall)
 ii. Timber works (doors, roof lights, canopy and windows)
 iii. Roof and Eaves detailing and depth of reveals behind which fenestration and doors are to be set
 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Reason: To ensure the quality and visual appearance of the development and the setting of the Grade II Listed building in accordance with policy NC18 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011 and policies B5 and B6 of the Newcastle under Lyme Local Plan 2011.

3. The building hereby permitted shall not be occupied at any other time other than for purposes ancillary to the residential use of the dwelling known as Peatswood Hall.

Reason: In order to comply with policies H1 and H15 of the Newcastle under Lyme Local Plan 2011 because the site is in an area where new dwellings would not normally be permitted.

Informative

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

- TF/PW/2009/1 Amendments A
- Peatswood Location Plans Amended May 2009
- TF/PW/2009/2 Amendments A (stamped received by the local planning authority on 18th June 2009)
- Design and Access Statement

Performance Checks	Date		Date
Consultee/ Publicity Period	22.6.09	Decision Sent Out	

Case Recommendation	Officer	22.7.09. Returned with comments by GRB to GM on 22.7	8 Week Determination	27.7.09
Management check				

OFFICER REPORT ON DELEGATED ITEMS

Applicant -MIC Properties **Application No** – 09/00286/FUL

Location 9, Brunswick Street, Newcastle

Description Conversion and Alterations to form Restaurant and 4 no. Apartment

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

West Midlands Regional Spatial Strategy

Nil

Staffordshire and Stoke on Trent Structure Plan 2011

Policy D2: The Design and Environmental Quality of Development

Newcastle Under Lyme Local Plan 2011

S1 Sustainable Development

H3 Residential development – priority to Brownfield sites

H6 Encouragement of the provision of living accommodation by the conversion of existing non-residential urban buildings

B9 Prevention of Harm to Conservation Areas

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

B13 Design and Development in Conservation Areas

B14 Development in or adjoining the Boundary of Conservation Areas

B16 Shop Fronts in Conservation Areas

B20 Illuminated Fascia and Other Signs within Conservation Areas

T16 Development – General Parking Requirements

Other Material Considerations

PPS1: General Policy and Principles (2005)

PPS3 Housing (2006)

PPS6 : Town Centres and Retail developments (2005)

PPG15 Planning and the Historic Environment (1994)

PPG24 Planning and Noise (1994)

The Planning System – General Principles

Planning History

07/370/FUL Change of use of ground floor to restaurant and other floors to four flats with associated external alterations Permitted June 2007

06/520/FUL Change of use of ground floor to restaurant and creation of 3 flats at first floor level, Permitted July 2006

05/904/COU change of use from retail to restaurant – Permitted January 2006

97/174/COU Change of use from Class A1 to Class A3 – approved subject to conditions 20/5/97, limited to restaurant use only, midnight closing and requirement to submit details of fume extraction,

Views of Consultees

Environmental Health Division have raised an objection to this proposal on the grounds of unacceptable noise impact contrary to PPG24, Unacceptable odour nuisance from existing establishments contrary to PPS 23 and inadequate Air Quality from the road traffic usage.

The **Highway Authority** has no objections subject to the provision of secured weatherproof cycle parking provision.

Conservation Advisory Working Party – has no objections and welcomes the amended scheme.

Representations

None received

Applicants/agents submission

A design and access statement has been submitted with the application.

Key Issues

This application seeks to change the use of a former retail shop to a restaurant, with four additional flats to the upper floor. This is a revised scheme following the approval of 06/520/FUL a similar scheme proposing three flats above the restaurant at ground floor level and 07/370/FUL proposing four flats above the restaurant at ground floor level. Key changes are a revised internal layout and change to the external facade to include new windows, new shop frontage and rendered appearance.

The key issues are the appropriateness of the use in this location and the impact upon the character and appearance of the Conservation Area. There is an established principle of non retail accommodation on the ground floor and this section of the application has a clear fall back position of restaurant use and four residential units.

The main key issues therefore are:

- Effects on visual amenity/conservation area
- Effects on residential amenity
- Highway considerations

Effects on visual amenity/ Conservation Area

The site lies within the Town Centre Conservation Area so consideration needs to be given as to how the proposal may affect the character and appearance of the Conservation Area. Insofar as the character of this part of the Conservation area is concerned this is one of mixed uses, this will, with the change of use, remain the case and so there is no substantive loss of character.

The existing street façade has a tired and drab appearance with insensitive alterations, this proposal updates this façade by providing a simple glazed new shop front with central door entrances at street level with new fenestration on upper floor include a boxed out projection section (bay window) between the first and third floors at one side of the property with three individual boxed out sections in the middle and on the other side of the elevation. The whole façade would have a rendered finish.

No details of the fume extraction for the restaurant have been submitted, however it may be possible to use the chimney to the premises in this case and bearing in mind that the Council has approved a similar change of use in 2006 and 2007 without details of odour extraction it would be unreasonable to refuse this proposal. Conditions will be required to ensure any such works are not only effective for odour mitigation but also are visually acceptable in the Conservation Area. The condition should require use of the chimney as the first choice, with a new chimney flue to be considered only if use of the existing is technically impracticable. Also, the chimney's should be retained as shown on the submitted plans and full details of the proposed shop frontage and canopy proposed shall be submitted prior to implementation to safeguard the appearance of the Conservation Area.

It is considered the amended scheme would have a positive impact on the street scene improving the appearance of the building and it would not have a detrimental impact on the character or appearance of the conservation area, subject to conditions controlling materials and fenestration.

Effects on residential amenity.

The proposed site is within a mixed use area, close to the town centre, and as such there are business uses adjacent to the site. In terms of residential dwellings, there are some sited some distance from the property; however these will not be affected by the development.

This current proposal would provide the same number of residential unit as previously permitted – 4. and as such as agreed in principle that residential units in this location can co-exist with the proposed restaurant use and existing neighbouring uses.

The Environmental Health division have raised objections to this proposal recommending the application should be refused citing concerns in respect of noise disturbances including the restaurant use and traffic noise, odour concerns from other hot food establishments and air quality.

These concerns were raised by the Environmental Health Division in respect of the first application but were not expressed in the form of an objection to the application. Given there is a fall back position to provide a similar use on the site it is considered unreasonable to resist this current proposal on these grounds cited by EHO's. However it is considered appropriate to impose relevant planning conditions.

Highway considerations

As stated the property is located very close to the town centre as such is considered a sustainable location in terms of access to goods and services and public transport connections. The proposal could not accommodate any vehicular parking on site and given an extant permission exists it is considered inappropriate to seek parking with this proposal in this location. The Highway Authority have not raised an objection requesting cycle storage provision be provided.

Reasons for the grant of planning permission

Having regard to the extant planning permission 07/00370/FUL and 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 with the following conditions:-

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

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

2. The hours of opening to the public of the restaurant premises hereby permitted shall be restricted to between 0900hrs and 2300 hrs on Sunday to Thursdays and between 0900hrs and 0100 the next day on Friday and Saturday

R In the interests of residential amenity in accordance with the aims and objectives of PPS1

3. Deliveries of provisions and goods to the site and waste collection from the premises shall be restricted to between 0700 hrs and 2200 hrs on Mondays to Fridays, and 0800hours and 2000hours on Saturdays with no deliveries on Sundays and Public Holidays

R In the interests of residential amenity, in accordance with the aims and objectives of PPS1

4. Before the use hereby permitted is first implemented, details of the specification and design of equipment to extract and disperse cooking odours, and of any associated external alterations to the appearance of the building shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the use first commences and shall be retained at all times thereafter. Any subsequent alteration or variation to the equipment should receive the written approval of the Local Planning Authority

R In the interests of amenity and in accordance with the aims and objectives of PPS1 .

5. No mechanical ventilation or refrigeration/air conditioning plant shall be installed on any part of the building structure, until full and precise details have been submitted to and approved in

writing by the Local Planning Authority, and the approved scheme shall be constructed and installed in accordance with the approved scheme and shall thereafter be maintained in accordance with the approved scheme. Such details should include a full noise specification including sound power levels and frequency and noise mitigation measures to prevent disturbance.

R In the interests of residential amenity in accordance with the aims and objectives of PPS1

6. Prior to the restaurant premises being brought into use for the purpose hereby permitted, details of a suitable grease trap designed to prevent grease, fat and food debris from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be installed prior to the premises opening and shall thereafter be maintained in accordance with the approved scheme.

R In the interests of the environment and to prevent pollution in accordance with D2 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011 and aims and objectives of PPS23

7. This permission grants consent for the use of ground and part of the first floor of the premises as a restaurant – such use falling within Class A3 of the Town and Country Planning Use Classes Order 1985, as amended, including by the Town and Country Planning (Use Classes) (Amendment) Order 2005 – and does not grant or imply consent for use of the premises for Class A 4 (Drinking Establishments) or Class A5 (Hot Food Takeaways) purposes.

R For the avoidance of any doubt, to clarify the permission and having regard to the aims and objective of PPS1.

8. Before any part of the development hereby approved first commences full and precise of the render and paint finish to the building shall be submitted to and approved in writing by the Local Planning Authority. The details approved by the Local Planning Authority to carried out in full.

R To ensure that the external appearance of the building is acceptable within the Conservation Area and in accordance with policy B13 of the Newcastle under Lyme Local Plan 2011.

9. No development shall be carried out until details of the proposed shop frontage, including the type, installation, colour and canopies have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

R: To ensure that the external appearance of the building is acceptable within the Conservation Area and in accordance with policy B13 of the Newcastle under Lyme Local Plan 2011.

10. Before any part of the development hereby approved first commences, a plan shall be submitted to the Local Planning Authority indicating details of all windows, including cross sections of glazing bars, showing how the windows would be recessed into their openings, to a scale of not less than 1:20. The details which are approved by the Local Planning Authority shall be carried out in full.

R: To ensure that the external appearance of the building is acceptable within the Conservation Area and in accordance with policy B13 of the Newcastle under Lyme Local Plan 2011.

11. Before any part of the development hereby approved first commences, details of the design measures to be incorporated into the construction of the development to ensure the following noise levels due to external sources are achieved in all habitable areas with windows kept shut and whilst maintaining adequate ventilation in accordance with the ventilation requirements for current Building Regulations, shall be submitted to the Local Planning Authority for prior approval. Thereafter, the approved attenuation and ventilation measures shall be adopted in full prior to the development being occupied.

Internal Noise levels to be achieved in all habitable rooms to external noise sources

35dBLAeq 16 hours between 0700 and 2300
30dBLAeq 8 hours between 2300 and 0700
LAm _{ax} 45dB (A) between the hours of 2300 and 0700

R Having regard to location of the development and to ensure a suitable level of residential amenity can be maintained in accordance with the aims and objectives of PPG24

12. Prior to the development hereby permitted being occupied full and precise of secure and weatherproof cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented.

R. To assist in the provision of sustainable modes of transport in accordance with the aims and objectives of PPG13.

Notes to the applicant

1. **With respect to the scheme referred to in condition 3 the Local Planning Authority expects that the required scheme shall utilise the existing chimney of the property**
2. **With respect to condition 4 to allow the proposals to be fully assessed the following information would be expected to be submitted to the Local Planning Authority**
 - **Full noise specification including sound power levels and frequency analysis for the equipment to be installed**
 - **Details of noise mitigation measures to be utilised to prevent the proposed system from causing disturbance to adjoining premises**
3. **Your attention is drawn to the requirements of the Licensing Act 2003**
4. **Compliance with planning conditions does not necessarily prevent action being taken by the Local Authority or members of the public to secure the abatement, restriction or prohibition of statutory nuisances actionable under the Environmental Protection Act 1990 or any other statutory provisions. The applicant is advised to seek the advice of the Borough Council's Food and Safety Section (01782 742571) regarding compliance with food hygiene and health and safety legislation**

Informative

2. The decision hereby issued was made following consideration of the following plans and supporting information;
 - Hulme Upright Manning Drawing Number 19630 (01)
 - Hulme Upright Manning Drawing Number 19630 (02) revision A
 - Hulme Upright Manning Concept Street scene drawing
 - Design and Access statement ref 19630 dated May 2009 prepared by Hulme Upright Manning.

Performance Checks	Date		Date
Consultee/ Publicity Period	04/08/09	Decision Sent Out	
Case Officer Recommendation	12/08/09	8 Week Determination	20/08/09
Management check	Varied ESM 17/8		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Edward Jones Limited **Application No** 09/290/ADV

Location 2 Queen's Parade, Ironmarket, Newcastle.

Description One non Illuminated Fascia Sign.

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

West Midlands Regional Spatial Strategy

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

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable Forms of Development
Policy D2: The Design and Environmental Quality of Development
Policy NC18: Listed Buildings, their settings and historic context
Policy NC19: Conservation Areas
Policy TC 1: Ensuring the future of town centres

Newcastle Under Lyme Local Plan 2011

Policy B1: Historic Heritage
Policy B5: Control of Development affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
Companion Guide to PPS1 "The Planning System: General Principles"
PPG15: Planning and the Historic Environment (1994)
PPG19: Control of Outdoor Advertisements

Relevant Planning History

N18745	PER	10.7.1989	Change of use to Solicitors Office Class A2.
86/15277/N	PER	8.9.1986	Sub-division of existing retail premises to smaller units at ground level and sub-division of existing retail premises of office units at first floor level.
09/00346/COU	PER	10.8.2009	Change of use of the unit for purposes within Use Class A2 financial and professional Services.

Views of Consultees

Conservation Advisory Working Party:

No objections.

Conservation Officer: The application is within the former Co-op building, which is a very distinctive building with the Conservation Area. No objections to the change of use.

Representations

None received.

Representations

Nil.

Applicants/agents submission

Agents letter setting out relevant policies and a design statement.

Key Issues

This application is for a non-illuminated fascia sign which is part of a change of use of the unit for purposes within Use Class A2 financial and professional Services that has been permitted under Planning Permission 09/00346COU.

The application is within the former Co-op building, which is a very distinctive building with the Conservation Area. It is opposite Queen's gardens. The premises are presently unoccupied.

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

Amenity

The sign will be set above the shop window within a strip of business name signs running across the building frontage. It will be 3.950m x 0.55m. The background would be in pantone green 5535 with words Edward Jones Investments in white vinyl letters.

PPG15 Planning and the Historic Environment paragraph 4.14 notes that Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid in the exercise of planning function to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy B9 states that the Council will resist development that would harm the special character or appearance of Conservation Areas. Policy B10 upholds the Requirement to preserve or enhance the character or appearance of a Conservation Area.

Planning Policy Statement 1 (34) states that Planning Authorities should plan positively for the achievement of high quality and inclusive design in the external design of all new developments. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

The proposal, is of an acceptable design which complies with the above policies.

Public Safety

Ironmarket is not a through road, at this point it is not pedestrianised but only provides access to frontages, the pedestrianised part of Ironmarket and parking so there is little traffic movement and at slow speed. Additionally the sign is not illuminated, so will not cause a distraction to drivers. The sign is a non-projecting fascia one so will not obstruct pedestrian flows or endanger the public.

Reasons for the grant of planning permission

The proposed advertisement sign is acceptable in respect of public safety and amenity and would accord with the provisions of PPG19, and there are no other material considerations which would justify a refusal of consent to display the sign.

Recommendation

Permit.

Informative

3. The decision hereby issued was made following consideration of the following plans:
 - Signwise, Edward Jones Ironmarket: Drawing Number EDJ/6651/btm01

Performance Checks	Date		Date
Consultee/ Publicity Period	24.07.2009	Decision Sent Out	
Case Officer Recommendation	12.08.2009	8 Week Determination	14.08.2009
Management check			

OFFICER REPORT ON DELEGATED ITEMS

Applicant- Edward Jones Limited **Application No** - 09/00346/COU

Location- 2 Queens Parade, Ironmarket, Newcastle

Description Change of use of the unit for purposes within Use Class A2 financial and professional Services.

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

West Midlands Regional Spatial Strategy

QE3: Creating a High Quality Built Environment for All.

Staffordshire and Stoke on Trent Structure Plan 2011

D1: Sustainable Forms of Development.
D2: The Design & Environmental Quality of Development.
NC19: Conservation Areas
TC1: Ensuring the future of town centres

Newcastle Under Lyme Local Plan 2011

B1: Historic Heritage
B5: Control of Development affecting the Setting of a Listed Building
B9: Prevention of Harm to Conservation Areas
B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
R15: Non-retail Uses in District Centres & Other Groups of Shops.

Other Material Considerations include:

National Planning Policy

PPS1: Delivering Sustainable Development (February 2005)
Companion Guide to PPS1: The Planning System: General Principles.
PPS6: Planning for Town Centres (March 2005)
PPG24: Planning and Noise (1994)
PPG15: Planning and the Historic Environment (1994).

Supplementary Planning Guidance

Supplementary Planning Document for Newcastle Town Centre (January 2009)

Relevant Planning History

N18745PER	10.7.1989	Change of use to Solicitors Office Class A2.
86/15277/N	PER 8.9.1986	Sub-division of existing retail premises to smaller units at ground level and sub-division of existing retail premises of office units at first floor level.
09/00290/FUL	PCO	Non illuminated Fascia Sign

Views of Consultees

Conservation Advisory Working Party:

No objections.

Conservation Officer: The application is within the former Co-op building, which is a very distinctive building with the Conservation Area. No objections to the change of use.

Representations

None received.

Applicants/agents submission

Letter from the applicant's agent.

Key Issues

This application is for change of use of the unit for purposes within Use Class A2 financial and professional Services. No external alterations are proposed under this application.

The premises are presently unoccupied. They had been part of a retail premise which was sub-divided. Planning permission was granted for the change of use of the premises to a Solicitor's office, which would fall within Planning Use Class A2. No evidence as to the implementation of that permission is given.

The key issues to be considered in the determination of this application are the following:

- **Would the loss of a retail unit or the provision of a professional office have an unacceptable impact upon the range of goods and services offered in the locality?**
- **Would the proposal be detrimental to the Conservation Area?**

Would the loss of a retail unit or the provision of a professional unit have an unacceptable impact upon the range of goods and services offered in the locality?

National policy and policies within the development plan seek to maintain and improve the quality and diversity of retail provision and maintain and promote diversity of use. The proposal will result in the loss of a retail unit within the town centre historic core, which is defined as Primary Shopping Area in the recently adopted SPD (see above). The intended use, a Class A2 use, within a secondary retail frontage, will encourage people into the town centre and will be used by those visiting the town centre for other purposes. It is therefore considered that the proposal will diversify the uses within the town centre whilst having a neutral or possibly positive impact on the vitality and viability of the town centre.

Would the proposal be detrimental to the Conservation Area?

PPG15 Planning and the Historic Environment paragraph 4.14 notes that Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid in the exercise of planning function to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy B9 states that the Council will resist development that would harm the special character or appearance of Conservation Areas. Policy B10 upholds the Requirement to preserve or enhance the character or appearance of a Conservation Area.

This proposal does not include any physical development and there are no other factors which would harm the character of the conservation area.

Reasons for the grant of planning permission

The proposal would not compromise the aims and objectives of the relevant policies contained within the development plan and there are no other material planning considerations that would justify a refusal of consent.

Recommendation

Permit subject to:

- 1: The change in use 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.

Informative

4. The decision hereby issued was made following consideration of the following plans;
 - Location plan, date stamp received 16th June 2009.
 - Existing layout, drawing no. AL/66551/01
 - Proposed layout, drawing no. AL/66551/02

Performance Checks	Date		Date
Consultee/ Publicity Period	25.06.2009	Decision Sent Out	
Case Officer Recommendation	07.08.2009	8 Week Determination	11.08.2009
Management check	Varied 10/8 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Talarius Ltd **Application No** 09/371/ADV

Location 55/57 High Street, Newcastle

Description Illuminated fascia and projecting advertisements

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

West Midlands Regional Spatial Strategy 2008

Policy QE3: Creating a High Quality Built Environment.

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

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

Newcastle under Lyme Local Plan 2011

Policy B19: Illuminated signs in Conservation Areas
Policy B20: Illuminated fascia and other signs in Conservation Areas

Other Material Considerations:

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
Companion Guide to PPS1 "The Planning System: General Principles"
PPG19: Outdoor Advertisement Control (1992)
Circular 03/07 Town and Country Planning (Control of Advertisement) Regulations 2007

Supplementary Planning Guidance

Staffordshire County Council – Highways Standing Advice 2004

Relevant Planning History

None relevant to this application.

Views of Consultees

Highway Authority – There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval;

1. The lighting scheme shall be installed and retained strictly in accordance with the submitted design/specification and the Institution of Lighting Engineers "Guidance Notes for the Reduction of Light Pollution 2000" for Environmental Zone E3.
2. No direct light source shall be visible to drivers on the highway.
3. Maximum luminance specifications

Conservation Advisory Working Party – No objections to the proposal.

Representations

No written representations received

Applicants/agents submission

The requisite application forms and drawings were submitted.

Key Issues

The application is for advertisement consent for a replacement fascia and projecting sign. Both signs would be illuminated with the fascia sign using the existing trough light present and the projecting sign being internally illuminated. The application forms state that the fascia sign and the projecting sign will have luminance levels of 250cd/m² and 115cd/m² respectively.

PPG 19 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 sole issues to address are therefore;

- The impact of the advertisements on the amenity of the property it relates to and the surrounding Conservation Area.
- The impact upon public and highway safety.

The impact of the advertisements on the amenity of the property it relates to and the surrounding Conservation Area

The proposed replacement signage would not have an adverse impact upon the character of the area due to their sympathetic design assimilating with the existing building and appearing very similar to the existing signage. The proposals are suitable in scale, size and number and would not create a development that appears cluttered. The Conservation Officer has also commented on the proposed signs and has no objections to the proposal. The proposal would therefore adhere with the principles of policy D2 of the Staffordshire and Stoke on Trent Structure Plan.

To ensure that the proposed signs do not have an adverse impact upon the character of the Conservation Area, a condition would be included specifying that the maximum luminance for the signs should not exceed 300cd/m². The proposed development would therefore adhere with the principles of policy B20 of the Newcastle under Lyme Local Plan.

The impact upon public and highway safety

Although the Highways Department have specified that they would accept higher luminance levels for the signs applied for in line with the recommendations of Staffordshire County Council Highways Standing Advice 2004, due to the location of these in the Conservation Area policy B20 would be adhered to in this instance. This specifies a maximum luminance level of 300cd/m² which would not have an adverse impact upon public and highway safety or the operation of the business with the owner specifying lower levels than this.

The condition requested by the Highways Department relating to no direct light source shall be visible to users of the highway is not felt to be required as it is covered by the standard conditions that are placed upon all advertisement conditions.

Recommendation

Approve subject to the standard conditions as well as the following condition:

2. The maximum surface brightness of the advertisement signs hereby permitted shall not exceed 300cd/m².

Reason:

To protect the visual amenity of the Conservation Area, in accordance with policy B20 of the Newcastle under Lyme Local Plan 2011.

Informative

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

- Planning Application Forms
- SILV0012 (Existing)
- SILV0012 (Proposed)
- Proposed fascia style and fascia cross section

Performance Checks	Date		Date
Consultee/Publicity Period	31/7/09	Decision Sent Out	
Case Officer Recommendation	6/8/09	8 Week Determination	24/8/09
Management check			