

To the Chair and Members  
of the  
CONSERVATION ADVISORY  
WORKING PARTY

Mr G Durham  
742222  
GD/EVB – R82/48

30 May 2008

Dear Sir/Madam

A meeting of the **CONSERVATION ADVISORY WORKING PARTY** will be held in **COMMITTEE ROOM 1, CIVIC OFFICES, MERRIAL STREET, NEWCASTLE** on **TUESDAY, 10 JUNE 2008** at **7.00pm**.

#### **AGENDA**

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of meeting held on 20 May 2008 (copy attached for non-Council Members information).
3. To consider the attached reports at Appendix A and B (blue and salmon paper).
4. To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the Officer.
5. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Yours faithfully

**A CAMPBELL**

Democratic Services Manager

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

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

| <b>Reference</b>         | <b>Location and Applicant</b>   | <b><u>Development</u></b>                                    | <b>Working Party Comments</b>   | <b>Planning Decision and Comments made with regard to Conservation Areas</b> |
|--------------------------|---|--|---|--|
| <b><u>08/99/COU</u></b>  | 8-14 York Place, Newcastle<br>Mr R Swift                                | Change of use of existing retail unit to café/ bar premises. | No comments   | Refused under delegated powers<br>03/04/08                                   |
| <b><u>08/104/ADV</u></b> | 51 High Street, Newcastle<br>The Extracare Charitable Trust             | Non-illuminated fascia sign                                  | No objections. Members welcomed the attention to detail made on this application.   | Permitted under delegated powers<br>08/04/08                                 |
| <b><u>08/111/FUL</u></b> | The Estate Cottage, Park Road, Butterton<br>Mrs S Jealouse              | Summer House   | No objections subject to control over the colour of the proposed summer house   | Permitted under delegated powers<br>16/05/08                                 |
| <b><u>08/167/FUL</u></b> | 11 Ladygates, Betley<br>Mr PR & J Ainsworth                             | New pitched roof to existing garage                          | No objections but members would prefer to see projecting eaves to create a little more style on the building  | Permitted under delegated powers<br>09/05/08                                 |
| <b><u>08/182/LBC</u></b> | Lake House, Heath Road, Whitmore<br>Mr B Harvey                         | First floor rear extension                                   | No objections. Members welcomed the attempt to improve the appearance of the building.  | Permitted under delegated powers<br>14/05/08                                 |
| <b><u>08/228/FUL</u></b> | Springfield House, The Croft, Chester Road, Audley<br>Mr P Nix          | Erection of detached bungalow and detached garage            | No objections but support comments made by the Council's Conservation Officer regarding removal of the chimney serving the kitchen,; provision of hipped roof to dormer; more consistency in the proposed use of cowls and use of vertically boarded garage doors | Permitted under delegated powers<br>20/05/08                                 |
| <b><u>08/235/ADV</u></b> | Land opposite Maer Hall Lodge, Stone Road, Blackbrook<br>Mr B J Fradley | Directional sign   | Object. The proposal would be over-large and wrongly located in the Conservation Area   | Refused under delegated powers<br>30/04/08                                   |

Cont...

| Reference                             | Location and Applicant   | <u>Development</u>                                       | Working Party Comments   | Planning Decision and Comments made with regard to Conservation Areas |
|---------------------------------------|--|--|--|---|
| <u>08/276/FUL</u> & <u>08/277/LBC</u> | Huggies Day Nursery, Old Hall Drive, Bradwell<br>Huggies Day Nursery | Change of use from office/training centre to day nursery | No objections but concerns were raised that features within the building were unique and should be protected for the future. | (08/276/FUL) Permitted under delegated powers 20/05/08                |
| <u>08/286/FUL</u>                     | 20 Ironmarket, Newcastle<br>Edwina Bennett                           | Re-instatement of previously removed window              | Request additional details regarding the proposed shutter and awning   | Permitted under delegated powers 22/05/08                             |

## CONSERVATION ADVISORY WORKING PARTY

| <b>Reference</b>                         | <b>Location and Applicant</b>                                | <b>Development</b>   | <b>Remarks</b>  | <b>Ward Councillors</b>  |
|--|--|--|---|--|
| <u>08/279/LBC</u>                        | Manor Farm, Manor Road, Madeley<br>Mr J Furnival             | Alterations to part of a redundant barn in connection with formation of a single dwelling and two holiday lets   | Proposal affects a Listed Building  | Councillor J Bannister<br>Councillor Mrs H Morris                      |
| <u>08/317/ADV</u>                        | 1A King Street, Newcastle<br>Choices Housing Association     | Erection of 2 hanging signs  | Within the Newcastle Town Centre Conservation Area  | Councillor D Clarke<br>Councillor Mrs E Shenton                        |
| <u>08/380/ADV</u> &<br><u>08/397/LBC</u> | Maer Hall, Maer<br>Mr B J Fradley                            | Directional sign   | Proposal is a Grade II Listed Building and within the Maer Conservation Area  | Councillor P Maskery<br>Councillor Mrs F Myatt<br>Councillor B Tomkins |
| <u>08/381/FUL</u> &<br><u>08/382/LBC</u> | Betley Model Farm Complex, Main Road, Betley<br>Ms J Pointon | Conversion of barn complex into eleven bedroom hotel and function room facility, including a restaurant, spa and office accommodation; and associated new vehicular access and car parking | The proposal is within the Betley Conservation Area and affects a Grade II* Listed Building and Public Right of Way | Councillor D Becket<br>Councillor A Wemyss                             |

## OFFICER REPORT ON DELEGATED ITEMS

**Applicant** Mr Robert Swift

**Application No** 08/00099FUL

**Location** 8 York Place Newcastle

**Description** Change of use of existing retail unit to be a café/bar premises

### **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  
Policy QE5: Protection and enhancement of the Historic Environment

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

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

#### **Newcastle Under Lyme Local Plan 2011**

Policy B9: Prevention of Harm to Conservation Areas.  
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area.  
Policy T17: Parking in Town and District Centres

#### **Other Material Considerations**

Supplementary Planning Document for Developer Contributions (September 2007)

Newcastle Town Centre Area Action Plan – Final Submission Draft March 2007 and subsequently withdrawn.

Site shown as lying within Town Centre Historic Core and within the Primary Shopping Area.

Policy L1 Cultural opportunities  
Policy L2 Public Safety behaviour  
Policy L4 Food and Drink establishments  
Policy D9 Legibility and permeability  
Policy D14 Secured by Design

Former, now unsaved, policies of the NULBC Local Plan

Policy S11: Crime and Disorder  
Policy TC1: Ensuring the Future of Town Centre  
Policy R3: Newcastle Town Centre – Development  
Policy R5: Newcastle Town Centre – Non retail use in primary shopping frontages  
Policy R6: Newcastle Town Centre – Non retail uses outside primary shopping frontages

#### **Relevant National Policy Guidance:**

PPS1: Delivering Sustainable Development (2005)  
Companion Guide to PPS1 “The Planning System: General Principles”  
PPG15: Planning & the Historic Environment (2002)  
PPS6: Planning for Town Centres (2005)  
Safer Places - The Planning System and Crime Prevention  
Circular 11/95 – Conditions  
Circular 05/05 – Planning Obligations

#### **Planning History**

None considered relevant to this application however see history sheet on file for the comprehensive site history.

### **Views of Consultees**

**Environmental Health Division** – Have not objected to the proposals subject to conditions relating to:

- Fume extraction system
- Air Conditioning / Air Cooling equipment
- Prevention of food and grease debris from entering the drainage system
- Refuse storage and collection

**Police ALO** – In summary notwithstanding the fact that under the Licensing Act 2003 there are tougher controls and measures to deal with problem licensed premises, the potential contribution to the cumulative impact upon the town centre as a whole in terms of crime and disorder that might arise from increasing alcoholic drinking capacity further, which it may or may not be able to directly associate with particular premises, is such that the Staffordshire Police would seek for this application to be refused.

### **Representations**

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

### **Applicants/agents submission**

A design and Access Statement has been submitted which raises some of the following points:

- The public entrance will be accessed from Iron market, with the first floor office staff/ delivery access being via the existing ramped access via Merrial Street.
- Car parking is provided via the local municipal car parks nearby
- The buildings façade will be changed to be more suited to a café / bar
- Public bar area will measure approx 390 metres squared
- Approx 58 metres squared will be kitchen, office, staff and storage
- The appearance of the building will be mainly in keeping with the existing fabric, with the exception of the decoration, signage etc. Signage will be, in the main, confined to immediately above the glazed panels, as per existing. There is also to be a projecting illuminated sign above the main entrance on the corner of the building.

### **Key Issues**

The application is for the change of use of the existing retail unit to a café / bar premises. This application does not include any consent for signage which is subject to separate advertisement consent.

The applicant has stated the development would be open 11am until 11pm Mondays, Tuesdays and Thursdays, 11am until 2pm on Wednesday, Friday and Saturday, and 10.30am until 10.30pm on Sundays. The premises is currently vacant and was previously used as a shop. The key issues in the determination of the development are:

#### **The principle of the development and the potential for crime and disorder**

PPS 6 Planning for Town Centres states that a diversity of uses in centres makes an important contribution to their vitality and viability. Different but complementary uses, during the day and in the evening, can reinforce each other, making town centres more attractive to local residents, shoppers and visitors. Local planning authorities should encourage diversification of uses in the town centre as a whole, and ensure that tourism, leisure and cultural activities, which appeal to a wide range of age and social groups, are dispersed throughout the centre. It also advises that local planning authorities should prepare planning policies to help manage the evening and night-time economy in appropriate centres. These policies should encourage a complementary evening and night-time economy uses which appeal to a wide range of social groups, ensuring that provision is made where appropriate for a range of cultural and tourism activities such as cinemas, theatres, restaurants, public houses, nightclubs and cafes. In drawing up their policies and proposals, local planning authorities should consider the scale of leisure developments they wish to encourage and their likely impact, including cumulative impact on the character and function of the centre, anti-social behaviour, and the amenities of nearby residents. Local authorities should ensure that there is an integrated approach to the evening night-time economy, so that their planning policies and proposals take account of and complement their Statement of Licensing Policy and the promotion of the licensing objectives under the Licensing Act 2003. Local authorities should consider developing a local strategy for the evening and night-time economy which, when co-

ordinated with other local strategies, tackles a range of issues from anti-social behaviour and crime prevention to adequate late-night transport provision to support these activities.

Former adopted LP policy R6 – a material consideration – states that within the town centre, but outside the primary shopping frontages non retail uses may be acceptable so long as they would not be likely to reduce the attractiveness of the Town Centre or interfere with the operation or enjoyment of other nearby town centre uses by virtue of smell, fumes, noise or increased traffic. Where A3 uses are concerned, permission will not be given if the development would be likely to cause a nuisance to neighbours or the general public by virtue of smells, fumes, noise or litter or be likely to increase the potential for public disorder and crime or reduce the perceived attractiveness of the Town Centre and these concerns can not be overcome by agreement with the developer on appropriate measures such as improvements to the security of the town centre. The same criteria are indicated in Town Centre Area Action Plan policy L4. The weight applied to the former NUL BC LP and TCAAP policy is limited but this does provide a useful context to assess the proposals.

With respect to all of the above the use of the premises as a café during the daytime is not considered adverse to the function of the town centre or deleterious its vitality.

Turning to crime and disorder considerations. York Place is a covered arcade which is shuttered off between roughly 2000-0630 to protect businesses from criminal damage, theft and anti-social behaviour such as rough sleeping, etc at night. The applicant in their design and access statement has indicated there is to be no change in the way users gain access to the premises. The proposed ground floor plans submitted show access to the building would be obtained via a door entrance that falls outside the closable shutters this side of York Place. There is also a secondary access within the covered arcade.

With respect to the location of the premises there is a narrow footway to the north east leading to an enclosed private car park (subject of a “gating” planning permission) and there is an enclosed and relatively narrow pedestrianised route immediately to the south of the building which leads down to High Street. Bearing in mind these locational factors and the site in having a secluded feel at night it is considered that there are site specific reasons to consider that the proposals could well lead to creating a haven for crime and disorder problems to occur with little or no natural surveillance in this vicinity. Even with CCTV coverage the fact that the site feels and is secluded at night due to its positioning it is reasonable to consider that such a provision would fail to act as a deterrent particularly factoring in alcohol consumption considerations. The Police have recommended that the application is refused on the grounds that the potential contribution to the cumulative impact upon the town centre as a whole in terms of the levels of crime and disorder that might arise from increasing alcoholic drinking capacity further. It is noted that the impact of the proposals on police resources is not a material consideration that can be applied here. The Police in their detailed comments have also raised concerns in relation to the access arrangements of York Place. The view taken is that it is the locational factors and access arrangements that are the specific problems here. Even if there was an arrangement to allow passage through York Place to be possible at night giving greater permeability and surveillance this would not resolve the crime and disorder concerns identified and could in fact worsen the situation.

On balance it is considered that the use of the premises as a bar is likely to result in crime and disorder problems at night that cannot be adequately controlled by obligation or planning condition due to the location of the premises and its access arrangements.

Impact to the Character and Appearance of the Town Centre Conservation Area

A visual representation has been submitted with the application which showing the façade of the building to have a red coloured external appearance. It is considered that such a colour scheme would be inappropriate within the Town Centre Conservation Area. Other than this and the proposed signage which is subject to separate advertisement consent no other external changes are proposed. The view taken is that an acceptable external appearance of the building could be achieved subject to control over the use of materials and colour.

**Recommendation**

Refuse the application for the following reason(s):

1. The proposals are likely to cause crime and disorder problems within this part of the Town Centre by virtue of the location of the premises and its access arrangement and this would be contrary to Policy QE1 of the West Midlands Regional Spatial Strategy and the aims and objectives of PPS1 and PPS6.

| Performance Checks | Date |  | Date |
|--------------------|------|--|------|
|--------------------|------|--|------|

|                             |   |                      |               |
|-----------------------------|---|----------------------|---------------|
| Consultee/ Publicity Period | <b>7.3.08</b>   | Decision Sent Out    |               |
| Case Recommendation Officer | <b>3.4.08<br/>Returned to MS<br/>9.4<br/>Revised 25.4</b> | 8 Week Determination | <b>4.4.08</b> |
| Management check            | <b>Clrd GRB 8.5</b>                                       |                      |               |



# OFFICER REPORT ON DELEGATED ITEMS

**Applicant** Alison Whittingham – The extra care Charitable Trust **Application No**  
08/00104/ADV

**Location** 51 High Street, Newcastle

**Description** Non illuminated fascia sign

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

### West Midlands Regional Spatial Strategy

Policy QE3: Creating a high quality built environment.

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

Policy D2: The Design and Environmental Quality of Development

Policy NC18: Listed Buildings

Policy NC19: Conservation Areas

### Newcastle Under Lyme Local Plan 2011

Policy B6: Extension or alteration of Listed Buildings

Policy B9: Prevention of harm to Conservation Areas

Policy B16: Shop fronts in Conservation Areas

### Other Material Considerations

PPS1 Delivering Sustainable Development

Companion Guide to PPS1 – The Planning System: General Principles

PPG 15 Planning and the Historic Environment

PPG13 Transport (2001)

### Relevant Planning History

No relevant planning history. See sheet on file for history relating to site

### Views of Consultees

Conservation Advisory Working Party – No objections. Members welcome the attention to detail made on this application.

Conservation Officer – No objections in principle, provided that the proposed advert preserves the special architectural or historic interest of both the Listed Building and the Conservation Area. Amendments requested to include individually mounted letters onto fascia sign, and amend the finish to the sign.

### Representations

Nil

### **Key Issues**

Advertisement consent is sought for a non illuminated fascia sign to the frontage of 51 High Street, within Newcastle Town Centre. This property also lies within the Newcastle town centre Conservation Area. The property is a 19<sup>th</sup> Century Listed Building located within an historical façade.

The proposed fascia sign would measure 3032mm in length by 420mm in height, and would display the wording “ The Extra Care Charitable Trust”, with a logo before the wording.

The letters would be individually applied and would be of 5mm thickness, stood off 25mm from the fascia and covered to the face with a matt vinyl finish.

PPG 19 "Outdoor Advertisement Control" states that the display of outdoor advertisements can only be controlled in the interest of "amenity" and "public safety". Paragraphs 11-14 of PPG 19 explain what is meant by the term amenity – the effect on the appearance of a building or on the visual amenity in the immediate neighbourhood in which the sign is to be developed. The main issues to address are therefore the impact of the signage on the Conservation Area and Listed Building, amenity and public safety.

#### Impact on the Listed Building and the Conservation Area

In terms of the impact upon the Listed Building, Listed Building consent is not required in this instance, because an advertisement sign is being replaced by another sign already on the shop front, therefore would not have an impact on the Listed Building.

As the property subject to this application is within the Town Centre Conservation Area, the proposed fascia sign in terms of its impact upon the Conservation Area needs to be assessed.

Firstly, the Council's Conservation Officer has no objections in principle to this fascia sign, and had no objections to the amended plans. The Conservation Advisory Working Party also had no objections.

Local Plan Policy B9 "Prevention of Harm to Conservation Areas" states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. As there are no proposed external alterations to the property, it is considered that, now the amended plans have been submitted, the proposal would not inflict harm to the Conservation Area in any way.

Therefore, in terms of the impact of the proposed fascia sign on the Conservation Area, the proposal is considered acceptable.

#### Amenity and Design

In terms of the visual amenity of the proposed signage, it is considered that the proposed replacement fascia sign would not detract from the character and appearance of the property, and would not cause harm to the amenity of the property or surrounding properties. The amended plans are considered acceptable as they comply with the Conservation Officers comments regarding the design and finish of the fascia.

#### Public and Highway Safety

In terms of public safety, the proposed fascia sign would not pose any danger to pedestrians or users of the Highway.

In conclusion, it is recommended that the proposed fascia sign would be acceptable and Advertisement Consent should be granted.

#### **Recommendation**

##### **Grant consent with the following conditions:**

1. The development hereby consented shall be carried out in complete accordance with the submitted plans.
- R1: For the avoidance of doubt and to ensure the satisfactory appearance of the development, in accordance with Policy NC19 of the Staffordshire and Stoke on Trent Structure Plan 2011, and Policies B9 and B16 of the Newcastle under Lyme Local Plan 2011.
2. Prior to the commencement of the development hereby approved, the reference numbers and samples of all colours to be used on the fascia sign shall be submitted to and approved in writing by the Local Planning Authority.

R2: To ensure the satisfactory appearance of the fascia sign in the Conservation Area, in accordance with Policies D2 and NC19 of the Staffordshire and Stoke on Trent Structure Plan, and policies B9 and B16 of the Newcastle under Lyme Local Plan 2011.

| Performance Checks            | Date           |                      | Date           |
|-------------------------------|----------------|----------------------|----------------|
| Consultee/ Publicity Period   | <b>22/3/08</b> | Decision Sent Out    |                |
| Case Officer Recommendation   | <b>9/4/08</b>  | 8 Week Determination | <b>14/4/08</b> |
| Report checked by Back Office |                |                      |                |
| Management check              |                |                      |                |

**Note to applicant**

The cornice over the fascia of 51 High Street, Newcastle is in need of repair.

## OFFICER REPORT ON DELEGATED ITEMS

**Applicant** Mrs S Jealouse

**Application No** 08/00111/FUL

**Location** The Estate Cottage, Park Road, Butterton

**Description** Summer House

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

#### West Midlands Regional Spatial Strategy

Policy QE3: Creating a high quality built environment for all

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

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

Policy D4: Managing Change in Rural Areas

Policy D5B: Development in the Green Belt

Policy E9: The Rural Economy

Policy T1A: Sustainable Location

Policy NC1: Protection of the Countryside: General Considerations

Policy NC2: Landscape Protection & Restoration

Policy NC19: Conservation Areas

#### Newcastle Under Lyme Local Plan 1996 - 2011

Policy S3: Green Belts

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

Policy B9: Prevention of Harm to Conservation Areas

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

Policy B13: Design and Development In Conservation Areas

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

Policy T16: Development – General Parking Requirements

Policy N19: Landscape Maintenance Areas

### **Other Material Considerations**

Space Around Dwellings (July 2004)

#### Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development

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

PPG2: Green Belts

PPS7: Sustainable Development in Rural Areas

PPG15: Planning and the Historic Environment

### **Planning History**

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

### **Views of Consultees**

Conservation Advisory Working Party – No objections subject to control over the colour of the proposed Summerhouse.

Whitmore Parish Council – No objections

### **Representations**

The occupiers of 7 neighbouring properties have been notified and a site notice displayed. No letters of representation have been received.

### **Applicants/agents submission**

The applicants have submitted a design and access statement for the proposal.

### **Key Issues**

The proposed development will be sited at the Estate Cottage within the Butterton Conservation area. The proposal is for a summer house at the rear of the property on a grassed garden area. The summer house will measure 3.8m by 4.5 metres with a ridge height of 2.82m. The proposed development is a timber structure that can be painted a colour to further minimise its impact.

The proposal is located within the North Staffordshire Green Belt and the Butterton Conservation area. Therefore the key issues in the determination of the development are:

- Whether the development is appropriate or inappropriate in the Green Belt
- If inappropriate, whether special circumstances exist to justify approval
- the impact of the proposed development on the Conservation Area
- Whether the development conflicts with other policies relating to development in the countryside as a whole
- The impact of the development on residential amenity

### **Appropriate or Inappropriate Development in the Green Belt?**

Local and national planning policy advises against allowing inappropriate development in the Green Belt.

Policy S3 intends to ensure that; *“Within the Green Belt, as shown on the Proposals Map, there will be a presumption against any form of development, subject to the following policies:*

- Dwellings will not be permitted in the Green Belt even for persons solely or mainly employed in the locality in agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, unless siting in the Green Belt is essential for the efficient operation of agriculture or forestry in the locality. If permission can be given, dwellings should normally be sited within, and designed to fit in with, an existing group of dwellings or farm buildings.*
- Development for residential purposes of a small gap (no more than 1 or 2 plots in width) as an exception in the Green Belt, within the built-up area of the village of Keele, as defined on the Proposals Map, may be permitted so long as the gap makes no material contribution to the amenity of the locality.*
- Non-residential development may be permitted in the Green Belt if the applicant demonstrates that it is essential for the efficient operation of agriculture or forestry in the locality, cannot reasonably be located other than in the Green Belt and so long as its siting, access, layout, landscaping and design are acceptable.*
- The well-designed extension or alteration of an existing dwelling, or its replacement, may be acceptable as long as it does not result in disproportionate additions over and above the size of the original dwelling. Where replacement is proposed, the new*

*dwelling must not be materially larger than the dwelling it replaces and the applicant must demonstrate that replacement rather than alteration is justified.*

- v) *The re-use of an existing building, whether for residential or other uses, may be acceptable providing it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it.*
- vi) *Development for sport or recreation uses of a predominantly open character, whether formal or informal, or for other uses of land that preserve the openness of the area, may be located in the Green Belt so long as it does not disrupt viable farm holdings. Such development must use reclaimed land, or low-grade agricultural land, where practicable. Any buildings must be limited to those essential to the use and must be sited to minimise their impact on the openness of the Green Belt. "Policy S3 of the Local Plan states that the re-use of an existing building, may be acceptable providing it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it.*

The proposal is for a small timber built summer house in the rear grassed garden area of the Estate Cottage in Butterton. The cottage is located off park road which has a small number of residential buildings with the cottage being at the head of the properties. The summer house will measure 3.8m by 4.5 metres with a ridge height of 2.82m, thus giving it a floor area of 17.1 square metres. This is considered to be a modest sized structure that is constructed out of timber with a felt tiled roof. A set of double doors and a large window will be located on the front elevation/ with a small stepped terrace also on the front elevation.

The cottage has previously had a stable block converted into residential accommodation but has only had other very limited extensions.

The proposal will be approximately 20 metres from the main cottage but would be within the residential curtilage of the cottage. The development would not normally require planning permission, however, permitted development rights were removed for properties within the Butterton Conservation Area following an Article 4 (2) Direction, thus requiring a planning application to be submitted for the proposed development.

The proposed summer house is not within 5 metres of the main dwelling and therefore, it would not be viewed as an extension to the property. As such, it does not fall within any of the exceptions for Green Belt development detailed above in Policy S3. However, given the modest nature of the development within the residential curtilage of the property, it is not considered that any harm would be caused to the openness of the Green Belt and therefore, the proposal would constitute appropriate development in the Green Belt. There is no requirement therefore, for the applicant to demonstrate that very special circumstances exist.

#### The impact of the proposed development on the Conservation Area

Policy B9, B10, B13 and B14 seeks to prevent harm of development on Conservations Areas and a requirement to preserve or enhance the character or appearance of a Conservation Area. The property is located within the Butterton Conservation Area and in particular, policy B10 is of importance in this instance.

The area has a mixture of dwellings in the area, both in terms of style and design. The proposed Summerhouse would be located in the grassed garden of the cottage which is towards the rear of the property. Open countryside is beyond the residential curtilage with no neighbouring properties being in close proximity to the proposed site location. The summer house will therefore occupy an unobtrusive location within the Conservation Area with views of the proposal being extremely limited, thus minimising its impact on the character and appearance of the Conservation Area. The summer house is a timber structure that has a floor area of 17.1 square metres which is considered modest with the design and external appearance being of a good quality that is sympathetic to its surroundings.

The Council's Conservation Officer has raised no objections subject to a suitable colour being agreed with the Local Planning Authority and this was also the view of the Conservation Advisory Working Party.

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

#### Whether the development conflicts with other policies relating to development in the countryside as a whole?

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

The site lies within a Landscape Maintenance Area. Policy N19 of the Local Plan states that;

*"The Council will seek to maintain the high quality and characteristic landscapes in Landscape Maintenance Areas as shown on the Proposals Map. Where development can be permitted, it will be expected to contribute to this aim. Within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape."*

The proposed development is a modest development that is located in the existing grassed garden area of the residential property with open countryside beyond. The proposal site is not considered to be on an elevated position within the landscape and the property has small trees on the east boundary that will limit views of the proposal from the wider area. A timber structure painted a colour to be agreed by the Local Planning Authority represents a development that will maintain the landscape quality of the area, this being in accordance with policy N19. The development will also be seen in the context of the original dwelling house, this also minimising its impact on the landscape.

#### The impact of the development on residential amenity

The Estate cottage is located at the end of a long drive that has a number of small residential dwellings, these being located towards the front of the cottage. The summer house is located at the rear of the property approximately 20 metres from the main cottage building. Therefore, the proposal would have no neighbouring properties that are in close proximity to the summer house and so there would be no impact on the residential amenity of the area.

The proposal is in accordance with the SPG – Space Around Dwellings, with sufficient rear garden space being maintained for 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 proposed Summerhouse shall be painted in a colour, details of which shall be first approved in writing by the Local Planning Authority.
- R1. To protect the character and appearance of the Conservation Area and landscape quality in accordance with the requirement of Policy NC2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policy N19, B9, B10 and B13 of the Newcastle-under-Lyme Local Plan 2011.

| Performance Checks          | Date            |                      | Date            |
|-----------------------------|-----------------|----------------------|-----------------|
| Consultee/ Publicity Period | <b>02.05.08</b> | Decision Sent Out    |                 |
| Case Officer Recommendation | <b>16.05.08</b> | 8 Week Determination | <b>20.05.08</b> |
| Management check            |                 |                      |                 |



## OFFICER REPORT ON DELEGATED ITEMS

**Applicant** Mr. PR & J Ainsworth

**Application No** 08/00167/FUL

**Location** 11, Ladygates, Betley

**Description** New pitched roof to existing garage

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

West Midlands Regional Spatial Strategy

Policy QE3: Creating a High Quality Built Environment for all

Staffordshire and Stoke on Trent Structure Plan 2011

Policy D2: The Design and Environmental Quality of Development

Policy NC19: Conservation Areas

Newcastle under Lyme Local Plan 2011

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

Policy B9: Prevention of Harm to Conservation Areas

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

Policy B13: Design and Development In Conservation Areas

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

### **Other Material Considerations**

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**

See history sheet on file for the comprehensive site history.

### **Views of Consultees**

**Betley Parish Council** – No objections

**Landscape and Development section** - Nil

**Conservation Area Working Party** – No objections but projecting eaves would create more style for the building.

### **Representations**

The occupiers of 11 neighbouring properties have been notified. No letters of representation have been received.

### **Applicants/agents submission**

A Design and Access Statement has accompanied the application.

## Key Issues

The application is for a new pitched roof on an existing garage within the residential curtilage of 11 Ladygates in Betley. The property is at the end of a residential cul-de-sac which is formed by large 1960's detached properties. The property is located within the Betley Conservation area. The new roof will have a 27.5 degree pitch and will have concrete pantiles.

The key issues in the determination of the development are:

- the design of the proposals
- 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.”*

The application property is a large 1960's detached property at the end of a residential cul-de-sac. The property has an existing flat roof brick built detached garage towards the north west of the main dwelling. The proposed development will introduce a new pitched roof to the garage in order to improve its appearance.

A number of other residential properties have pitched roof garages and so the proposal would replicate this design and compliment the street scene. The pitch will have a 27.5 degree pitch of concrete pantiles with facing brickwork on the gable ends of the roof.

The proposal is considered to be an addition that would improve the appearance of the garage and compliment the appearance of the main dwelling house. The Proposal would also match the appearance of other garages in the cul-de-sac, this also being considered acceptable.

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

## The impact of the proposed development on the Conservation Area

Policy B9, B10, B13 and B14 seeks to prevent harm of development on Conservations Areas and a requirement to preserve or enhance the character or appearance of a Conservation Area. The property is located within the Betley Conservation Area and in particular, policy B10 and B13 are of importance in this instance.

The Conservation Area only includes parts of Ladygates but it does include the application property. Ladygates has the appearance of a suburban residential cul-de-sac and so a new pitched roof would have a very limited impact on the Conservation area. However, the new pitched roof will enhance the area by being a marked improvement on the appearance of the existing flat roofed garage.

The Councils Conservation Officer has made comments regarding the proposal and considers that the principle of the development is acceptable and concrete panties are acceptable because this is the character and appearance of other properties on the cul-de-sac.

The Conservation Advisory Working Party has also commented on the application recommending that projecting eaves would create more style for the building. These comments and those provided by the Conservation Officer were considered but it was felt that the garage would have a very minimal impact on the Conservation area and the proposed design would match other properties in the area.

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

## Impact upon neighbouring occupiers in terms of amenity

PPS 1 paragraph 3 states that;

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

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

Supplementary Planning Guidance provides further advice regarding residential extensions.

The proposed development would have a very limited impact on the residential amenity of neighbouring properties and although it would introduce a roof that is much taller than the existing flat roof, it is well away from any neighbouring properties. Therefore the proposed impact would be very minimal and would not conflict with guidance contained within the SPG.

Adequate private space would remain to the rear of the property. The proposals adhere to the guidance contained within SPG relating to the control of residential development.

In summary it is not considered that there would be any significant adverse impact on the amenity of the neighbouring properties as a result of the development.

#### **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 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.

**R1** 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.

#### **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 | <b>21.04.08</b> | Decision Sent Out    |                 |
| Case Recommendation Officer | <b>09.05.08</b> | 8 Week Determination | <b>14.05.08</b> |
| Management check            |                 |                      |                 |

# OFFICER REPORT ON DELEGATED ITEMS

**Applicant** Mr B Davey                      **Application No**                      08/182/LBC

**Location**                      Lake House Heath Road Whitmore

**Description**                      First Floor Rear Extension

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

### **West Midlands Regional Spatial Strategy**

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

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

Policy NC18:                      Listed Buildings

### **Newcastle Under Lyme Local Plan 2011**

Policy B6:                      Extension or alteration of Listed Buildings

### **Other Material Considerations**

#### **Relevant National Policy Guidance:**

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

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

### **Planning History**

2007 07/366/FUL Permit – First floor rear extension

### **Views of Consultees**

The **Conservation Advisory Working Party** have no objections. Member welcomed the attempt to improve the appearance of the building.

**Whitmore Parish Council** supports the application.

### **Representations**

None received

### **Key Issues**

Lake House is a Grade II Listed building. This application is for listed building consent for the erection of a first floor rear extension to provide an additional bedroom and en suite facility. Planning permission has been granted for this proposal (Ref. 07/366/FUL).

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

The proposed extension would be to the rear of the property, although it would be also seen on the side of the property. The property has been extended in the past. The proposal would be

over an earlier ground floor extension with a flat roof/ parapet wall design with white rendered walls, the extension would continue from a gable extension at the rear of the property. The extension would match the design of the existing property. It is considered the form and scale of the extension would not have an adverse impact on the on the Listed Building, subject to the control of the detail so as to be sympathetic to the Listed Building without competing with it.

In terms of details, it is considered prudent to attach condition to any consent relating to the roof and facing materials, the removal of the proposed half timber detail, verge detail, window style and rainwater goods.

Reason for the grant of listed building consent:

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

Recommendation/conditions

**Grant consent** subject to the following conditions

1. No works referred to in this listed building consent shall commence until full and precise details of the following have been submitted to and approved in writing by the Local Planning Authority: -
  - a) the external roof and facing materials
  - b) joinery details of the new windows
  - c) roof verge detail
  - d) rainwater goods

The works shall be undertaken in accordance with the aforesaid approved details

- R1. To protect and safeguard the historic fabric and appearance of the listed building in accordance with the requirement of Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policy B6 of the Newcastle-under-Lyme Local Plan 2011.
2. Notwithstanding the submitted details, and in pursuant of condition 1 (a) above, the proposed half timber detail on the new gable end of the extension shall be omitted from the proposal.
- R2. For the avoidance of doubt and to protect and safeguard the historic fabric and appearance of the listed building in accordance with the requirement of Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policy B6 of the Newcastle-under-Lyme Local Plan 2011.

Note to applicant

1. Your attention is drawn to the attached comments of Borough Councils 'Conservation and Urban Design Services' dated 18<sup>th</sup> March 2008.

| Performance Checks          | Date              |                      | Date            |
|-----------------------------|-------------------|----------------------|-----------------|
| Consultee/ Publicity Period | <b>25.04.08</b>   | Decision Sent Out    |                 |
| Case Officer Recommendation | <b>14.05.2008</b> | 8 Week Determination | <b>15.05.08</b> |
|                             |                   |                      |                 |

# OFFICER REPORT ON DELEGATED ITEMS

**Applicant** - Nix    **Application No – 08/228/FUL**

**Location** - Springfield House, The Croft, Chester Road, Audley.

**Description** – Erection of detached dwelling and detached garage

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

West Midlands Regional Spatial Strategy

QE3:    Creating a high quality built environment for all  
CF2:    Housing beyond the Major Urban Areas  
CF3:    Levels and Distribution of housing development

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

D1:    Sustainable Forms of Development  
D2:    The Design and Environmental Quality of Development  
H4:    Portfolio of sites  
T1A:   Sustainable Location  
T18a   Transport and Development  
NC19   Conservation Areas

Newcastle Under Lyme Local Plan 2011

H1:    Residential Development: Sustainable Location and Protection of the Countryside  
H3:    Residential Development – Priority to Brownfield Sites  
T16:   Development – General Parking Requirements  
B9:    Prevention of harm to Conservation Area  
B10:   The requirement to preserve and enhance the character and appearance of a Conservation Area.

**Other Material Considerations include:**

Supplementary Planning Guidance (SPG)

Space about dwellings (July 2004)

Housing Clarification report February 2008

Manual for Streets 2007

Relevant National Policy Guidance:

PPS1  
PPS3  
PPG13  
PPG15  
Companion Guide to PPS 1

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy – Submission draft – March 2008

**Planning History**

2004    04/166/FUL    Permit – Erection of detached bungalow

1999 99/186/FUL Permit – Renewal of planning consent 93/882/FUL for the erection of a detached dwelling  
1993 93/882/FUL Permit – erection of detached dwelling  
1989 N19010 Permit – two dwellings  
1987 N17622 Permit – detached house and garage  
1986 N16675 Permit – construction of access road  
1986 N15740 Permit – four dwellings  
1983 N12850 Permit – four dwellings  
1981 N10156 Permit – (outline) four dwellings

### **Views of Consultees**

**Environmental Health Division** have no objections, subject to the inclusion of report of unexpected contamination condition

**The Highways Authority** have no objection subject to conditions

- Parking and turning area as submitted
- Drainage arrangements

**Audley Parish Council** does not support the proposal due to overdevelopment of the site, within the Conservation area and drainage problems

**Conservation Advisory Working Party** no objections but supportive of the requests of the Conservation Officer that certain amendments be made.

### **Representations**

Three letter of representation have been received raising the following concerns:-

- Description of the proposal
- Loss of privacy
- Overlooking
- Overbearing
- Incorrect boundaries shown
- Access arrangements
- Storage of materials on site
- Too large for plot size
- Out of keeping with the area
- Drainage issues

### **Applicant's/agent's submission / Design and Access Statement**

A Design and Access statement has been submitted with the planning application submission.

### **KEY ISSUES**

The application is for full planning permission for a detached dwelling with three bedrooms which utilises the proposed roof space together with a detached garage at the front of the proposed dwelling. Planning permission was granted in 2004 for a smaller dwelling with integral garage.

The plot forms the side garden of a relatively modern detached dwelling, the proposal would share the drive and access onto Chester Road. The site is adjacent to a public right of way. The site is partially separated by high conifer hedges

Given the principle of residential development has been established by the 2004 full planning permission, and whilst there has been changes to housing planning policy since this grant of planning permission such changes would not have resulted in a different outcome to the

principle of the proposal. The applicant has until April 2009 to implement the 2004 permission. It is considered the main issues for consideration in the determination of this application are:-

- ◆ Impact upon the character and appearance of the Conservation Area and the area generally
- ◆ Residential amenity.
- ◆ Design of the proposal

#### Impact on the form and character of the area

Policy D2 of the Structure Plan requires development to be informed by, or sympathetic to, the character and qualities of its surroundings, in its location, scale and design.

The area is predominantly residential with a variety of house styles, ages, types, and sizes. The host property dates from the late 1980's and is of design reflecting that period.

The site is backland development as is the host property therefore the proposal does not have any direct road frontage.

It is considered given the siting of the approved scheme and the siting of the current proposal it would not have a detrimental impact on the character and appearance of the Conservation Area nor the general form and character of the area. Similarly it is not considered that the proposed garage would have any detrimental impact on the character and appearance of the area and the Conservation Area. The issue of the detailed design is considered below. Given the increase of proposed built form on the site and its Conservation Area setting it would be prudent to remove the proposed property's permitted development rights were permission to be granted.

#### Residential Amenity

The site is situated with high conifer hedge boundaries to the north with an intervening public footpath and generally high boundaries to the properties on Wilbraham's Walk. To the south, adjacent to the host property (Springfield House) is an existing high boundary consisting of walling and fencing together the existing garage.

The proposed dwelling is designed so that windows serving principal rooms as defined by the adopted SPG are sited in the front and rear elevations. There are windows being proposed in the side elevations, however, these serve non-principal rooms and as such would not result an adverse loss of privacy to adjacent residential occupiers, however it is considered prudent to have the roof light facing to the rear of the properties on Wilbraham's Walk permanently obscured glazed. The siting of the proposed dwelling would not impinge 45 degree angles from the principal windows of the adjacent property as defined in the SPG, and to remove permitted development rights for any alterations in this elevation.

The proposed dwelling would not conflict with the adopted SPG given the size of the application plot and the separation distance and the orientation of the adjacent properties.

The proposal is considered acceptable in terms of residential amenity.

#### Design of the proposal

PPS3 at para 49 advises that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, when well designed and built in the right location, it can enhance the character and quality of an area. Successful intensification need not mean high rise development or low quality accommodation with inappropriate spaces.

PPS1 at para 34 advises that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.



The application site is within an area of residential development which is a mix of large and medium sized properties set in appropriately sized plots.

The proposal would provide a two storey (including the use of the roof space created) dwelling with an overall ridge height of approximately 5.75 metres, there is a gabled outrigger coming out at the side of the proposed dwelling at the same height, roughly forming a T shaped in plan dwelling. The roof space would be utilised for accommodation and would involve the use of dormer windows and roof lights.

Concern has been raised regarding the detail of the design it is considered these issues could be resolved by imposing conditions on any approval.

It is considered the overall design is considered acceptable for this location subject to appropriate condition being imposed.

There is an eclectic mix of the design and styles within the immediate area, this current design continues that mix whilst not adversely impacting on the character and appearance of the Conservation Area.

### **Reasons for the grant of planning permission**

A full planning permission exists for similar development of this plot so the principle of residential development has been accepted. In terms of its impact on the character and appearance of the Conservation Area, its relationship to adjoining properties and its general design, the proposal accords with the provisions of the development plan and there are no other material considerations which would justify a refusal of planning permission.

### **Recommendation**

1. No development shall commence until full and precise details of the following have been submitted to and approved in writing by the Local Planning Authority:-

- a) The proposed facing and roofing materials.
- b) the finished floor levels and ground levels.
- c) the proposed boundary treatments
- d) all external joinery works

R1 To protect the character and appearance of the Conservation Area, in accordance with the requirements of policies D2 and NC19 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011, policies B9 and B10 of the Newcastle under Lyme Local Plan 2011 and aims and objective of PPS1 and PPG15.

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

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

R2 - To protect amenity and in accordance with Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policies S15 and B10 of the Newcastle-under-Lyme Local Plan 2011.

3. Before the development hereby permitted commences adequate parking and turning facilities shall have been provided within the curtilage of the site and shall be permanently maintained thereafter.

R3 - To protect the safety and convenience of users of the highway in accordance with policies T16 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policy T16 of the Newcastle-under-Lyme Local Plan 2011..

4. Prior to the development being brought into use, the parking and turning facilities as shown on submitted plans shall be provided and retained for the life of the development.

R4 To protect the safety and convenience of users of the highway in accordance with policies T16 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policy T16 of the Newcastle-under-Lyme Local Plan 2011.

5 No development shall commence until full and precise details of the means of disposal of foul and surface water effluent have been submitted to and approved in writing by the Local Planning Authority.

R5 To prevent pollution of the water environment Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policy S1 of the Newcastle-under-Lyme Local Plan 2011.

6. Any rooflight serving bedroom 3 on the side elevation facing the properties on Wilbraham's Walk, and the two ensuite bathroom windows as shown hatched in GREEN shall be permanently obscure glazed.

R6 To protect residential amenity in accordance with policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996 -2011.

7 In the event that contamination is found that was not previously identified it shall be reported immediately to the Local Planning Authority and works must cease. An investigation and risk assessment must be undertaken and where remediation is necessary a Remediation Strategy shall be submitted and agreed in writing with the Local Planning Authority. The agreed scheme shall be completed before works recommences unless otherwise agreed in writing by the Local Planning Authority

R7: Having regard to the health and safety of those working on the site and the future occupiers of the development in accordance with the aims and objectives of PPS23.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A, B, C, D, E, and G of Part 1 of Schedule 2 of the Order shall be carried out.

R8 Having regard to the size of the plot being proposed and to the protection of the residential amenity of the existing adjacent residential occupiers and the future occupiers of the development in accordance with adopted supplementary planning guidance relating to space about dwellings 2004, Policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011 and the aims and objectives of PPS1.

**Note to Applicant:-**

1. You are advised of the proximity of a public footpath.

2. This permission does not grant nor imply permission to divert, block or in any way interfere with any public footpath.

3. You are advised to seek guidance from your local Crime Prevention Officer on measures that can be incorporated within the development to deter crime (Contact Stafford Police Headquarters on 0845 3302010).

4. No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development, a suitable methodology for testing this material should be submitted to the Local Planning Authority prior to the soils being imported to the site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to the Local Planning Authority. Further information regarding the requirements of Newcastle under Lyme Borough Council can be obtained from <http://www.newcastle-staffs.gov.uk/general.asp?id=SXC118-a7804E47&cat=562> or on 01782742595

| Performance Checks            | Date            |                      | Date            |
|-------------------------------|-----------------|----------------------|-----------------|
| Consultee/ Publicity Period   | <b>02.05.08</b> | Decision Sent Out    |                 |
| Case Officer Recommendation   | <b>20.05.08</b> | 8 Week Determination | <b>21.05.08</b> |
| Report checked by Back Office |                 |                      |                 |
| Management check              | <b>GRB 20.5</b> |                      |                 |

# OFFICER REPORT ON DELEGATED ITEMS

**Applicant** Mr B J Fradley **Application No** 08/00235/ADV  
**Location** Land opposite Maer Hall Lodge, Stone Road, Blackbrook  
**Description** Directional Sign

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

### West Midlands Regional Spatial Strategy

Policy QE3: Creating a high quality built environment.

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

Policy D2: The Design and Environmental Quality of Development

Policy NC19: Conservation Areas

Policy T13: Local Roads

### Newcastle Under Lyme Local Plan 2011

Policy B9: Prevention of harm to Conservation Areas

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

Policy B13: Design and Development in Conservation Areas

Policy N19: Area of Landscape Maintenance

### Other Material Considerations

PPS1: Delivering Sustainable Development

PPS 7 Sustainable development in Rural Areas

PPG19: Control of Outdoor Advertisements

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

PPG 15: Planning and the Historic Environment

### Relevant Planning History

Nil

### Views of Consultees

Conservation Officer – Object to the proposal and recommends a refusal on the design of the sign and its negative impact upon the Conservation Area

Conservation Advisory Working Party – object on the basis that the proposal would be over large and wrongly located in the Conservation Area.

Maer Parish Council – Object to the proposals for the following reasons:

- Objected in the past to the general proliferation of roadside signs in the Parish
- Concern that allowing these signs would set a dangerous precedent
- Considered the application displays a misrepresentation on the actual size of the signs, i.e the actual size of the sign is 7ft from ground level, however on the plans the signs are represented as 2 foot in height
- Councillors consider these are not directional signs but promotional
- The Parish have received a number of complaints about the proposed sign (and other signs in related applications 08/00234/ADV, 08/00233/ADV and 08/00236/ADV)
- Overall concern is road safety, as there have been many accidents, some fatal at some of these junctions and additional distractions would only increase driving problems

Highways Authority – No objections

## Representations

Nil

## **Key Issues**

Advertisement consent is sought for the erection of a directional sign at land opposite Maer Hall Lodge, Stone Road, Blackbrook. The directional sign would display the wording “Maer Estate Holiday Cottages.” The sign would measure 1500mm by 1200mm, displayed on 1500mm high posts. The overall height of the proposed sign would be approximately 2.2 metres.

The background of the sign would be dark green (reference 07GG 08/244), with white text and a white arrow. The border around the motif would be lavender (reference 30RB 35/166), the second border would be dark green and the thin border would be white. The motif would be white in colour with the detail in dark green.

PPG 19 “Outdoor Advertisement Control” states that the display of outdoor advertisements can only be controlled in the interest of “amenity” and “public safety”. Paragraphs 11-14 of PPG 19 explain what is meant by the term amenity – the effect on the appearance of a building or on the visual amenity in the immediate neighbourhood in which the sign is to be developed. The main issues to address are therefore amenity/ design issues, the impact on the Conservation Area and public safety.

### Amenity issues and impact on the Conservation Area

Looking at the design aspects of the scheme, PPS 1: Delivering Sustainable Development, states that good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

The proposed sign would be located within the Maer Conservation Area. PPG 15 “Planning and the Historic Environment” provides guidance on the protection of buildings and areas of special architectural or historic interest. It states that there is a close link between controls over Conservation Areas and development control decisions and in such cases development and conservation issues will generally be considered together. Policy NC19 of the Structure Plan reflects this national guidance, and emphasises that there will be a presumption on favour of retaining and enhancing buildings, groups of buildings or other features, including open spaces and views through, into or out of the areas which contribute to their special character, appearance or interest. New development within or adjacent to Conservation Areas should respect, protect and enhance their character and appearance with respect to height, scale, intensity and materials.

Policy B9 of the Local Plan states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B10 of the Local Plan emphasises the importance of the requirement to preserve or enhance the character or appearance of Conservation Areas, stating that proposed sizes, forms and bulk must respect those existing in the Conservation Area, open spaces important to the character or historic value of the area are protected, and important views within, into and out of the site are protected.

The sign is proposed to be located in a prominent position at the access to Maer Village and is located within a sensitive part of the Conservation Area. It is considered that the proposal, due to its size, design and impact does not comply with the Council’s Local Plan Policies.

The sign is unacceptable because it comprises two individual panels each 1.6 metres high by 1.5 metres wide set on substantial posts, which will result in a sign of no higher than 2.2 metres in total height, and, although the two joined signs are set on the splay their combined sizes make their impact unacceptable. The sign is over large in its context and would damage the special architectural or historic interest of the Conservation Area.

It is considered that an increase in the number of signs in this area will begin to harm the special architectural or historic interest of the area, and would lead to a cluttered appearance of this part of the Conservation Area and rural area in terms of the amount of signage on the highway verge. The proposal therefore conflicts with Policies B9, B10 and B13 of the Local Plan.

**Public and Highway Safety**

It is considered that in general, signs of this nature distract users of the Highway, and would set a dangerous precedent if the number of signs of this nature increase in the area. The Parish raised major concerns about road safety in the area as there have been many accidents at some of these junctions and additional distractions would only increase driving problems.

Highways Authority have no objections to the proposal, however did comment that the proposed directional sign does not comply with the Traffic Signs Regulations and General Directions 2002 and will therefore not be permissible on the public highway.

Overall, the signs are considered unacceptable as they would result in an unnecessary advertisement sign for the Maer Holiday Cottages which would lead to increased highway danger and increased clutter of the highway verge which could lead to setting of an unwanted precedent.

**Recommendation**

**Refuse** for the following reasons:

1. The proposed sign by virtue of its siting, size and design would result in an incongruous feature in the open countryside to the detriment of the visual amenities and character of the surrounding area. The proposals would therefore be contrary to national planning guidance PPG19 and contrary to Policies D2, NC1 and NC2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies N17 and N19 of the Newcastle-Under-Lyme Local Plan 2011.
2. The directional sign, by virtue of its design, scale and siting, would have a harmful effect on the character and appearance of the Maer Conservation Area, and would be contrary to Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011, Policies B9, B10 and B13 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of PPG 15.

**Note to applicant**

| Performance Checks            | Date                           |                      | Date           |
|-------------------------------|--------------------------------|----------------------|----------------|
| Consultee/ Publicity Period   | <b>22/4/08</b>                 | Decision Sent Out    |                |
| Case Officer Recommendation   | <b>1/5/08</b>                  | 8 Week Determination | <b>14/5/08</b> |
| Report checked by Back Office |                                |                      |                |
| Management check              | <b>Amended<br/>14.5.08 ESM</b> |                      |                |

# OFFICER REPORT ON DELEGATED ITEMS

**Applicant** - Huggies Day Nursery                      **Application No** 08/00276/

**Location**                      Huggies Day Nursery Old Hall Drive Bradwell

**Description**                      Change of use from office/training centre to childrens day nursery.

## **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  
Policy QE5 Protection and enhancement of the Historic Environment  
Policy T2 Reducing the need to travel

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

Policy D1 Sustainable forms of Development  
Policy D2 The Design and Environmental Quality of Development  
Policy T1A Sustainable Location  
Policy T13 Local Roads  
Policy T18A Transport and Development  
Policy NC18: Listed Buildings

### **Newcastle Under Lyme Local Plan 2011**

Policy T16 Development – General Parking Requirements  
Policy B6: Extension or alteration of Listed Buildings

### **Other Material Considerations**

Relevant National Policy Guidance:

PPS1

PPG13

PPG15:

Companion Guide to PPS1 – ‘The Planning System : General Principles’

### **Relevant Planning History**

See History sheet on file

### **Views of Consultees**

The **Highway Authority** has no objections to the proposal subject to the restriction of maximum of 30 children.

The **Environmental Health division** has no objections.

The **Conservation Advisory Working Party** has no objections but concerns were raised that features within the building were unique and should be protected.

### **Applicants/Agents submission**

A Design and Access Statement was submitted with the application.

### **Key Issues**

This application is for full planning permission for the change of use of four first floor rooms used for office/training and storage purposes to form toilets and children's day nursery. The building is a Grade II Listed Building. The site is currently used as nursing Home and Childrens Day Nursery. The proposal also includes for the provision of 4 additional car parking spaces adjacent to the building (spaces 1 to 4) The site is located within the urban area of Newcastle adjacent to an established residential area.

The key issues to be considered are

- Principle of the proposal
- Affect on the Listed Building
- Highway Safety Issues

#### Principle of the proposal

The site is currently used for a nursing home and children's nursery. The site located in the urban area of Newcastle and in close proximity of residential housing estate. Given the sites location and the existing uses it is considered the principle of this proposed use is acceptable

#### Affects on the Listed Building

An application for listed building consent runs concurrent with this application (ref 08/277/LBC) The building is Grade II Listed and the part of the building subject to this proposal was fire damaged approximately 20 years old, resulting in a loss of original features of the building. All works being undertaken are internal. The main alterations involves the installation of toilets in a room currently used for storage and boiler room. The other main alteration involves the installation of wash hand basin in the three rooms to be used as the childrens nursery. No other features would altered or removed.

Given the limited scale of the works involved, it is in area of where there has been fire damage previously and the proposal would bring the building into a active use which would safeguard it future it is considered there would be no detrimental harm to the Listed Building.

#### Highway Safety issues

The site is located off the public highway and the existing uses have car parking for 61 vehicles. The proposal would provide 4 additional car parking spaces. The Highway Authority whilst not raising an objection to the proposal request the use is limited to 30 children (the applicant is seeking care for 40 children. It should be noted the HA base this on the fact that it was not clear from the application submission were the additional spaces were to be provided. Verbally confirmation from the applicants agent that spaces 1 to 4 are to be the additional car parking spaces.

From the case officers site visits it was established that spaces were generally available and it was also noted some of the spaces were taken by skips etc.

It is considered the request from the HA would be difficult to enforce against and given there are 4 additional spaces being provided and others were used for other purposes, it would more prudent to attach conditions relating to the provision of the new spaces and the use of the existing spaces. Such as it is not considered appropriate to attached the condition as suggested by the HA.

#### **Reason for granting planning permission**

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

#### **Recommendation**

Permit subject to



1. The only works to be carried out are those indicated on the Forshaw Greaves and Partners job number 7770 drawing number 2 revision B unless otherwise agreed beforehand in writing by the Local Planning Authority.

R – For the avoidance of doubt and to protect the historic fabric of the building in accordance with policy B6 of the Newcastle under Lyme Local Plan 2011

2. Prior to the development hereby permitted is brought into use the four additional car spaces marked 1 to 4 on drawing no. 6651/6 and attached to this permission shall be provided and maintained for that use for the life of the development.

R – To protect the safety and convenience of users of the highway in accordance with the requirement of Policy T16 of the Newcastle under Lyme Local Plan 2011

3. Prior to the development hereby permitted is brought into use the existing car park facility shall be made fully available and thereafter maintained for car park use only for the life of the development.

R – For the avoidance of doubt and to protect the safety and convenience of users of the highway in accordance with the requirement of Policy T16 of the Newcastle under Lyme Local Plan 2011

Note to applicant

N10 - Crime and Disorder note.

| Performance Checks          | Date            |                      | Date            |
|-----------------------------|-----------------|----------------------|-----------------|
| Consultee/ Publicity Period | <b>02/05/08</b> | Decision Sent Out    |                 |
| Case Officer Recommendation | 19/05/08        | 8 Week Determination | <b>22/05/08</b> |
|                             |                 |                      |                 |
| Management check            |                 |                      |                 |

# OFFICER REPORT ON DELEGATED ITEMS

**Applicant** - Edwina Bennett

**Application No** 08/00286/FUL

**Location** – 20 Ironmarket, Newcastle

**Description** – Re – instatement of previously removed window, two awnings and shutters

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

### **West Midlands Regional Spatial Strategy**

Policy QE3: Creating a High Quality Built Environment for All

### **Staffordshire and Stoke-on-Trent Structure Plan 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 B9: Prevention of harm to Conservation Areas

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

Policy B13: Design and Development in Conservation Areas

Policy B16: Shop fronts in Conservation Areas

Policy B17: Awnings, canopies and blinds in Conservation Areas

Policy B18: Security Shutters in Conservation Areas

## **Other Material Considerations include:**

### **National Planning Policy**

PPS1: Delivering Sustainable Development (2005)

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

PPS 7: Planning for Town Centres

PPG 15: Planning and the Historic Environment

PPG 19: Control of Advertisements

## **Planning History**

93/00279/COU Permitted 15/6/1993 Change of use of part of first floor and basement to retail

N20424 Permitted 18/12/1990 Window guards to Fogg Street Elevation

N18163 Permitted 31/1/1989 Extension to retail premises to provide a staff room and toilet

## **Views of Consultees**

**Police Architectural Liaison Officer** – No objections

**Conservation Officer** – No objections, subject to conditions

The **Conservation Advisory Working Party** – Requested additional details regarding the proposed shutter and awning

## **Representations**

Nil

### **Applicants/ Agents submission**

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

- The site is located within Newcastle-under-Lyme town centre. The front elevation addresses the Ironmarket and the side elevation addressed Fogg Street East.
- Due to the modest scale of the project, no consultations' have been undertaken
- Evaluation – the site is located in a busy and popular area of Newcastle-under-Lyme town centre. The reinstatement of the previously removed ground floor window will greatly improve the quality of the internal space by introducing a source of natural light. The amount of active street frontage will be increased, thus improving the street scene.
- No change of use is proposed
- Amount – the total site area is approximately 232 square metres. There are no proposed changes to the plan, other than the reinstatement of the previously removed window
- Layout – There are no proposed changes to the layout of the building
- Scale – The scale of the building will not be altered
- Landscaping – The proposal does not involve any landscaping works
- Appearance – The appearance of the building will be improved by the reinstatement of the previously removed window. The active street frontage will be increased and the new window will break down the large area of render, improving the appearance of the elevation and thus the street scene.
- Access – No alterations to the existing access arrangements are proposed
- Environmental measures – the new window will introduce natural lighting to an area which currently relies on artificial sources of light. The new window will be designed to meet the standards as described in the current building regulations.

### **Key Issues**

Full planning permission is sought for the re instatement of a previously removed window, on the side elevation of 20 Ironmarket facing into Fogg Street. The building is Victorian and forms part of an attractive parade of former town houses now in commercial use in the Ironmarket, including some fine Georgian Grade II Listed Buildings, running between Fogg Street and Ladd Lane and situated within the Town Centre Conservation Area.

The window would be situated adjacent to an existing doorway on Fogg Street. It is proposed to include a fabric awning above the existing doorway on Fogg Street, in Sage Green. A removable shutter to the window is also proposed, in powder coated steel and Sage Green in Colour.

It is considered that the main issues in the determination of this application are:

- Impact on the Conservation Area
- Visual Amenity
- Highway and pedestrian safety (in connection with the proposed projecting sign and awning)

### **Impact on the Conservation Area**

Paragraph 4.14 of PPG 15 'Planning and the Historic Environment' states that special attention should be paid in the exercise of planning functions to the desirability or preserving or enhancing the character or appearance of a conservation area. Paragraph 4.18 states that special regard should be had for matters such as scale, height, form, massing, respect for traditional features, the scale and spacing of window openings and the nature and quality of materials.

Policy NC19 'Conservation Areas' of the Staffordshire and Stoke-on-Trent Structure Plan states that areas of architectural or historic interest will be designated as Conservation Areas and there will be a presumption in favour of retaining and enhancing buildings, groups of buildings, or other features, including open spaces and views, appearance or interest. New development

within or adjacent to Conservation Areas should respect, protect and enhance their character and appearance with respect to its height, scale, intensity and materials.

Policy B9 of the Newcastle-under-Lyme Local Plan, 'Prevention of harm to Conservation Areas' states that the Council will resist development that would harm the special architectural or historic character of Conservation Areas. Policy B10 of the Local Plan 'The requirement to preserve or enhance the character or appearance of a conservation area' states that permission will only be granted to construct, alter the external appearance or change the use of any building only if its proposed appearance or use will preserve or enhance the character or appearance of a Conservation Area. Policy B13 of the Local Plan 'Design and Development in Conservation Areas' states that applicants for planning permission should demonstrate how they have taken account for the need to preserve or enhance the character or appearance of Conservation Areas in the design of their development proposals.

The proposed window would measure 1220mm in width and 2400mm in height. The window would be timber framed and painted Sage Green to finish. The window cill would be pre cast concrete on a mortar bed and finished in paint to match the existing.

Policy B17 "Awnings, canopies and blinds in Conservation Areas" of the Local Plan states that the Council will take into consideration the architectural qualities of the building on which they are to be put and the nearby buildings. It is considered the proposed Sage Green fabric awning above the existing doorway would not detract from the character of the building, and would not be harmful to the character of the surrounding area in terms of its appearance, size or design.

Policy B18 "Security shutters in Conservation Areas" of the Local Plan states that the Council will take into account the architectural qualities of the building on which they are to be installed and the surrounding area. It goes on to state that planning permission will not be granted for solid external shutters on buildings in Conservation Areas. The proposed shutter is not a solid shutter, and it would be finished in Sage Green to match the proposed awning above the doorway.

It is considered that the proposal would have a minimal impact upon the character and appearance of the Conservation Area, and would comply with the development plan policies for the protection and enhancement of the Conservation Area. The materials would be acceptable, however, the applicant has yet to finalise the precise details of the decorative wrought iron screen shutter.

It would also appear that a traditional styled hanging sign is to be displayed on the premises. This may require a separate application under the Advertisement regulations, and an advisory note should be attached advising that prior to the sign being displayed the views of the Local Planning Authority should be sought to ensure that an application is submitted if required, and the appearance of the sign is suitable for its location in a Conservation Area.

#### Visual Amenity

In term of the visual impact of the development it is considered that the proposal would have a minimal impact on the appearance of this part of the Conservation Area, and would not be detrimental to the character or appearance of the area. The materials would enhance the special character of the Conservation Area, and would not detract from the surrounding properties. The proposed colour of the shutter and awning are to be Sage Green which is an acceptable conservation colour.

#### **Reasons for the grant of planning permission**

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

#### **Recommendation**

**Permit** subject to: Conditions

1. Prior to the commencement of the development hereby approved, full and precise details of the design of the removable powder coated steel gate shall be submitted to and approved in writing by the Local Planning Authority

R1: To ensure the satisfactory appearance of the development, and to protect the character of the Newcastle-under-Lyme Town Centre Conservation Area, in accordance with Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011, Policies B9, B10, B13, B16 and B17 of the Newcastle-under-Lyme Local Plan 1996 – 2011, and the aims and objectives of PPS1 and PPG 15.

**Note to the applicant**

1. **N10. (Crime Prevention)**
2. **The hanging sign as shown on the submitted forms would require express consent, under the terms of The Town and Country Planning (Control of Advertisements) Regulations 1992, before it can be lawfully displayed, as it would be over 0.3 square metres in area.**

| Performance Checks            | Date                    |                      | Date           |
|-------------------------------|-------------------------|----------------------|----------------|
| Consultee/ Publicity Period   | <b>2/5/08</b>           | Decision Sent Out    |                |
| Case Officer Recommendation   | <b>22/5/08</b>          | 8 Week Determination | <b>27/5/08</b> |
| Report checked by Back Office |                         |                      |                |
| Management check              | <b>Amended 22.5 ESM</b> |                      |                |

