

When calling or telephoning please ask for

Mr G Durham

Direct line or ext

742222

My ref

GD/EVB – R82/48

1 April 2011

To the Chair and Members

of the

CONSERVATION ADVISORY  
WORKING PARTY

Dear Sir/Madam

A meeting of the **CONSERVATION ADVISORY WORKING PARTY** will be held in **COMMITTEE ROOM 1, CIVIC OFFICES, MERRIAL STREET, NEWCASTLE** on **TUESDAY, 12 APRIL 2011 at 7pm.**

**AGENDA**

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of meeting held on 22 March 2011 (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

**P W CLISBY**

Head of Central Services

**Members: Councillors Miss Cooper, Heesom, Mrs Naylor, Wemyss and Mrs Williams**

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

**The appropriate Parish Council representative(s) and Ward Members**

**“Members of the Council: If you identify any personal training/development requirements from the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Committee Clerk at the close of the meeting.**

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

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

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision
<b>10/233/FUL &amp; 10/234/LBC</b>	Clod Hall, Almington. Mrs M Mayall.	Demolition of former kennel buildings and erection of detached dwelling with stable block and garage and change of use of land to garden.  Repairs and restoration including partial demolition of attached buildings.	The Working Party supported the application to repair and restore Clod Hall and considered the new proposal to be acceptable and would not harm the setting of Clod Hall. The Working Party were happy with the choice and use of materials. Members made no comment on the financial information leaving the Planning Officers to advise.	(233) Refused under Delegated Powers 8/3/11. (234) Permitted under Delegated Powers 27/1/11.
<b>10/621/FUL</b>	Butterton Nurseries, Park Road, Butterton. Mr & Mrs J N Leath.	Two detached bungalows with attached office accommodation.	The Conservation Advisory Working Party regretted the lost opportunity to provide a quality and interesting development in this historic walled garden. Members hoped that the Conservation Officer could influence the design of the glass structure and quality of the materials.	Permitted by Planning Committee 26/1/11.
<b>10/531/FUL</b>	The Hawthorns and Keele Campus, Keele, Staffs. Keele Seddon Ltd.	Proposed student accommodation with re-provision of car parking (*Keele Campus) and proposed residential development and older person's care village (The Hawthorns).	(Horwood) The Working Party objected to the inappropriate scale and massing of the proposed 5 storey block that would have an adverse impact on the historic landscape and Conservation Area views. Objections were raised regarding the demolition of house '99'	Application Withdrawn.

which had some architectural merit and may qualify for twentieth century listing. Overall, the Group regretted that there was no master-plan for the Keele Campus to guide development.

The Working Party recommended refusal in order that the whole proposal could be revisited for more informed and imaginative master planning that would respect the historic park and garden.

(The Hawthorns) The Conservation Advisory Working Party broadly welcomed the proposal for houses on the site and the retention of important landscape features such as walls and existing historic buildings. There were deep reservations over the scale, size and architectural detail of the care home and assisted living units as they did not relate to the village and would harm the character of the Conservation Area through overbearing size, 24 hour commercial type activity and hugely increased traffic. The working party could not recommend the proposals as they currently stand for approval, in line with Policy B14 - (Development in or adjoining the boundary of conservation areas) *"In determining applications for building in a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. Because of this and to allow the impact of a proposal on the special architectural and historic character and appearance of the Conservation Area to be evaluated, outline planning permission will be resisted for proposals in a Conservation Area. Exceptionally, where proposed development immediately adjacent to the Conservation Area would be likely to affect the Conservation Area adversely, similar constraints may be applied"* and Policy B9 - (Prevention of harm to Conservation Areas) *"the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas"* and Policy B13 - (Design and Development in Conservation Areas) *"applicants for planning permission should demonstrate how they have taken into account the character and appearance of Conservation Areas in the design of their development proposals"*

Concern was expressed about the trees in the grounds of the garden of the Villa and Hawthorn House. These add very considerably to the character of the Conservation area. Under Policy B15 (*trees and landscape in Conservation areas*) special measures must be taken in the light of any approvals.

If the development went ahead the Conservation Area boundary would need to be revised.

(Barnes Hall) Members accepted the utilitarian flat roofed unimaginative design as a sort of solution to the need to provide new accommodation blocks on the campus. Members questioned the developers' approach seeing them as piecemeal and unrelated, they noted there had been master plans drawn up for all development on the campus (eg the Terry Farrell plan) but these appear to have been shelved, certainly not guiding this application.

(Horwood) The Working Party objected to the inappropriate scale and massing of the proposed five storey block that would have an adverse impact on the historic landscape and Conservation Area views in line with Policy B10 – (The requirement to preserve or enhance the character or appearance of a Conservation Area) *"permission will 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. This will be achieved by the following criteria being met: paragraph (iv), Open spaces important to the character or historic value of the area are protected; (v) important views within, into and out of the area are protected; (vi) Trees and other landscape features contributing to the character or appearance of the area are protected"*. and Policy B14 – (Development in or adjoining the boundary of Conservation Areas) *"In determining applications for building in a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. Because of this and to allow the impact of a proposal on the special architectural and historic character and appearance of the Conservation Area to be evaluated, outline planning permission will be resisted for proposals in a Conservation Area. Exceptionally, where proposed development immediately adjacent to the Conservation Area would be likely to affect the Conservation Area adversely, similar constraints may be applied"*. Objections were also raised regarding the demolition of house '99' which had some architectural merit and may qualify for 20<sup>th</sup> Century listing. In line with Policy B8 – (Other buildings of historic or architectural interest) *"The Council will ensure the conservation of locally important buildings and structures by encouraging their retention, maintenance appropriate use and restoration"*

The Working Party recommended refusal in order that the whole proposal could be revisited for more informed and imaginative master planning that would respect the Keele's Conservation Areas in line with Policy B13 – (Design and Development in Conservation Areas) *"applicants for planning permission should demonstrate how they have taken into account the need to preserve or enhance the character or appearance of Conservation Areas in the design of their development proposals"*.

**CONSERVATION ADVISORY WORKING PARTY**

Reference	Location and Applicant	Development	Remarks	Ward Councillors
<b>08/70/EXTN &amp; 08/72/EXTN</b>	31 Ironmarket, Newcastle. MIC Properties Ltd.	Extension to the time limit to implement planning permission 08/70/LBC and 08/72/FUL for the change of use from offices to ground floor offices with apartments at first and second floor level (6 in total) with associated internal and external alterations.	Grade II listed building in the Newcastle Town Centre Conservation Area.	Cllr D Clarke Cllr Mrs E Shenton
<b>11/86/LBC</b>	Aston Manor Farm, Aston. Mr P McCormack.	Retrospective application for the demolition and rebuild of existing brickwork on the south gable to the west wing (due to its unsafe and dangerous condition)	Grade II Listed Building.	Cllr A Howells Cllr Mrs F Myatt Cllr B Tomkins
<b>11/87/ADV</b>	33 Ironmarket, Newcastle. Leek United Building Society.	Display of 3 replacement signs, 1 fascia and projecting signs externally lit and one rear illuminated box sign.	Within the Newcastle Town Centre Conservation Area	Cllr D Clarke Cllr Mrs E Shenton
<b>11/89/FUL</b>	Twemlow Cottage, Ivydene, Betley. Mr & Mrs S Hinds.	Relocation of garden wall with new guarding and paving.	Within the Betley Conservation Area.	Cllr D Becket Cllr A Wemyss
<b>11/94/COU</b>	29 Marsh Parade, Newcastle. Stone Physiotherapy Clinic.	Change of use from vacant accountancy office to physiotherapy practice.	Within the Stubbs Walk Conservation Area.	Cllr D Clarke Cllr Mrs E Shenton
<b>11/128/FUL</b>	74 Church Street, Audley. Mr B Riley.	Variation of conditions 3 and 4 of planning permission 11/2/COU (change of use from funeral directors to n oatcake shop) to extend the opening hours.	Adjacent to the Audley Conservation Area.	Cllr Mrs A Beech Cllr Mrs D Cornes Cllr I Wilkes
<b>11/130/FUL</b>	50-54 Church Street, Audley. Mr F Akhtar.	Retention of alterations to roof of rear single storey area.	Within the Audley Conservation Area.	Cllr Mrs A Beech Cllr Mrs D Cornes Councillor I Wilkes
<b>11/131/FUL &amp; 11/132/CON</b>	Old Brown Jug, Bridge Street, Newcastle. Marstons Brewery.	Demolition of the existing 1.9 high rear perimeter wall and erection of a new wall – max height 3.1m high.	Within the Newcastle Town Centre Conservation Area.	Cllr D Clarke Cllr Mrs E Shenton
<b>11/152/ADV</b>	Lidl, Lower Street, Newcastle. Lidl UK GmbH.	Display of two 48 page billboards.	Affects the setting of a listed building and the setting of Newcastle Town Centre Conservation Area.	Cllr D Clarke Cllr Mrs E Shenton
<b>11/154/ADV</b>	50-54 Church Street, Audley. Mr F Akhtar.	Retention of wall mounted advertisement signs.	Within the Audley Conservation Area.	Cllr Mrs A Beech Cllr Mrs D Cornes Cllr I Wilkes

## OFFICERS REPORT ON DELEGATED ITEMS

**Applicant:** Mrs M Mayall                      **Application No:** 10/00233/FUL

**Location:** Former Kennels and Cattery, Clod Hall, Bog Lane, Almington

**Description:** Demolition of former Kennel Buildings and erection of detached dwelling with stable block and garage. The construction of a new detached garage within the garden of Clod Hall and the creation of garden land opposite Clod Hall.

### **Policies and Proposals in the Approved Development Plan Relevant to This Decision:-**

#### West Midlands Regional Spatial Strategy (RSS) 2008

Policy CF2: Housing beyond the Major Urban Areas  
Policy CF3: Levels and Distribution of Housing Development  
Policy QE1: Conserving and enhancing the environment  
Policy QE2: Creating a high quality built environment for all  
Policy QE5: Protection and enhancement of the historic environment.  
Policy QE6: The conservation, enhancement and restoration of the region's landscape  
Policy RR1: Rural renaissance  
Policy RR2: Rural regeneration zone

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

Policy D1: Sustainable forms of development  
Policy D2: The design and environmental quality of development  
Policy D4: Managing change in rural areas  
Policy D5B: Development in the Green Belt  
Policy D6: Conserving agricultural land  
Policy H11: Housing in Open Countryside  
Policy T1A: Sustainable location  
Policy T3: Rural areas.  
Policy T13: Local roads  
Policy T18a: Transport and Development  
Policy NC1: Protection of the countryside: general considerations  
Policy NC18: Listed buildings

#### Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS)

**Strategic Aim 3 (SA3)** - To reduce the need to travel, improve accessibility and increase the opportunities for development of sustainable and innovative modes of travel to support the regeneration of the plan area by securing improvements to public transport infrastructure; and the progressive provision of park and ride and facilities to promote walking and cycling.

**Strategic Aim 14 (SA14)** - To protect and enhance the historic heritage and the unique character of the plan area by ensuring new developments are appropriate in terms of scale, location and their context.

**Strategic Aim 15 (SA15)** - To protect and improve the countryside and the diversity of wildlife and habitats throughout the plan area.

Policy SP1: Spatial Principles of Targeted Regeneration.  
Policy ASP6: Rural Area Spatial Policy.  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment

Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets

#### Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt  
Policy H1: Residential development: sustainable location and protection of countryside  
Policy T16: Development – general parking requirements  
Policy N2: Development and nature conservation – site survey  
Policy N3: Development and nature conservation – protection and enhancement measures  
Policy N4: Development and nature conservation – use of local species  
Policy N8: Protection of key habitats  
Policy N12: Development and the protection of trees.  
Policy N13: Felling and pruning of trees  
Policy N17: Landscape character – general considerations.  
Policy N18: Area of active landscape conservation  
Policy B5: Control of development affecting the setting of a Listed building  
Policy B6: Extension and alteration of Listed buildings

#### **Other Material Considerations include:**

#### **National Planning Policy**

PPS1: General Policy and Principles (February 1997)  
PPS3 Housing as amended 2010  
PPS5 Planning and the Historic environment 2010  
PPS7: Sustainable Development in Rural Areas (August 2004)  
PPG13: Transport (as amended 2011)  
PPG16: Archaeology and Planning (November 1990)

Companion Guide to PPS1 “The Planning System: General Principles”  
Companion document to PPS 5 Historic Environment Planning Practice Guide 2010  
English Heritage Policy Statement – Enabling development and the conservation of heritage assets.

Secretary of State announcement of intention to abolish RSS

#### **Supplementary Planning Document/Guidance**

Space about Dwelling 2004

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance 2010

#### **Applicants/Agents Submission**

The application is supported by extensive documentation including :

- Design and Access Statement
- Ecological Assessment
- Development Cost Appraisal
- Tree Report and Survey
- Further supporting letter from the agent 18<sup>th</sup> August 2010
- Further supporting letter from the agent February 2011

## **Planning History**

The submission of this application was accompanied by an application for listed building consent for repairs and restoration of Clod Hall, including partial demolition of attached buildings (10/00234/LBC).

## **Views of Consultees**

The **Highway Authority** recommend refusal due to a lack of information relating the parking and turning area for the stables, and clarification of the intended use of the stables and where the horses are to be exercised.

The **Loggerheads Parish Council** has no objections to the principle of improving this site, however members recommend a sympathetic design is agreed.

The **Environmental Health Division** has no objection subject to contaminated land conditions, construction controls, recyclable and refuse storage, conditions relating to the stable usage, and control over external lighting.

The **Landscape Development Section** has no objections subject to tree protection measures and root protection areas and no dig methods and additional planting on eastern boundary.

The **Ancient Monument Society** – commenting on the LBC are not convinced that the proposal meets the guidance on enabling development. On two grounds that the proposal arises from the circumstances of the owner rather than the needs of the heritage asset and concerns regarding the setting of the proposed dwelling and its impact on the Listed Building.

The **Society for the Protection of Ancient Buildings** advises commenting on the LBC that if the local authority determines that enabling development is required to fund the repairs to Clod Hall subject to the appropriate conditions.

The **Conservation Advisory Working Party** supported the application to repair and restore Clod Hall and considered the new proposal to be acceptable and would not harm the setting of Clod Hall. The Working Party were happy with the choice of use of materials. The CAWP made no comment on the financial information leaving the planning officer to advise.

## **Key Issues**

This application is for full planning permission for the demolition of the existing former kennel buildings and the erection of a detached dwelling house including a detached double garage block and a detached stable block. The construction of a new detached garage within the garden of Clod Hall and the creation of garden land opposite Clod Hall.

Associated with this proposal is an application for Listed Building Consent for works and alterations to the Grade II Clod Hall.

The main issues to be considered with the application for full planning permission are as follows:

- Whether the proposed dwelling would have an adverse impact on the setting of the adjacent Listed Building?
- Whether the proposal improves or enhances the setting Listed Building?
- Whether the principle of a new dwelling in open countryside is acceptable?

- Whether the design of the new dwelling is acceptable in the open countryside?
- Whether there any extenuating circumstances to allow a new dwelling in the open countryside?

#### Impact of the dwelling on the adjacent Listed Building

The site of the new dwelling is opposite the listed Clod Hall and is currently occupied by former kennel buildings which have been unused for a number of years. The existing buildings are single storey and of a painted concrete block or timber under corrugated sheeted roofs.

The proposal would involve the removal all the existing buildings and the erection of a two storey dwelling together with single storey ancillary buildings including a replacement garage serving Clod Hall.

The new dwelling and its ancillary building would be physically separated from the listed Clod Hall by a public highway and would not be sited directly in front of the listed building with minimum separation distance of in excess of 20 metres to garage block and 35 metres to the dwelling and as such it is considered the proposal would be suitably separated from the listed building so it would not have a detrimental impact on the setting of Clod Hall.

The replacement garage to Clod Hall would be sited further away than the existing and being of a similar footprint it is considered it would not have an adverse impact on the setting of the Listed Building.

In conclusion it is considered the proposed development would not adversely impact on the setting of the listed Clod Hall and as such the proposal is acceptable in this aspect subject to relevant conditions controlling the details.

#### Enhancement/improvement to the setting of the Listed Building?

The proposal would also include the creation of a landscaped garden on the area direct in front of Clod Hall (and to be used by the Clod Hall) and a replacement garage within the curtilage of Clod Hall.

PPS 5 and its companion guide stress the importance of creating and enhancing a setting for a listed building which may go beyond the curtilage of the Listed Building.

Clod Hall is described in the application submission as “a modest late 16<sup>th</sup> – early 17<sup>th</sup> century timber framed rural cottage” the local planning authority would not dispute this statement.

It should be noted that there is no historic record of a garden area previously existing in front of and across the road from Clod Hall. Records would indicate this was formerly agricultural land. However, the creation of a landscaped garden in front of Clod Hall again it is considered would not have an adverse impact on the setting of the Listed Building.

Whilst the proposal would not have an adverse impact on the setting of the Listed Building and it could be argued that the Listed Building setting would be improved/enhanced by this in line with the advice of PPS5 and its companion document, it is considered the enhancement/ improvement to the setting could be more simply achieved by maintenance work and restoration of the land to the former agricultural land use and removal of timber structures around the Listed Building which it appears do not have any consents/permissions. This would provide a setting which is true to its original historic setting of the property.



### Principle of a new dwelling in the open countryside.

Policies D4 and NC1 of the SSSP generally seek to protect the open countryside for its own sake, reflecting guidance within PPS7 on all forms of development within the countryside. Policy H1 of the NLP state that residential development in the open countryside will not be permitted except in special circumstances which is in line with policy H11 of the Structure Plan.

Core Spatial strategy Policy SP1 – Spatial Principles of Targeted Regeneration identifies new housing will be primarily directed towards sites within:-

- The inner urban core, including the City Centre
- Newcastle town Centre
- Neighbourhoods within General Renewal areas and Areas of Major Intervention and other Areas of Housing intervention identified by Renew North Staffordshire, and
- Within the identified significant urban centres

The site is not in one of the areas identified by policy SP1 of the Core Spatial Strategy and as such conflicts with this policy.

Policy ASP6 of the adopted Core Spatial Strategy states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements. Whilst the site may be categorised as previously developed land given its previous use as kennels, the site here lies beyond the Major Urban Area of North Staffordshire. It is considered the proposed dwelling would not serve a wider local need or neither would it support local services.

PPG3 adopts a sequential and managed approach to the release of housing sites, giving priority to the development of previously developed land in sustainable locations. PPS7 advises that Local Planning Authorities should strictly control new housebuilding (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.

PPG13 advises that housing development should be located, wherever possible, so as to promote sustainable means of travel to other facilities. PPS7 seeks to promote more sustainable patterns of development and states that developments in rural areas should give people the greatest opportunity to access them by public transport, walking and cycling in line with the policies set out in PPG13. There are a lack of services and facilities near to this site and whilst there is a bus services on the adjacent A.53 this is unlikely provide the level of flexibility of service to act as a realistic alternative to the car for getting to work, visiting large supermarket or visiting entertainment and leisure facilities in larger settlements. The occupiers of the proposed dwelling would be likely to use the private car for the majority of trips and therefore, its location is a significant factor against the proposal.

In conclusion, the proposal is in clear conflict with a number of housing and countryside policies in the Development Plan.

### Design of a new dwelling in the open countryside.

Notwithstanding the concern raised above in respect of the principle of a dwelling in this location it is important to establish whether the design and scale of the proposed dwelling is acceptable.

The proposed detached dwelling would be two storey and of a traditional design under a pitched clay tiled roof. The design incorporates some contemporary features such as the fenestration details and the use of materials.

The dwelling would accommodate 4 bedrooms and 2 reception rooms and it is considered relatively modest in its scale. The proposal also seek permission for two detached single storey buildings positioned at 90 degree to the proposed dwelling which would accommodate garaging and stabling, these building would be again of a traditional design.

Whilst sited in the open countryside and within a landscape policy area N18, it is considered the design and scale of the proposed dwelling would adversely impact on the landscape quality subject to control over the external facing materials and landscaping of the site.

Are there the extenuating circumstances to allow new housing in the open countryside in this instance?

Whilst Clod Hall is in need of some repair and restoration, it is not considered to be at risk because it is still occupied as a dwelling and it is understood that works carried out in 1960/70's stabilised the property by providing a concrete block inner skin. The building is classed as one to watch and if it becomes vacant its vulnerability will increase.

Whilst the applicants are not claiming this development would be enabling development in the strictest terms to assess the proposal the LPA have utilised the published guidance on dealing with this type of development which provides a starting point to assess this development.

English Heritages own policy on Enabling Development states:-

*Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:*

- A. it will not materially harm the heritage values of the place or its setting*
- B. it avoids detrimental fragmentation of management of the place*
- C. It will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose*
- D. it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid*
- E. Sufficient subsidy is not available from any other source*
- F. it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests*
- G. The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.*

Of the above issues it is considered that A, B and C are satisfied, however, it is considered

- Point D is not met given one of the purpose of the proposal is to enable the applicant to remain living locally.
- Point E up to £10,000 would be available from the historic building grant fund from the Borough Council

- Point F - it is considered the proposal would involve works beyond the minimum to secure the future of the place.
- Point G - it is questionable whether the proposal would bring public benefits which outweighs the disbenefits of breaching other public policies.

The guidance goes on to state that if it is decided that a scheme of enabling development meets all these criteria, English Heritage believes that planning permission should only be granted if:

A the impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission

B the achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in ODPM Circular 05/05, *Planning Obligations*

C the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation

D the planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

Given the proposal fails to meet these established guidelines and it is considered there are no other extenuating circumstances which would warrant permitting development that is contrary to the development plan and the proposal should be resisted on this basis.

### **Recommendation**

Refuse planning permission for the following reason(s):

1. Whilst the development would be on previously developed land, the location of the site is in the open countryside, as such the proposal would be contrary to the objectives of reusing previously developed land in sustainable locations and would undermine the aims and objectives of PPS3 that seeks a flexible responsive supply of land managed in a way that makes effective and efficient use of land with the priority being the re-use of previously developed land and the achievement of previously developed land delivery objectives. For these reasons the proposal is contrary to the aims and objectives of PPS3, Policies D1 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 - 2011, and Policy SP1 & ASP6 of the Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy 2009 insofar as at this early stage in the plan period when the supply of brownfield sites in sustainable locations has not been exhausted, it is not considered appropriate to allow development of this unsustainable brownfield site which would not assist in meeting local housing needs and would not support local services is therefore contrary to Policy H1 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objectives of PPS3.
2. The proposed development, because of its location away from services and public transport links, would ensure that residents would be dependent on the use of private motor vehicles. This would undermine the aims and objectives of PPG13 that advises that housing development should be located, wherever possible, so as to provide a choice of means of travel to other facilities and promotes sustainable patterns of development.

3. The applicant has failed to demonstrate the proposed development would result in substantial benefits to adjacent Listed Building in safeguarding its future which outweighs the conflict with the development plan and furthermore the applicant has also failed to demonstrate the safeguarding the future of the listed building could not be achieved by other more appropriate solutions which do not conflict with development plan policies, the proposed development fails to comply with the English Heritage guidance on enabling development. As such the applicant has failed to justify development contrary to policy as set out in reasons 1 and 2 above.

Performance Checks	Date		Date
Consultee/Publicity Period	<b>04.06.2010</b>	Decision Sent Out	
Case Officer Recommendation	<b>26.01.2011 Revised 22.02.2011 and 08.03.2011</b>	8 Week Determination	<b>30.06.2010</b>
Management check	<b>8/3/11 ESM</b>		

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant:** Mrs M Mayall                      **Application No:** 10/00234/LBC

**Location:** Former Kennels and Cattery, Clod Hall, Bog Lane, Almington

**Description:** Repairs/alteration to Clod Hall (Grade II Listed building)

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

#### West Midlands Regional Spatial Strategy 2008

Policy QE1: Conserving and Enhancing the Environment

Policy QE3: Creating a high quality built environment for all

#### Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026 adopted 2009

Policy CSP1: Design Quality

Policy CSP2: Historic Environment

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

Policy NC18: Listed Buildings

#### Newcastle Under Lyme Local Plan 2011

Policy B5: Control of development affecting the setting of a Listed building

Policy B6: Extension or Alteration of Listed Buildings

### **Other Material Considerations**

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

PPS1: Delivering Sustainable Development (February 2005)

PPS5: Planning for the Historic Environment (March 2010)

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

Circular 11/95 – Conditions

Secretary of State announcement of intention to abolish RSS

### **Planning History**

The submission of this application was accompanied by an application for planning permission for the demolition of former kennel buildings and erection of detached dwelling with stable block and garage; and the construction of a new detached garage within the garden of Clod Hall and the creation of garden land opposite Clod Hall. (10/00233/FUL).

### **Views of Consultees**

The **Conservation Advisory Working Party** supported the application to repair and restore Clod Hall and considered the new proposal to be acceptable and would not harm the setting of Clod Hall. The Working Party was happy with the choice of use of materials. The CAWP made no comment on the financial information leaving the planning officer to advise.

The **Ancient Monument Society** are not convinced that the proposal meets the guidance on enabling development. On two grounds that the proposal arises from the circumstances of the owner rather than the needs of the heritage asset and concerns regarding the setting of the proposed dwelling and its impact on the Listed Building.

The **Society for the Protection of Ancient Buildings** advises commenting on the LBC that if the local authority determines that enabling development is required to fund the repairs to Clod Hall subject to the appropriate conditions.

### **Representations**

None received.

### **Applicant's Submission**

The following have been submitted with the application:

- Conservation Design Statement
- Ecological Statement
- Tree report and Survey
- Planning, Design and Access Statement

### **Key Issues**

The application is for Listed Building Consent for repairs to Clod Hall a Grade II Listed Building. Clod Hall is a half timbered thatched dwelling.

This Listed Building consent application has been submitted at the same time as the applicant submitting a planning application for a new dwelling to assist in the work to Clod Hall – that application includes a replacement garage within the curtilage of Clod Hall.

The key issues to consider in the determination of this application is the impact of the proposed alterations/repairs on the character, appearance and historic fabric of the listed building.

The proposed works include:

- Repairs to the timber framing
- Repairs to the infill brick panel
- Replacement and alterations to windows and window openings
- Repairs to the cill plate
- Repairs to chimneys and lead flashings
- Removal of existing porch and replacement open sided thatched roof porch
- The provision of a french drain around part of the house.
- Removal of the lean to porch.
- To upgrade the electricity supply and central heating

Policy CSP2 of the Core Spatial Strategy seeks to ensure that buildings of particular heritage value are safeguarded.

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

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 its architectural or historic features.

The application is accompanied by extensive supporting documentation and detailed drawings which provide a clear schedule of the works to be carried out subject to conditions relating to the proposed work it is considered the proposal would respect the character, appearance and historic fabric of the listed building. The scheme complies with Policies B5 and B6 of the Local Plan.

### **Reason for the Grant of Listed Building Consent:**

The proposed development does not have any detrimental impact on the character, visual appearance and historic fabric of the Grade II Listed Building. The proposed development accords with Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011, Policy CSP2 Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and Policies B5 and B6 Newcastle-Under-Lyme Local Plan.

### **Recommendation/Conditions**

#### **Grant Consent subject to:-**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1: To comply with the provisions of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The development shall then proceed fully in accordance with the following approved plans:-
  - CTD architects Drawing Number AL01 B
  - CTD architects Drawing Number AL02
  - CTD architects Drawing Number AL03
  - CTD architects Drawing Number AL04 B
  - CTD architects Drawing Number AL05 B
  - CTD architects Drawing Number AL06 B
  - CTD architects Drawing Number AL07
  - CTD architects Drawing Number AL08 A
  - CTD architects Drawing Number AL09 A
  - CTD architects Drawing Number AL10 A
  - CTD architects Drawing Number AL11
  - CTD architects Drawing Number AL02
- R2: To clarify the consent and for the avoidance of doubt and to ensure that the external appearance of the building is acceptable and the special character, architectural interest and integrity of the building is preserved. in accordance with Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011, Policy CSP2 Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and Newcastle-Under-Lyme Local Plan Policies B5 and B6.
3. Prior to any works relating to this consent commences full and precise details of the lime mortar and render shall be submitted to and approved in writing by the Local Planning Authority. The works to be carried out in accordance with the approved details.
- R3: To ensure that the external appearance of the building is acceptable and the special character, architectural interest and integrity of the building is preserved. in

accordance with Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011, Policy CSP2 Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and Newcastle-Under-Lyme Local Plan Policies B5 and B6.

4. Prior to any works relating to this consent commences full and precise details of all timber ancillary buildings to be removed within the curtilage of the Listed Building shall be submitted to and approved in writing by the Local Planning Authority. The works to be carried out in accordance with the approved details.

R4: To ensure that the external appearance of the building is acceptable and the special character, architectural interest and integrity of the building is preserved. in accordance with Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011, Policy CSP2 Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and Newcastle-Under-Lyme Local Plan Policies B5 and B6.

**Note to Applicant**

Please note this permission does not grant nor imply permission to replace the detached garage within the curtilage of the Listed Building which will require separate permission/consent.

Performance Checks	Date		Date
Consultee/Publicity Period	<b>04.06.2010</b>	Decision Sent Out	
Case Officer Recommendation	<b>27.01.2011</b>	8 Week Determination	<b>07.06.2010</b>
Management check	<b>3/3 ESM</b>		



**SUPPLEMENTARY REPORT OF THE EXECUTIVE MANAGEMENT TEAM TO THE  
CONSERVATION ADVISORY WORKING PARTY**

**12 April 2011**

<b>Reference</b>	<b>Location and Applicant</b>	<b>Development</b>	<b>Remarks</b>	<b>Ward Councillors</b>
11/58/FUL	Keele IC5 Plot 5 Keele Science Park , Keele University. University of Keele.	Construction of 3 storey Business accommodation including offices and workshops and associated car parking and landscaping.	Affecting the boundary of the Registered Historic Park and Garden.	Cllr Mrs W Naylor Cllr R Studd