

When calling or telephoning please ask for
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My ref
GD/ED – R82/48

3 April 2009

To the Chair and Members

of the

CONSERVATION ADVISORY
WORKING PARTY

Dear Sir/Madam

A meeting of the **CONSERVATION ADVISORY WORKING PARTY** will be held in **COMMITTEE ROOM 1, CIVIC OFFICES, MERRIAL STREET, NEWCASTLE** on **TUESDAY, 14 APRIL 2009** at **7pm**.

AGENDA

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of meeting held on 24 March 2009 (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

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

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

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
09/022/FUL	2 Wedgwood Street, Wolstanton. Mr J Finney	Change of Use from office to dwelling, new vehicular access	No observations	Permitted under delegated powers 11/3/09
09/36/FUL	Holy Trinity Community Centre, London Road, Newcastle Rev P Griffin	Smoking shelter	No objections in principle but request that the shelter be of a dark colour in finish	Refused under delegated powers 30/3/09
09/38/FUL	Fluid Café/Bar 97 High Street, Newcastle Fluid/Café/Bar	Variation of Condition 2 of Planning Permission 06/1157/FUL to allow continued extended opening hours	No comments	Permitted under delegated powers 9/3/09
09/43/FUL	Land adjoining 1 Church Villas, The Butts, Betley Mr P Robinson	Erection of detached dwelling (amended scheme)	No objections but Members deplore the presumption that there is no need to submit an application prior to commencing building works.	Permitted under delegated powers 24/3/09
09/65/FUL	Brassingtons. 115 High Street, Newcastle Brassingtons	Variation of Condition 1 of planning permission 06/1136/COU to allow for continued extended opening hours	No objections although some Members still had concerns regarding extending opening hours of such premises in the Newcastle Conservation Area	Permitted under delegated powers 7/3/09
09/00109/FUL	7 Holly Mews Quarry Bank Road Keele Ms Carla Roach	Two storey rear extension.	The Conservation Advisory Working Party welcomed the simplified design. Questions were raised to whether a gabled approach would be more attractive / practicable but members would leave this to the discretion of the Conservation Officer and applicant.	Permitted under delegated powers 30/3/09

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
09/114/FUL	Turner House, Main Road, Betley Mr A Sumner	Ground floor link extension	Within the Betley Conservation Area	Councillor D Becket Councillor A Wemyss
09/143/FUL	Keele Lodge, Keele University Prof M Andrews	Single storey rear extension	Grade II Listed Building and within the Keele Conservation Area	Councillor Mrs W Naylor Councillor R Studd

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr J Finney

Application No 09/00022/FUL

Location 2 Wedgwood Street Wolstanton

Description Change of use from office to dwelling, new vehicular access

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

West Midlands Regional Spatial Strategy 2008

Policy QE3: Creating a high quality built environment for all

Policy CF4: The reuse of land and buildings for housing

Policy T2: Reducing the need to travel

Staffordshire and Stoke on Trent Structure Plan 1996-2011

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

Policy T13: Local Roads

Policy H6: Conversions

Policy T18A: Transport and Development

Newcastle Under Lyme Local Plan 2011

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside

Policy H6: Encouragement of the Provision of Living Accommodation by the Conversion of Existing Non-Residential Urban Buildings

Policy T16: Development – General Parking Requirement

Policy B14: Development In Or Adjoining The Boundary of Conservation Areas

Other Material Considerations

Space Around Dwellings (July 2004)

Relevant National Policy Guidance:

PPS1 - Delivering Sustainable Development (2005)

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

PPS3: Housing (2007)

PPG13 – Transport (March 2001)

Planning History

85/14316/N

Change of use to offices

Permitted

Views of Consultees

Conservation Advisory Working Party – No observations.

Highway Authority – Recommend that the application is refused for the following reason:

1. The proposed application provides parking provision considerably in excess of the maximum required for this type of building and will result in an unnecessary additional drop crossing of the adjacent public foot way. Contrary to the aims and objectives of policy T16 and the requirements of Table 3.2 of Appendix 3 which is directly associated with L.P.P T16.

Environmental Health Division – Have not objected to the application subject to the following conditions:

- Works of demolition and construction, including the use of associated plant and machinery, necessary for the implementation of this consent shall not take place between 18.00 and 07.00 hours on any day and not at any time on Sundays, Bank Holidays or after 13.00 hours on any Saturday.
- In the event that contamination is found that was not previously identified it shall be reported immediately to the Local Planning Authority and works must cease. An investigation and risk assessment must be undertaken, and where remediation is necessary a Remediation Strategy shall be submitted and agreed in writing with the Local Planning Authority. The agreed scheme shall be completed before work recommences unless otherwise agreed in writing by the Local Planning Authority.

Representations

No letters of representation have been received.

Applicants/agents submission

A Design and Access Statement has been submitted with the application raising some of the following points:

- It is not intended to alter the external appearance of the building.
- New parking areas shall link directly with the existing public highway, with pavement crossings constructed to the specification of the Highways Authority.

Key Issues

The application site lies on the boundary of the Wolstanton Conservation Area however no external alterations to the building are proposed and the proposal is not considered to have a significant impact in this regard. The key issues in the determination of the development are:

- Is the change of use to residential use acceptable in principle?
- Would satisfactory levels of residential amenity be achieved?
- Would highway safety be compromised?

Is the change of use from office to residential use acceptable in principle?

PPS3 advises that Planning Authorities should have regard to achieving high quality housing and ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.

Policy H1 of the Local Plan states that residential development will be given permission if the site is within the urban area of Newcastle as defined on the Proposals Map. The site satisfies this criterion.

The proposal also satisfies the requirements of Structure Plan policy H6 which supports the conversion of existing non-residential buildings in urban areas to provide additional living accommodation.

The property has been previously used as a dwelling. The site is within the urban area and there are a significant range of local services available and there is a regular bus service giving good connectivity to the Town Centre. The proposal would not materially impact upon the levels of service provision in the vicinity. The principle of changing the use of the premises back to residential use does not raise any significant concerns.

Impact on Residential Amenity

Adequate levels of private amenity space would be provided. The proposal complies with the relevant guidance contained within the SPG. The Environmental Health Division have not

raised any objections to the proposals. With respect to the conditions recommended by them –given the nature of the application being for which is a material change of use only it is not considered appropriate to apply such restrictions here.

Highway Safety

PPG13 states that local authorities should not require developers to provide more parking spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications which cannot be resolved through the introduction or enforcement of on-street parking controls. PPG13 also advises at paragraph 53 that local authorities should use their discretion in setting the levels of parking appropriate for small developments so as to reflect local circumstances.

Policy T16 of the Local Plan states that development will not be permitted to provide more than the maximum levels specified in Table 3.2 (appendix 3) which advises that 2 to 3 bedroom properties should provide no more than 2 spaces.

The Highway Authority have objected to the proposal on the basis that the resultant car parking provision would be significantly in excess of the maximum required for this type of building and will result in an unnecessary additional drop crossing of the adjacent public foot way.

Wedgwood Street is not a classified road. The problems associated with on street car parking are prevalent here. The submitted plans show that in total 5 parking spaces would be provided – including the integral garage. There are existing dropped kerb access points to one of the proposed gated parking areas and the integral garage. Following discussions with the applicant's agent two of the spaces are to be used as a separate parking facility to the premises and the submitted plans show that they would be divided from the domestic curtilage by a boundary wall. Taking this into account there would be 3 car parking spaces serving the dwelling – which is 1 space above the maximum standards specified in the Local Plan – however this could be restricted by planning condition. A new dropped kerb access to serve the additional gated parking spaces proposed would not require planning permission but instead would require separate Highways consent. Given the above it is not considered that the views of the Highway Authority can be sustained.

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

NOTE TO ADMIN: PASS BACK TO MS TO HATCH PLANS

Permit subject to the following conditions:

1. Any new or replacement hard surface exceeding 5 square metres in the area HATCHED IN GREEN on Ellis Hillman plan drawing number 4977-002 shall be made of either a porous material, or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason: In the interests of providing adequate surface water drainage in accordance with the aims and objectives of PPS1.

2. Notwithstanding the approved plans no more than 2 car parking spaces shall serve the property 2 Wedgwood Street inclusive of the integral garage whilst the property is in residential use. The two spaces HATCHED IN ORANGE on Ellis Hillman plan drawing number 4977-002 shall remain as a separate parking facility to the main dwelling house for the life of

the development and the boundary wall shown MARKED in BLUE on that plan drawing shall be erected to a minimum of 1 metre in height and a maximum of 2 metres in height before the new use commences and shall be retained for as long as the additional car parking spaces are required.

Reason: To ensure that the development will not result in an over provision of car parking to comply with the requirements of policy T16 of the Newcastle under Lyme Local Plan 2011 and the aims and objectives of PPG13.

Performance Checks	Date		Date
Consultee / Publicity Period	27.2.09	Decision Sent Out	
Case Officer Recommendation	11.3.09	8 Week Determination	20.3.09
Management check	17/3/09 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Rev P Griffin **Application No** 07/01069/FUL

Location The Holy Trinity Community Centre, London Road, Newcastle.

Description Smoking shelter.

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

West Midlands Regional Spatial Strategy

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

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable Forms of Development
Policy D2: The Design and Environmental Quality of Development
Policy NC18: Listed Buildings, their settings and historic context
Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

Policy B1: Historic Heritage
Policy B5: Control of Development affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B14: Development in or adjoining the boundary of Conservation Areas.

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
Companion Guide to PPS1 "The Planning System: General Principles"
PPG15: Planning and the Historic Environment
PPG24 Planning and Noise

Relevant Planning History

07/1069/FUL REF 24.1.2009 Smoking Shelter.

Views of Consultees

Environmental Health Division: Consulted for Application 07/1069/FUL.
The proposed shelter complies with requirements. Potential impact from noise, light and smoke nuisance, conditions to deal with this suggested.

Conservation Advisory Working Party:

No objections in principle but request that the shelter be of dark colour finish.

Applicants/agents submission

Design and Access statement has been submitted with the application.
The size of the shelter is designed to meet the optimum needs taking into account the use of the various functions for which the Centre is used. The proposed siting was chosen to:
- Remove the shelter from the main sight line toward the Church;

- Partial screening of the shelter by the existing boundary wall;
- Reduction in height of the shelter by virtue of its location at a lower level;
- /reduced visual impact by its siting adjacent to a wall established planted area. .

Key Issues

The application is a re-submission of Planning Application 07/1069FUL which was refused because it was considered that the proposed smoking shelter would be harmful to the character and appearance of the adjoining Listed Building and Conservation Area. The refused smoking shelter was not considered to be unacceptable by virtue of a loss of residential/public amenity, and it is considered that the amendment to the siting of the shelter as currently proposed does not justify a different conclusion in this regard given the differences described below and that there has not been a material change in planning circumstances.

The key issue to be considered therefore is visual amenity, and in particular the impact of the proposal upon the setting of the adjacent Listed building and the appearance and character of the adjoining Conservation Area;

Visual Amenity

The current proposal is for a free-standing canopy in the car-park to the rear of the community centre. The car-park adjoins the Listed Holy Trinity Church and is adjacent to but not within the Town Centre Conservation Area.

The present proposal is for exactly the same very basic timber shelter structure as 07/1069/FUL with a slightly sloping monopitch roof supported by tubular steel uprights. The smoking shelter in both applications would be 5m long x 3.2m deep x 2.5m maximum height. The only difference between the present application and 07/1069/FUL is that the present application is 2 metres further from the Centre and the Church and is now behind a dwarf wall which will hide the bottom to the legs.

Being in the middle of a car park with open access from the street (Grosvenor) the shelter would be on public view although at a distance. The same objections continue to apply which applied to 07/1069/FUL.

The Council's Conservation Officer has previously requested that the design and position of the proposed shelter be reconsidered and has more recently requested reduction of the size and height. The applicant has not taken any steps to follow these requests

The present proposal continues to be of an unacceptable design adjacent to a listed building and conservation area and should be resisted.

Recommendation

Refuse:

The proposed smoking shelter by virtue of its form, scale, design, and location would be harmful to the character and appearance of the adjoining Listed building and Conservation Area, contrary to Policies D2 and NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B1, B5, B9, and B10 of the Newcastle under Lyme Local Plan 2011 and

Performance Checks	Date		Date

Consultee/ Publicity Period	6.3.2009	Decision Sent Out	
Case Officer Recommendation	30.03.09	8 Week Determination	30.03.2009
Management check	Amended 30/3/09 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Fluid Café/Bar **Application No** 09/00038/FUL
Location 97, High Street, Newcastle
Description Variation of condition 2 of planning permission 06/01157/FUL to allow continued extended opening hours

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

West Midlands Regional Spatial Strategy 2008

Nil

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

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

Newcastle Under Lyme Local Plan 2011

Policy B9: Prevention of Harm to Conservation Areas

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
PPS6: Planning for Town Centres (2005)
PPG15: Planning and the Historic Environment (2004)
PPG24: Planning and Noise (1994)

Companion Guide to PPS1 - The Planning System: General Principles (2005)
Safer Places – the Planning System and Crime Prevention (2003)
Circular 11/95 The Use of Conditions

Newcastle Town Centre Supplementary Planning Document - identifies site as within historic core. The SPD indicates that the following is needed - A high quality and variety of cultural, leisure, recreational and hotel provision, appropriate to the role of the Town Centre, capable of meeting the requirements of Town Centre users and which does not create or exacerbate any problems of crime, disorder or unsocial behaviour

Planning History

01/00143/COU	Change of use to café/bar	Refused
01/00381/COU	Change of use to café/bar	Refused
02/00135/FUL	Alterations and extensions to form café/bar	Approved
02/00739/FUL	Erection of café/bar on site of former building	Approved
06/01157/FUL	Erection of café/bar on site of former building without complying with conditions of 02/00739/FUL	Approved

Views of Consultees

The **Environmental Health Division** has no objections to the proposal. There is no evidence of complaints concerning noise or anti social behaviour since the variation was permitted.

The **Police Architectural Liaison Officer** has no objections to the application.

The **Conservation Advisory Working Party** makes no comment regarding this application.

Representations

Nil

Applicants/agents submission

A supporting letter has been submitted and a summary of the main points is as follows:

- The permanent retention of the extended opening hours will allow the premises to continue to offer wider customer choice and increased operator flexibility to respond to the market.
- The original opening hours condition imposed reflected those hours requested at the time by the applicant and was not imposed for any other reason.
- The property will also require a variation to the existing premises licence. There is no need for a duplication of control as the Licensing Act 2003 will be fully effective in controlling the operating hours of the premises and affords the Council, the Police and other statutory bodies sufficient powers to undertake any action necessary to meet the objectives of the Licensing Act.
- The two-year temporary permission has given the Council sufficient time to assess the impact of the extended hours on residential amenity and crime and disorder.
- The applicant is unaware of any problems of complaints during the trial period.
- The proposal has not led to an increase in the number of customers at the site nor to additional people being drawn into the town centre late at night.
- There is no likelihood of the proposed continued operation of these hours having a material detrimental impact on the local environment.

Key Issues

Planning permission was originally granted on appeal in 2001 for the change of use of this property to a café/bar (Ref. 01/00143/COU). That permission restricted the hours of opening to the following:

0830 to 2300 Mondays and Tuesdays
0830 Wednesdays to 0200 Thursdays
0830 to 2300 Thursdays
0830 Fridays to 0200 Saturdays
0830 Saturdays to 0200 Sundays
1200 to 2230 Sundays

Subsequently, consent 02/00739/FUL was granted with an hours of opening condition. It was this consent that was implemented. The reason given for the condition was “to protect the safety and convenience of users of the highway” but this is clearly in error.

Planning permission was granted in February 2007 for the erection of the café/bar on the site of the former building without complying with conditions of planning permission 02/00739/FUL (Ref. 06/01157/FUL). The hours of opening were extended to the following:

0830 to 2300 Mondays and Tuesdays
0830 Wednesdays to 0300 Thursdays

0830 to 2300 Thursdays
0830 Friday to 0300 Saturdays
0830 Saturdays to 0300 Sundays
1200 to 2400 Sundays

Permission was granted for such hours on a temporary basis until 1 March 2009 for the following reason:

Having regard to uncertainty as to whether such use would cause disturbance to the occupiers of residential properties adjoining the town centre, and uncertainty as to what impact the proposal will have upon crime and disorder.

Under the terms of condition 2 the opening hours should have reverted on 1st March 2009 to

0830 to 2300 on Mondays, Tuesdays and Thursdays
0830 on Wednesdays, Fridays and Saturdays to 0200 the next day
1200 Sundays to 2230 Mondays

Permission is sought now to allow the continuation of the extended hours.

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

Paragraph 15 of Circular 11/95 states that:

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

Paragraph 112 of Circular 11/95 states that:

“A second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. Usually a second temporary permission will only be justified where highway or redevelopment proposals have been postponed, or in cases of hardship where temporary instead of personal permission has been granted for a change of use.”

The application raises two issues:

- Would amending the hours of opening on a permanent basis materially affect crime and disorder in the locality?
- Would amending the hours of opening on a permanent basis materially affect the residential amenity of occupiers of dwellings in the area?

Crime and disorder

The property is in close proximity to several other late night bars, namely Lakota (formerly Edwards), The Albion and Brassingtons. The permitted hours of opening of these properties vary. The Albion has no planning restrictions on the hours but has a license to open until 0230 and Edwards has planning consent to open until 0100 Wednesday, Thursday, Friday and

Saturday. Brassingtons has a temporary consent to open until 0200 on Monday, Tuesday and Sunday and 0300 on Wednesday, Thursday, Friday and Saturday. A planning application is currently being considered to allow the continuation of these extended opening hours (Ref. 09/65/FUL). There are also a number of take-aways in the immediate area, and one, 107, High Street, has planning permission to stay open until 0200 every night of the week (Ref. 06/00785/FUL).

With respect to the issue of crime and disorder, and the fear of crime, these are recognised material planning considerations. In consideration of the previous application (Ref. 06/01157/FUL), the Police Architectural Liaison Officer objected on the grounds that extending the hours to allow further consumption of alcohol would exacerbate the problems in the area of antisocial behaviour, violence and disorder. Given the hours of opening of nearby bars and take-aways however, the LPA considered that the inconsistency of the Police's position was such that refusal could not be sustained.

Regarding the current application, the Police Architectural Liaison Officer has no objections to the proposal. In the context of the existing level of activity in the locality, it is not considered that the proposal would result in a significant increase in the level of crime and disorder.

Residential amenity

The Inspector in the 2001 appeal (Ref. 01/00143/COU) stated that there was sufficient distance between the property and the houses on Barracks Road and Wells Street to safeguard the amenities of the residents with regard to possible noise and disturbance. However, in considering the previous application to extend the hours there was uncertainty whether extending the hours might have actually lead to increased numbers of persons walking through the residential areas adjoining the town centre, and thus cause disturbance and a loss of residential amenity. A temporary permission was therefore granted. It is considered that the trial period of 2 years has been sufficiently long for the impact to be assessed.

The Council's Environmental Health Division has no objections to the proposal and states that there is no evidence of complaints concerning noise or anti social behaviour since the variation was permitted.

Given the hours of opening of the nearby uses, and given the comments of the Environmental Health Division, it is considered reasonable to allow the variation of the condition on a permanent basis.

Reasons for the grant of planning permission

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

Recommendation

Permit with the following conditions:

1. The premises referred to in this permission shall be closed to all persons, except company employees, outside the following hours: -

0830 hrs Monday to 2300 hrs Monday

0830 hrs Tuesday to 2300 hrs Tuesday

0830 hrs Wednesday to 0300 hrs Thursday

0830 hrs Thursday to 2300 hrs Thursday

0830 hrs Friday to 0300 hrs Saturday

0830 hrs Saturday to 0300 hrs Sunday

1200 hrs Sunday to 2400 hrs Sunday

- R1. To protect amenity and having regard to public order and crime and disorder, in accordance with the aims and objectives of PPS1.
2. All conditions of planning permission 06/01157/FUL, other than condition 2 of that permission, shall continue to apply to the premises.
- R2. For the avoidance of doubt and having regard to the terms of the application which is made under the provisions of Section 73 of the Town and Country Planning Act 1990.

Performance Checks	Date		Date
Consultee/ Publicity Period	27.2.09	Decision Sent Out	
Case Officer Recommendation	9.3.09	8 Week Determination	24.3.09
Management check	GRB 22.3.09		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr P Robinson **Application No** 09/00043/FUL

Location Plot Adj. 1, Church Villas, The Butts, Betley

Description Erection of detached dwelling – amended scheme

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

West Midlands Regional Spatial Strategy 2008

Policy QE3: Creating a High Quality Built Environment for All
Policy CF2: Housing beyond the Major Urban Areas
Policy CF3: Levels and Distribution of housing development
Policy CF4: The reuse of land and buildings

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable forms of development
Policy D2: The design and environmental quality of development
Policy T1A: Sustainable Location
Policy NC19: Conservation Areas

Newcastle-under-Lyme Local Plan 2011

Policy H1: Residential Development: Protection of the Countryside
Policy H3: Residential Development: Priority to Brownfield Sites
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The requirement to preserve or enhance the character and 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

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
PPS3: Housing (2006)
PPG13: Transport (2000)
PPG15: Planning and the Historic Environment (1994)

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

Supplementary Planning Guidance on Space About Dwellings (July 2004)

Housing Clarification Report February 2008

Manual for Streets 2007

Planning History

2004	04/448/FUL	Erection of three houses	Refused
2006	04/1068/FUL	Erection of 1 detached cottage	Allowed on appeal
2006	04/1069/FUL	Erection of 2 attached cottages	Allowed on appeal

Views of Consultees

Betley, Balterley and Wrinehill Parish Council has no objection to the application.

The **Conservation Area Working Party** has no objections but members deplore the presumption that there is no need to submit an application prior to commencing building works.

The **Highway Authority** has no objections.

The **Environmental Health Division** has no objections subject to conditions regarding hours of construction, report of unexpected contamination and importation of soil/material.

Representations

One letter has been received from the occupier of a neighbouring property. Objection is made on the grounds that the house is being built very close to a hedge and a large mature tree. The applicant should be made aware of his obligations to protect them.

Applicants/agents submission

A **Design and Access statement** accompanies the application. The document is available for inspection at the Council's offices and on www.newcastle-staffs.gov.uk.

Key Issues

The application is for full planning permission for a detached dwelling. The property is in the village of Betley within the Conservation Area. Planning permission was granted on appeal in 2006 for two schemes, one detached dwelling (Ref. 04/1068/FUL) and two semi-detached dwellings (Ref. 04/1069/FUL). The proposals were mutually incompatible and only one could be implemented. Consent was subsequently granted for amendments to the permission for one dwelling (Ref. 07/739/FUL).

The dwelling is partially constructed and permission is now sought for further amendments comprising the following:

- Replacement of brick soldier lintels and cills with stone heads and cills.
- An additional single-storey element to the western side elevation of the dwelling, measuring 1.8m x 3.7m in plan.
- The length of the garage has been reduced very slightly, by 200mm and the garage has been moved forward so that the rear wall is in line with rear elevation of the dwelling.

The principle of residential development on the site has been accepted, and therefore, the main issues for consideration are whether the proposed amendments have any additional impact on:

- The character and appearance of the Conservation Area
- Highway safety
- Residential amenity

Impact on Character and Appearance of the Conservation Area

Policy B9 of the Local Plan states that development that would harm the special architectural or historic character or appearance of Conservation Areas will be resisted. Additionally, Policy B10 of the Local Plan requires any new development to preserve or enhance the character or appearance of a Conservation Area, and states that the form, scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailing must respect the character of the

buildings in the area. The LPA is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The proposed dwelling would be very similar in scale and design to the approved dwelling (Ref. 04/1068/FUL). The additional single-storey element would be relatively minor in scale and given the screening to the frontage, it would not be prominent. There does appear to be discrepancies between the floor plan and the elevation details but the elevations are considered acceptable and therefore, it is considered that this could be the subject of a condition. The stone heads and cills are in keeping with other properties in the area.

The Conservation advisory Working Party has no objections to the proposal. It is considered that the proposed amendments would not have any significant adverse impact on the character and appearance of the Conservation Area. There would therefore be no conflict with the relevant development plan policies, or national guidance.

Highway Safety

The Highway Authority has no objection to the amended proposal and it is not considered that a refusal could be sustained on highway safety grounds.

Residential Amenity

The amendments proposed would raise no new issues of impact on residential amenity.

Reasons for the grant of planning permission

The proposal preserves the character and appearance of the Conservation Area, and accords with provisions of the development plan for the locality indicated in the decision notice and there are no other material considerations that would justify a refusal of planning permission.

Recommendation

Permit with the following conditions:

1. Within 1 month of the date of this permission, a detailed specification for the formation and surfacing of a car parking and turning area within the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented within 2 months of the date of this permission and followed to the satisfaction of the Local Planning Authority.

R1. In the interests of highway safety and the character and appearance of the Conservation Area to comply with the aims and objectives of PPG13 and the requirements of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.

2. Notwithstanding the provisions of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no extensions, external alterations, erection of outbuildings, or other development within the curtilage of the house hereby approved, shall be carried out without the prior consent of the Local Planning Authority.

R2. To safeguard the living conditions of adjoining occupiers and in the interests of the character and appearance of the Conservation Area to comply with the aims and objectives of PPS1 and the requirements of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.

3. Prior to the occupation of the dwelling hereby permitted, the parking areas to the front of Church Villas shall be reinstated as garden areas and shall thereafter be retained as such unless previously agreed in writing by the Local Planning Authority.

- R3. In the interests of the character and appearance of the Conservation Area to comply with the requirements of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.
4. Within 1 month of the date of this permission, full details of the passing space to be provided on the southern side of the Butts, as shown on the approved plans coloured GREEN, shall be submitted to an approved in writing by the Local Planning Authority. The passing space shall be provided in accordance with the approved details within 2 months of the date of this permission, and shall thereafter be retained.
- R4. In the interests of highway safety to comply with the aims and objectives of PPG13.
5. The access shall remain ungated.
- R5. In the interests of highway safety to comply with the aims and objectives of PPG13.
6. Within 1 month of the date of this permission, a full scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority and development shall be carried out only in accordance with the approved details. The details to be submitted shall include details of existing and proposed boundary treatment and an indication of all trees and hedgerows on the land, including details of any to be retained. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following completion of the development, and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
- R6. In the interests of the character and appearance of the Conservation Area to comply with the requirements of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.
7. Within 1 month of the date of this permission, the close-boarded fence along the eastern boundary of the site shall be removed, and details of any proposed replacement of this means of enclosure thereafter shall be submitted to and approved in writing by the Local Planning Authority prior to its erection, notwithstanding the provisions of Class A of Part 2 to the 2nd Schedule to the Town and Country Planning (General Permitted Development) Order 1995.
- R7. In the interests of the character and appearance of the Conservation Area to comply with the requirements of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.
8. Notwithstanding the detail shown on the ground floor plan of the proposed single storey extension on the western side elevation of the dwelling, the development shall be carried out only in accordance with the approved elevation details.
- R8. For the avoidance of doubt and in the interests of the character and appearance of the Conservation Area to comply with the requirements of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.

Performance Checks	Date		Date
Consultee/ Publicity Period	9.3.09	Decision Sent Out	

Case Officer Recommendation	24.3.09 returned to RK on 24.3 by GRB	8 Week Determination	25.3.09
Management check	GRB 25.3		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Brassingtons **Application No** 09/00065/FUL
Location Brassingtons, 115-117 High St, Newcastle
Description Variation of condition 1 of planning permission 06/01136/COU to allow for continued extended opening hours

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

West Midlands Regional Spatial Strategy 2008

Nil

Staffordshire and Stoke on Trent Structure Plan 1996- 2011

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

Newcastle Under Lyme Local Plan 2011

Policy B9: Prevention of Harm to Conservation Areas

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
PPS6: Planning for Town Centres (2005)
PPG15: Planning and the Historic Environment (2004)
PPG24: Planning and Noise (1994)

Companion Guide to PPS1 - The Planning System: General Principles (2005)
Safer Places – the Planning System and Crime Prevention (2003)
Circular 11/95 The Use of Conditions

Newcastle Town Centre Supplementary Planning Document - identifies site as within historic core. The SPD indicates that the following is needed - A high quality and variety of cultural, leisure, recreational and hotel provision, appropriate to the role of the Town Centre, capable of meeting the requirements of Town Centre users and which does not create or exacerbate any problems of crime, disorder or unsocial behaviour

Planning History

Planning permission was granted in 1996 for the change of use of a retail shop to a licensed cafe/bar (Ref. 96/00439/COU). Condition 1 of that permission stated that:

The opening hours of the premises shall be restricted to between 9.30am and 11.30pm on weekdays and Saturdays and 11.00am and 10.30pm on Sundays and Bank Holidays". The reason for the condition was "to safeguard the amenities of the area".

Planning permission was subsequently granted for proposed alterations to form a wine bar (Ref. 97/00348/FUL).

The variation of planning permission 96/00439/COU for the change of use from retail to licensed cafe/bar was allowed at appeal (Ref. 98/00220/FUL). Condition 1 was deleted and substituted with the following condition:

The opening hours of the premises shall be restricted to between 10.00am and 11.30pm on Mondays, Tuesdays and Thursdays, 10.00am to 12.30am Wednesdays, Fridays, and Saturdays and 12.00 midday to 10.30pm Sundays.

An application for planning permission was submitted under reference 00/00378/FUL for a further variation of condition 1. The application was granted subject to the following condition

The cafe bar shall not be open to customers outside the following hours

1000 hrs Monday to 0100 hours Tuesday

1000 hrs Tuesday to 0100 hours Wednesday

1000 hrs Wednesday to 0100 hours Thursday

1000 hrs Thursday to 0200 hours Friday

1000 hrs Friday to 0200 hours Saturday

1000 hrs Saturday to 0200 hours Sunday

1200 hrs Sunday to 0100 hours Monday

The reason given for the condition was "*to protect amenity*"

On the 27th August 2001 planning permission under LPA reference 01/00483/COU was granted for the change of use of rear of shop (No.111) to A3 Public House and first floor extension to rear of Brassingtons (115). Condition 6 of that planning permission provides as follows:

The cafe bar shall not be open to customers outside the following hours

1000 hrs to 0100 hours Monday to Tuesday morning

1000 hrs to 0100 hours Tuesday to Wednesday morning

1000 hrs to 0100 hours Wednesday to Thursday morning

1000 hrs to 0200 hours Thursday to Friday morning

1000 hrs to 0200 hours Friday to Saturday morning

1000 hrs to 0200 hours Saturday to Sunday morning

1200 hrs to 0100 hours Sunday to Monday morning

The reason given for the condition was "*to protect amenity*"

In September 2005 permission was granted to extend by one hour the opening times on Wednesday night (05/934/FUL). In 2007 Permission was granted for the change of use of the property from retail shop to licensed café/bar without complying with conditions attached to 96/00439/COU, as amended by 98/00220/FUL and further amended by 00/00378/COU; and change of use of rear of shop to A3 use and a first floor extension to the rear without complying with conditions attached to planning permission 01/00483/FUL (Ref. 06/01079/FUL). Permission was also granted in 2007 for the change of use from Class A4 bar to discotheque and nightclub with daytime bar (Ref. 06/01136/COU).

Views of Consultees

Conservation Advisory Working Party has no objections although some Members had concerns regarding extending opening hours of such premises in the Newcastle Conservation Area.

The **Environmental Health Division** has no objections to the proposal. There is no evidence of complaints concerning noise or anti social behaviour linked to this premise since the temporary variation to extend the trading hours was permitted.

The **Police Architectural Liaison Officer** has no objections to the application.

Applicants/agents submission

A Design and Access Statement and a supporting letter has been submitted and a summary of the main points is as follows:

- The permanent retention of the extended opening hours will allow the premises to continue to offer wider customer choice and increased operator flexibility to respond to the market.
- The property will also require a variation to the existing premises licence. There is no need for a duplication of control as the Licensing Act 2003 will be fully effective in controlling the operating hours of the premises and affords the Council, the Police and other statutory bodies sufficient powers to undertake any action necessary to meet the objectives of the Licensing Act.
- The two-year temporary permission has given the Council sufficient time to assess the impact of the extended hours on residential amenity and crime and disorder.
- The applicant is unaware of any problems of complaints during the trial period.
- The proposal has not led to an increase in the number of customers at the site nor to additional people being drawn into the town centre late at night.
- There is no likelihood of the proposed continued operation of these hours having a material detrimental impact on the local environment.

Key Issues

Condition 1 of 06/01136/COU extended the hours of opening to the following:

1000 on Mondays and Tuesdays to 0200 the next day
1000 on Wednesdays, Thursdays, Fridays and Saturdays to 0300 the next day
1200 Sundays to 0200 Mondays

These hours were permitted on a temporary basis only until 1 March 2009 for the following reason:

Having regard to uncertainty as to whether such use would cause disturbance to the occupiers of residential properties adjoining the town centre, and uncertainty as to what impact the proposal will have upon crime and disorder.

Under the terms of condition 1 the opening hours should have reverted on 1st March 2009 to

1000 on Monday and Tuesdays to 0200 the next day
1000 on Wednesdays, Thursdays, Fridays and Saturdays to 0200 the next day
1200 Sundays to 0100 Mondays

Permission is sought now to allow the continuation of the extended hours.

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

Paragraph 15 of Circular 11/95 states that:

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

Paragraph 112 of Circular 11/95 states that:

“A second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. Usually a second temporary permission will only be justified where highway or redevelopment proposals have been postponed, or in cases of hardship where temporary instead of personal permission has been granted for a change of use.”

The application raises two issues:

- Would amending the hours of opening on a permanent basis materially affect crime and disorder in the locality?
- Would amending the hours of opening on a permanent basis materially affect the residential amenity of occupiers of dwellings in the area?

Crime and disorder

The property is in close proximity to several other late night bars, namely Lakota (formerly Edwards), The Albion and Fluid. The permitted hours of opening of these properties vary. The Albion has no planning restrictions on the hours but has a license to open until 0230 and Lakota has planning consent to open until 0100 Wednesday, Thursday, Friday and Saturday. Fluid has a temporary consent to open until 2300 on Monday and Thursday, 0300 on Wednesday, Friday and Saturday and 2400 on Sunday. A planning application is currently being considered to allow the continuation of these extended opening hours (Ref. 09/38/FUL). There are also a number of take-aways in the immediate area, and one, 107, High Street, has planning permission to stay open until 0200 every night of the week (Ref. 06/00785/FUL).

With respect to the issue of crime and disorder, and the fear of crime, these are recognised material planning considerations. The Police Architectural Liaison Officer has no objections to the proposal and in the context of the existing level of activity in the locality, it is not considered that the proposal would result in a significant increase in the level of crime and disorder.

Residential amenity

The property is at the southern end of the High Street and the nearest residential properties other than those above licensed premises are either on Barracks Road or at No. 1 London Road. However, in considering the previous application to extend the hours there was uncertainty whether extending the hours might have actually lead to increased numbers of persons walking through the residential areas adjoining the town centre, and thus cause disturbance and a loss of residential amenity. A temporary permission was therefore granted. It is considered that the trial period of 2 years has been sufficiently long for the impact to be assessed.

The Council's Environmental Health Division has no objections to the proposal and states that there is no evidence of complaints concerning noise or anti social behaviour since the variation was permitted.

Given the hours of opening of the nearby uses, and given the comments of the Environmental Health Division, it is considered reasonable to allow the variation of the condition on a permanent basis.

Reasons for the grant of planning permission

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

Recommendation

Permit with the following conditions:

3. The premises referred to in this permission shall be closed to all persons, except company employees, outside the following hours: -

1000 hrs Monday to 0200 hrs Tuesday

1000 hrs Tuesday to 0200 hrs Wednesday

1000 hrs Wednesday to 0300 hrs Thursday

1000 hrs Thursday to 0300 hrs Friday

1000 hrs Friday to 0300 hrs Saturday

1000 hrs Saturday to 0300 hrs Sunday

1200 hrs Sunday to 0200 hrs Monday

- R1. To protect amenity and having regard to public order and crime and disorder, in accordance with the aims and objectives of PPS1.

4. All conditions of planning permission 06/01136/COU, other than condition 1 of that permission, shall continue to apply to the premises.

- R2. For the avoidance of doubt and having regard to the terms of the application which is made under the provisions of Section 73 of the Town and Country Planning Act 1990.

Performance Checks	Date		Date
Consultee/ Publicity Period	6.3.09	Decision Sent Out	
Case Officer Recommendation	7.3.09	8 Week Determination	26.3.09
Management check	GRB 22.3.09		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Ms. Carla Roach

Application No 09/00109/FUL

Location 7 Holly Mews, Keele

Description Two storey rear extension

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

West Midlands Regional Spatial Strategy

Policy QE1: Conserving and enhancing the environment

Policy QE3: Creating a high quality built environment for all

Policy QE6: The conservation, enhancement and restoration of the region's landscapes

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

Policy D5A: Green Belt

Policy D5B: Development in the Green Belt

Policy NC1: Protection of the Countryside: General Considerations

Policy NC2: Landscape Protection and restoration

Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 1996 - 2011

Policy S3: Development in the Green Belt

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

Policy B9: Prevention of Harm to Conservation Areas

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

Policy B13: Design and Development In Conservation Areas

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

Policy N19: Areas of landscape maintenance

Policy T16: Development – General Parking Requirements

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"

PPG15: Planning and the Historic Environment

Planning History

95/00230/FUL Residential development PERMIT

97/00862/FUL Residential development without compliance with condition 1 of consent
95/230/FUL dated 22nd August 1995 relating to highway improvement PERMIT

99/00450/FUL Conversion of roof space into study and installation of roof light
PERMIT

03/00412/FUL Rear conservatory and enlargement of rooflights, formation of new external doors on garage building associated with guest suite at first floor PERMIT

08/00972/FUL Two Storey Rear Extension PERMIT

Views of Consultees

Conservation Advisory Working Party – No objections but a gabled roof should be investigated (draft minutes received only at this time).

Keele Parish Council – Support for the proposal and it is considered to be unobtrusive and in keeping with its location.

Representations

The occupiers of 6 neighbouring properties have been notified and a site notice displayed. No letters of representation have been received.

Applicants/agents submission

A design and access statement has been submitted to support the application.

Key Issues

The application is a resubmission following the approval of a recent proposal for a two storey extension at the rear of the property, app no. 08/00972/FUL. The design of the extension has been amended which has resulted in a more conventional design being proposed which will replace the glazed lean-to roof up to the first floor element of the extension. The proposed extension will measure 3.4m by 5.4m in length and width. Internally the proposals are to serve as a sun lounge at ground floor level and a third bedroom at first floor level. The ground floor will be predominantly glazed with brick dwarf walls and the first floor being clad in untreated cedar boarding with a reclaimed tile 'catslide' roof.

The proposal is located within the Keele Conservation area and within the North Staffordshire Green Belt and an area of landscape maintenance as designated on the Proposals Map of the Local Plan 2011. Therefore the key issues in the determination of the development are:

- Is the development appropriate within the Green Belt and if not do very special circumstances exist to justify an approval?
- the design of the proposals
- the impact of the proposed development on the Conservation Area
- the impact on a landscape maintenance area
- the impact upon neighbouring occupiers in terms of amenity

Is the development appropriate within the Green Belt and if not do very special circumstances exist to justify an approval?

Contained within PPG2 (Green Belts), the Structure plan and Newcastle Local plan states that the most fundamental aim of Green Belt Policy is to maintain the openness of the Green Belt. It states that the construction of new buildings inside a Green Belt is inappropriate unless it meets certain criteria. Provided the development does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in Green Belts.

The size of the proposed extension has been increased slightly in terms of the internal floor area created. However, the form and bulk would be similar to the previous scheme which was accepted as not being a disproportionate addition to the dwelling. Therefore the proposal is considered appropriate development within the Green Belt and the applicant is not required to demonstrate any very special circumstances in this instance.

Design of the proposals

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

Policy H18 refers to the design of residential extensions, where subject to planning control. The policy states:

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

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

The application property is an end mews in a row of three in the village of Keele. The property has an existing rear conservatory which is of a timber framed design with brick dwarf walls. The proposal is to replace this with a two storey extension but the ground floor of the extension will have a similar appearance to the existing conservatory. The amended design results in the first floor of the proposal having the same width as the ground floor as opposed to the glazed lean to roof that was proposed in the previous application. This results in the proposed extension having a more conventional design to that which was original approved, this further helping the appearance of the extension.

The proposed extension is therefore still considered to represent a subordinate design in terms of its form, size and location with the roof being lower than the main dwelling and a location at the rear of the property. The location at the rear of the property also results in views from any main vantage points being minimal with a number of mature trees also in the locality which would further screen views of the proposal.

The design of the proposal has not significantly changed and the materials will be the same as those approved under the previous application. Therefore, the design of the proposal is considered to be in compliance with policy H18 of the Local Plan and is deemed to be 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 Keele Village Conservation Area and in particular, policy B10 is of importance in this instance.

The design and external appearance of the proposed extension has only been amended slightly to represent a more conventional design and so it would still represent a modest size at the rear of the property with many views being limited from any main vantage points within the Conservation area.

The Conservation Working Party Advisory Group had no objections but questioned whether a gable feature with a pitched roof would represent a more appropriate design. The previous two storey rear extension was approved with an identical roof to the one proposed and no adverse comments were raised by CAWP on this matter and so it would be unreasonable to request an amended design. Furthermore, it is not considered that the roof design would have an adverse impact on the Conservation due to its height and location.

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.

The impact on a landscape maintenance area

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 property is within the village of Keele and the proposal is considered not to harm the appearance and character of the village. The proposed two storey rear extension represents a design that will protect the appearance of the original dwelling and maintain the appearance of the surrounding area. Views of the rear of the property are limited by mature trees and shrubs which act as screening for the proposal and so the impact on the wider locality would be minimal.

The proposal is therefore considered to comply with Policy N19 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 property is at the end of a row of three mews dwellings. There are no windows on the rear elevation of the neighbouring property and so there will be no loss of light to principal windows of neighbouring properties. No windows are proposed on the proposed extension that will cause a loss of privacy to any neighbouring dwellings.

The proposed development would not result in a reduction in private space at the property with the footprint of the extension being similar to the existing conservatory that will be replaced and an adequate amount of private space would remain at the property. Therefore, the proposals adhere to the guidance contained within SPG relating to the control of residential 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 materials to be used shall be in strict accordance with those specified in the application unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- R1. To protect and safeguard the historic fabric and appearance of the Conservation area in accordance with the requirement of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policy B10 and B13 of the Newcastle-under-Lyme Local Plan 2011.
2. All windows of the proposed development shall be timber framed and have a painted finish in accordance with the submitted plans hereby approved.
- R2. For the avoidance of doubt and to ensure that the external appearance of the building / structure is acceptable in accordance with the requirement of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policy B10 and B13 of the Newcastle-under-Lyme Local Plan 2011.

Performance Checks	Date		Date
Consultee/ Publicity Period	27.03.09	Decision Sent Out	
Case Officer Recommendation	30.03.09	8 Week Determination	24.04.09
Management check	30/3/09 ESM		