

When calling or telephoning please ask for

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My ref

GD/EVB – R82/48

3 June 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, 14 JUNE 2011** at **7pm**.

AGENDA

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of meeting held on 24 May 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.
6. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Yours faithfully

P W CLISBY

Head of Central Services

Members: Councillors Allport, Becket, Burnett, Miss Cooper and Holland

Outside Representatives: Messrs Chatterton, Mrs C Henshaw, Manning, Dr M Nixon, 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
11/52/FUL	Whitmore Riding School, Shut Lane Head, Whitmore, Newcastle, Staffs ST5 4DS. Mr G Richards.	Conversion of brick and tile stable to commercial use to provide for a restaurant guest house and involving the erection of new accommodation to replace an existing building and to form car parking and guest storage space.	The Conservation Advisory Working Party had no objections providing that materials were of a high quality and carefully detailed. These should be conditioned.	Refused under delegated powers 23.5.11.
11/58/FUL	Keele IC5, Plot 5, Keele Science Park, Keele University. University of Keele.	Construction of a three storey business accommodation including offices and workshops and associated car parking and landscaping.	The Working Party felt that quality was lacking in the design of the building especially compared to the other IC buildings which were well designed – contemporary buildings. The setting of the park and garden required a distinctive building to retain the standard set by previous buildings.	Permitted by Planning Committee 19.5.11.
11/94/COU	29 Marsh Parade, Newcastle. Stone Physiotherapy Clinic.	Change of use from vacant accountancy office to physiotherapy practice.	No objections.	Permitted under delegated powers 4.5.11.
11/95/CPO	Proposed Pumping Station, Maer. Severn Trent Water.	Construction of new sewage pumping station, one kiosk, access road and landscaping at land to the east of unnamed road running south from the A51 to Maer Village, opposite the cricket pavilion.	The Conservation Advisory Working Party had some reservations but accepted the need for the facility and welcomed the attempt to make it recessive in the landscape.	Application withdrawn 12.5.11.

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Reference	Location and Applicant	Development	Working Party Comments	Planning Decision
11/110/FUL	Land to the rear of South Lodge, Clough Hall, Talke. Mr A Austin & Mr D Hough.	Erection of three bedroom house with integral garage and new accesses.	The proposal would be too close to South Lodge and would be detrimental and exacerbate the harm caused to the setting of this listed building.	Refused under delegated powers 28.4.11.
11/154/ADV	50-54 Church Street, Audley. Mr F Akhtar.	Retention of wall mounted advertisement signs.	No objections.	Permitted under delegated powers 17.5.11.
11/188/LBC	14 Lancaster Buildings, High Street, Newcastle ST5 1PG. Mr K Padania.	Installation of new shop fascia sign and window lettering.	The Working Party objected strongly to the inappropriate lettering on this very significant building in a prominent location of the Conservation Area. The sign was unacceptable for its context and would detract from the building and the area. Consideration could be given to applying the sign on the windows and reducing the font size.	Application withdrawn 25.5.11.

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
11/138/ADV	108 High Street, Newcastle, Staffordshire. Nationwide Building Society.	New ATM surround with signage in White lettering out of Red and Blue surround.	Within Newcastle Town Conservation Area.	Cllr D Clarke Cllr Mrs E Shenton
11/222/LBC	The New Wine Vaults, 36 High Street, Newcastle. Butters John Bee.	Proposed conversion of public house into office accommodation, bistro/wine bar & alterations to existing residential accommodation.	Grade II listed building within Newcastle Town Centre Conservation Area.	Cllr D Clarke Cllr Mrs E Shenton
11/224/LBC	Unitarian Meeting House, Lower Street, Newcastle. Mr Trevor Woodward.	Replacement windows to the top floor.	Within Newcastle Town Conservation Area.	Cllr D Clarke Cllr Mrs E Shenton
11/254/FUL	Church Bank & Church Street, Audley. Aspire Housing.	Remove existing Miners wheel from Church Bank, Audley, set existing wheel to new sandstone and relocate to grass area in Church Street, Audley.	within Audley Conservation Area.	Cllr Mrs A Beech Cllr Mrs D Cornes Cllr I Wilkes
11/258/FUL	Sunningdale, Main Road, Betley. Mr P Chase.	Ground floor front and side extension.	Within the Betley Conservation Area.	Cllr D Becket Cllr A Wemyss

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr G Richards **Application No:** 11/00052/FUL

Location: Whitmore Riding School, Shut Lane Head, Whitmore

Description: Conversion of brick and tile stable to commercial use to provide for a restaurant guest house and involving the erection of new accommodation to replace an existing building and to form car parking and guest storage space.

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

West Midland Regional Spatial Strategy 2008

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 Landscape
Policy PA14: Economic Development and the Rural Economy
Policy T2: Reducing the need to travel

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

Strategic Aim 8: To increase the attraction of the area as a tourist destination.
Strategic Aim 14: To protect and enhance the historic heritage
Strategic Aim 15: To protect and improve the countryside
Policy SP2: Spatial Principles of Economic Development
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation

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

Policy D1: Sustainable Forms of Development.
Policy D2: The Design and Environmental Quality of Development
Policy D4: Managing Change in Rural Areas
Policy D5B: Development in the Green Belt
Policy E12: Tourist Accommodation
Policy T3: Rural Areas
Policy T12: The Strategic Highway Network
Policy T13: Local Roads
Policy NC1: Protection of the Countryside: General Considerations
Policy NC2: Landscape protection and restoration
Policy NC6: Important Semi-Natural Habitats
Policy NC8: Habitats of Protected Species

Newcastle under Lyme Local Plan 2011

Policy S3: Development in the Green Belt
Policy E12: The Conversion of Rural Buildings
Policy T16: Development – General Parking Requirements
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N17: Landscape Character – General Considerations
Policy N19: Landscape Maintenance Areas
Policy B5: Control of Development affecting the setting of a listed building

Other Material Considerations include:

Relevant National Planning Policy

PPS1: Delivering Sustainable Development (2005)
PPG2: Green Belts (1995)
PPS4: Planning for Sustainable Economic Growth (2010)
PPS5: Planning for the Historic Environment (2010)
PPS9: Biodiversity and Geological Considerations (2005)

PPG13: Transport (2011)

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

Supplementary Planning Guidance

Newcastle-under-Lyme and Stoke-on-Trent Urban Design SPD (2010)

Relevant Planning History

In 2004 an application for planning permission and the associated application for listed building consent for the change of use and conversion of a barn to residential accommodation ancillary to the existing adjacent dwelling were permitted (04/00396/FUL and 04/00397/LBC). Two further applications for the relocation of existing indoor riding school and car park (04/00394/FUL) and the change of use and conversion of two existing former agricultural buildings to provide essential workers accommodation and office/storage (04/00395/FUL) were refused.

In 2009 planning permission was given for the formation of all weather horse riding surface (09/00222/FUL).

Views of Consultees

Whitmore Parish Council wishes to register the strongest possible objection to the application on the following grounds:-

- The site lies within the Green Belt and includes a very significant non residential development that has no bearing on either agricultural or forestry activity and so is a material change of use totally unsuitable for this site.
- The sheer scale of the proposal represents a totally disproportionate development of the Green Belt site.
- The site lies at the far end of Shut Lane Head a long single track which is totally unsuitable for the level of traffic (horse/vehicle) that such a facility would generate.
- The proposed facility would significantly increase the level of traffic flow at the junction of A53 and Shut Lane Head that suffers very poor visibility and thereby create a totally unacceptable level of risk of serious accidents occurring.
- The layout plan is inaccurate.
- Additional stabling will be required for the development due to that lost.
- The development will increase access to the site to 24 hours per day.
- No details on the existing riding school and livery facilities
- No details or estimate on the increase in traffic.
- No details on materials of the construction for the accommodation block
- Lighting of the area will increase and will impact upon wildlife including bats
- No details of service necessary for such a facility ie septic tank and drainage
- No assessment of the impact of the development upon the listed building
- No evidence on the viability of the proposal
- Suggested that it could be for other targeted markets other than tourists such as providing for young offenders. Residents are concerned crime could increase.
- Not environmentally sustainable in that public transport is limited

The **Highway Authority** recommend refusal on the following grounds:-

- The access road is substandard in that it is of inadequate width to allow two vehicles to pass; it affords restricted forward visibility for drivers in sections of the lane; the road has insufficient capacity to accommodate the additional traffic which the proposed development would generate; and the increased use of the road would result in an increase in the likelihood of danger to road users.
- The traffic generated by the proposed development would be likely to result in an increase in highway danger owing to increased use of the existing junction of Shut Lane Head with the A53 (Whitmore Road) which affords restricted visibility for drivers and other road users emerging from this junction.

Natural England objects to the application on the basis that the application contains insufficient mitigation information to demonstrate whether or not the development would have an adverse effect on legally protected species.

The **Landscape Development Section, Environmental Health Division, Staffordshire Wildlife Trust** and **Environment Agency** having not provided a response within the requisite period must be assumed to have no comments to make on the scheme.

Representations

Nine letters of objection have been received. Their comments can be summarised as follows;

- Contrary to planning policy on the conversion of rural buildings.
- There is an objection from Natural England.
- The proposed new building should not be considered to be 'essential facilities' in the Green Belt location and no very special circumstances have been demonstrated to justify this inappropriate development.
- There is no evidence that there is a need for the development to support the existing riding school, indeed the links between the riding school and the proposal have not been made clear.
- Will have a significant detrimental impact on the Green Belt.
- Has little connection or benefit for the existing equestrian business.
- Disproportionate extension.
- Increased traffic and highway safety issues associated with Shut Lane Head and the junction of Shut Lane Head and the A53
- Traffic along the Shut Lane Head has already increased due to the all weather riding surface.
- Conflict between users of the highway and horse riders.
- Conflict with existing residential properties – people use access drives as passing places which have been damaged as a result.
- Noise pollution.
- Environmental degradation.
- The proposals are harmful to the listed building.
- The potential hours of operation of the new proposal.
- Potential for further development due to relocation of the stables.
- Impact upon residential amenity.
- No disabled facilities that offers the developer the potential to sell them for permanent residential purposes.
- Infrastructure works – gas or sewerage.
- Impact upon wildlife and habitat.
- Security issues.

A **traffic report** has also been submitted on behalf of the objectors and is summarised below:-

- As the riding stables are to be retained it is reasonable to conclude that the proposed development would lead to intensification in use of Shut Lane Head. This intensification would be related to all modes of transport not just motor vehicles. Unfortunately the

submitted application is limited in the information it provides, therefore it is not entirely possible to predict the operational characteristics associated with the proposed use.

- The 10 additional parking spaces in addition to staff and visitor trips to the site will be an increase in commercial vehicle movements. The movement of these vehicles along Shut Lane Head and through the priority controlled junction of Shut Lane Head with the A53 will increase the occurrence of potential conflicts.
- These potential conflicts along Shut Lane Head are likely to be related to damage only conflicts due to the tight geometric alignment of the highway and limited forward vehicles, which will lead to low vehicular speeds. Therefore it is reasonable to conclude that the increase in vehicular flows along Shut Lane Head will result in damage to the public highway and private property and unlikely to result in personal injury accidents.
- No provision of a servicing area or turning facility has been illustrated which could lead to service vehicles manoeuvring within the car parking areas for the riding school leading to conflict with other vehicles and vulnerable users.
- There are regular occurrences of vehicles unable to pass each other on Shut Lane Head without leaving the carriageway and a series of inter-visible passing places which is not possible and therefore it must be concluded that Shut Lane Head is not of sufficient width or geometric alignment to accommodate the proposed development.
- The priority control junction of Shut Lane Head with the A53 gives priority to the A53 and is within the inside curve of a bend which has the effect of significantly reducing the visibility afforded to exiting vehicles. This is further exasperated by the vertical alignment of the A53, which rises up to the south to the newly constructed roundabout. The reduced visibility at this junction also falls within the acceleration zone away from the roundabout. To the north visibility is also restricted due to the alignment of the A53 and the banked verge and tree line.
- Whilst accident statistics have not been obtained, it is understood from local knowledge that this section of the A53 has a personal injury accident record associated with manoeuvring vehicles. Given the nature of the proposed development, it is reasonable to conclude that visitors would not be familiar with the local highway network which could increase accident risk.

Applicant/Agent's Submission

A **Design and Access Statement** has been submitted the main points of which are as follows:-

- The site owner is a friend of the owner of Whitmore Riding school.
- Aim and ambition is to provide high quality guest accommodation to meet the needs of both local users of the equestrian centre and to provide high quality catered accommodation for tourists. It is proposed that the accommodation will be taken up by those undertaking horse based activity holidays or those on walking or cycling holidays.
- The conversion element complies with planning policy and the new build component is an essential, ancillary and modest part of the development proposal.

A structural report undertaken in 2004 was also submitted as part of the proposal. This concludes that the barns are in a semi-derelict condition however there was no on-going settlement or subsidence as it stands. It then discusses that the buildings are to be remodelled in their entirety with substantial works being undertaken.

A bat presence/absence survey report was also submitted as part of the proposal. This advises that the building is not in good condition and a bat roost is present. The bat roost can be improved through bat mitigation measures and a licence from Natural England would be required. The building was also being used for birds and mitigation measures for these were also recommended.

Key Issues

The application is for a guest house involving the conversion of an existing brick and tile building for use as a dining and kitchen area, and the provision of 7 units within a new single storey timber building which will replace stables that are to be dismantled and removed from the site.

The application site is on land designated as Green Belt and an Area of Landscape Maintenance as detailed on the Newcastle under Lyme Local Development Framework Proposals Map. The site is

also adjacent to a Grade II listed building.

The main issues in the determination of the planning application are;

- the appropriateness of the development in the Green Belt,
- principle of the proposed use,
- impact on the listed building,
- impact on highway safety,
- **impact upon Protected Species**
- the impact on the amenities of neighbouring occupiers,
- the impact on the visual amenities of the Green Belt and the wider landscape,
- and finally the question of whether or not the required very special circumstances exist

Is the principle of the development appropriate in Green Belt terms?

PPG2 states that the re-use of buildings inside a Green Belt is not inappropriate development providing:-

- It does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it.
- Strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing).
- The buildings are of a permanent and substantial construction and are capable of conversion without major or complete reconstruction; and
- The form, bulk and general design of the buildings are in keeping with their surroundings.

With regard to new buildings PPG2 indicates that these should be considered as inappropriate unless it is for a limited number of purposes, none of which include tourist accommodation.

Policy S3 (iv) of the Local Plan indicates that the re-use of an existing building may be acceptable providing it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it. Policy S3 does not indicate that the construction of new buildings for the proposed purposes is acceptable within the Green Belt.

The structural survey that has been submitted in support of the application was completed some time ago (2004) concluded that the buildings surveyed, including the building within this proposal, were in a semi-derelict state. It would appear that repairs to the building have not been undertaken since this survey and further deterioration has occurred.

The proposal also involves a substantial element of new build as the timber elements of the proposal are a replacement of the stables currently on site.

In view of the large element of new build within the proposal, and the lack of an up to date survey to demonstrate that the building is capable of conversion without major or complete reconstruction it cannot be concluded that the development is appropriate within the Green Belt.

Principle of the proposed use

There is some policy support for the principle of tourist accommodation within local and national policy.

Policy E12 of the Structure Plan indicates that guest house, bed and breakfast and self-catering accommodation are acceptable where they are related the main visitor and public transport routes in urban areas, or associated with existing building development in rural areas.

Policy E12 of the Local Plan addresses the conversion of rural buildings where the proposal is for new employment purposes. It indicates that subject to amenity and highway considerations, such

applications are supported as a means of providing jobs in rural area. It goes on to state that such applications should be supported by convincing evidence that the superstructure of the building is of permanent and sound construction, it does not require reconstruction, extension or substantial alterations and its form, bulk and general design is in keeping with its surroundings. In this particular case the proposal does involve new building and the application does not include convincing evidence that the building is of permanent and sound construction and as such it is not in accordance with policy.

Impact upon the listed building

The proposal does not involve a listed building, however the site and particularly the brick and tile building within the site, are located very close to a listed barn which is currently undergoing works as part of a permitted conversion to residential use (04/00396/FUL & 04/00397/LBC)

There is a statutory requirement on Local Planning Authorities to 'have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses'.

The site is currently detrimental to the appearance of the listed building due to its semi-derelict state. The proposed reuse of the building will therefore have a beneficial impact on the setting of the listed building.

Impact upon Highway Safety

The site is accessed via Shut Lane Head which is narrow in width, not allowing two vehicles to pass, and has restricted forward visibility in sections of the lane. In addition the junction of Shut Lane Head with the A53 is also substandard due to restricted visibility.

The proposal involves the conversion of an existing building and the replacement of timber stable buildings to provide a guest house with dining room and it is reasonable to assume, given that the proposal does not result in the cessation of the riding school on the site, that this will result in an increase in vehicular movements. The applicant does not have land within his ownership or control to enable improvements to the visibility splays at the junction, or the provision of passing places along Shut Lane Head and the planning application does not include such highway improvements. It must be concluded, therefore, that the application is unacceptable on highway safety grounds and should therefore be refused for the two reasons advanced by the Highway Authority.

Impact upon Protected Species

A Bat Presence/Absence Survey has been submitted with the application which identifies the presence of a bat roost within the building and concluding that a mitigation report/method statement for the redevelopment will be required.

Bats are a European protected species and Local Planning Authorities, in exercising their planning and other functions, must have regard to the requirements of the European Community Habitats Directive when determining a planning application, as prescribed by Regulation 3(4) of the Conservation (Natural Habitats) Regulations 1994 (as amended). Circular 06/2005 states that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted, otherwise all relevant considerations may not have been addressed.

Natural England has objected to the application on the grounds that the application contains insufficient mitigation information to demonstrate whether or not the development would have an adverse effect on legally protected species. In view of this objection, and the obligations that are placed upon the Local Planning Authority it recommended that the application is also refused on this ground.

Impact upon residential amenity

The proposed guest house is located adjacent to a barn which is being converted into a dwelling.

There is the potential for the proposed use to have an impact on the living conditions of the occupiers of that dwelling however it is not considered that this will be to the extent that a refusal could be justified on this ground.

Impact on the visual amenities of the Green Belt and the wider landscape.

Given that the proposal involves the reuse of an existing building and the replacement of other buildings with structures of a similar scale it is not considered that the main elements of the proposal will have a material adverse impact on visual amenities of the Green Belt and the wider landscaped. The provision of car parking will have visual impact, however this will be limited as will be located where part of an existing stable block will be removed and is contained within a number of existing buildings. In addition there is scope to undertake landscaping within the site. Overall it is considered that the proposal is acceptable in this regard.

Do the required very special circumstances exist?

Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

The applicant has concluded within the submission that this development is in accordance with Green Belt policy and as such has not advanced a very special circumstances case. Whilst it is acknowledged above that there will be some benefits on the setting of the listed building it is not considered this outweighs the harm arising by reason of the proposals inappropriateness and as such the necessary very special circumstances do not exist in this case.

Decision

REFUSE for the following reasons:

1. The development is inappropriate development in the North Staffordshire Green Belt, is harmful to the interests of the Green Belt and it conflicts with policies relating to the protection of the countryside and sustainable economic development. No other material considerations exist which clearly outweighs this harm and the applicant has failed to provide the very special circumstances which are required to justify approval of inappropriate development. Therefore, the development would be contrary to the guidance within PPG2, PPS4, Policies D2, D4, D5B, and NC1 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, and Policy S3 of the Newcastle-under-Lyme Local Plan 2011.
2. The access road, Shut Lane Head, is substandard in that:-
 - It is a narrow single track land of inadequate width to allow two vehicles to pass;
 - it has a sinuous alignment which affords restricted forward visibility for drivers in sections of the lane;
 - the road has insufficient capacity to accommodate the additional traffic which the proposed development would generate;

and the increased use of the road would result in an increase in the likelihood of danger to road users. The proposal is therefore contrary to Policy T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and the aims and objectives of PPS13.

3. The traffic generated by the proposed development would be likely to result in an increase in highway danger owing to increased use of the existing junction of Shut Lane Head with the A53 (Whitmore Road) which affords restricted visibility for drivers and other road users emerging from this junction. The proposal is therefore contrary to Policy T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and the aims and objectives of PPS13.

4. The application is not supported by an up to date structural report that demonstrates that the superstructure of the building is of sound and permanent construction and that it does not require reconstruction, extension or substantial alteration and as such the proposal is contrary to Policy E12 of the Newcastle under Lyme Local Plan 2011 and guidance in PPG2.

5. The application contains insufficient mitigation information to demonstrate whether or not the development would have an adverse effect on legally protected species and as such the proposal is contrary to Policies NC6, and NC8 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011, Policies ASP6 and Policy CSP4 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026, Policy N8 of the Newcastle under Lyme Local Plan 2012 and the aims and objectives of PPS9.

Performance Checks	Date		Date
Consultee/ Publicity Period	13.5.11	Decision Sent Out	
Case Officer Recommendation	10.5.11	8 Week Determination	3.6.11
Management check	Updated and finalised by ESM 23/5		

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mrs H Tinsley **Application No:** 11/00094/COU

Location: 29 Marsh Parade, Newcastle

Description: Change of use from vacant accountancy office to physiotherapy practice

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

West Midlands Regional Spatial Strategy (WMRSS)

Policy UR3: Enhancing the role of City, Town and District Centres

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

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

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy SP2: Spatial Principles of Economic Development
Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011

Policy T16: Development – General Parking Requirements

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
PPS4: Planning for Sustainable Economic Growth (2009)
PPG13: Transport (2001)

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

Supplementary Planning Guidance

Newcastle under Lyme Town Centre Supplementary Planning Document 2009

Relevant Planning History

There have been numerous applications at this property relating to changes of use however none are directly relevant to this application.

Views of Consultees

The **Environmental Health Division** has no objection to the proposal.

The **Highway Authority** has no objection to the proposal.

The **Conservation Advisory Working Party** has no objection to the proposal.

Representations

No representations received.

Applicants/Agents Submission

The requisite application forms and plans were submitted.

Key Issues

The application is for the change of use of a vacant accountancy office to a physiotherapy practice. The key issues to be considered in the determination of this application are the following:

- The principle of the development

The principle of the development

The property is an existing vacant unit that was previously used as an accountancy office. The Newcastle Town Centre SPD specifies that this area is part of the 'Live Work Office Quarter' and should be complimentary to the Town Centre Housing Area which lies around it. It also states that while the Town Centre Housing Areas are expected to remain little changed as relatively tranquil areas, albeit within an urban context, the live work quarter is expected to continue as a mixed use area where the main focus is offices with any housing development likely to be marketed for those who wish to live within a bustling business community. The use of the premises as a physiotherapy practice will operate much in the same manner as an office use with limited pre-booked visits due to the nature of the operation and the time required per patient. It would also add to the vitality of the surrounding area which is currently lacking within the immediate vicinity with a high proportion of vacant units. The loss of this modest unit would also have no material detrimental impact upon office space within this area due to its scale and the level of office space already available within this area as well as the town centre (illustrated by the primary shopping area). The development is also located in a sustainable location and would meet the overarching aims and objectives of PPS 1 and PPS 4.

Other matters

Due to the proposed scale and nature of the development no adverse impact upon highway safety or amenity upon neighbouring units would ensue.

The premises is located in a sustainable location served by a range of transport methods as well as existing short term parking and in close proximity to other parking facilities.

Due to the size and constraints of the unit it is not felt necessary to control the amount of consulting rooms or physiotherapists operating at the practice at any one time.

A greater business presence would also be welcomed from a crime prevention perspective with another vacant premises within the streetscene recently being set fire to. The more units being used within the area would create a higher level of natural surveillance.

Reasons for the grant of planning permission

The proposed modest change of use would not have an adverse impact upon the principles of the live work office quarter and due to the operational nature of the proposed use and its size, the development would not impact upon the adjoining the units. Due to the location of the unit in a sustainable location well served by several methods of transport, the proposal would also have no adverse impact upon highway safety. The proposal accords with Policy D1 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, policy T16 of the Newcastle under Lyme Local Plan 2011 and the aims and objectives of PPS1.

Recommendation

Permit with the following conditions:

1. **BA01** - The development must be begun not later than the expiration of three years beginning with the date of this permission.

R1: To comply with the provisions of Section 91 of the Town and Country Planning Act

2 **BESPOKE**

The development hereby permitted shall be carried out in accordance with the following approved plans and supplementary information;

- Location Plan date stamped received by the LPA on the 14th March 2011.

R2: For the avoidance of doubt and in the interests of proper planning.

Performance Checks	Date		Date
Consultee/ Publicity Period	8/4/11	Decision Sent Out	
Case Officer Recommendation	3/5/11	8 Week Determination	9/5/11
Management check	4/5 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr A Austin & Mr D Hough **Application No:** 11/00110/FUL

Location: Land to the rear of South Lodge, Clough Hall Drive, Talke

Description: Erection of 3 bedroom detached dwelling with integral garage and formation of new accesses

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

West Midland Regional Spatial Strategy 2008 (WMRSS)

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 Landscape
Policy CF2: Housing Beyond the Major Urban Areas
Policy CF3: Levels and Distribution of Housing Development

Staffordshire and Stoke on Trent Structure Plan 1996 – 2011 (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 T1A: Sustainable Location
Policy NC1: Protection of the Countryside: General Considerations
Policy NC2: Landscape Protection and Restoration
Policy NC18: Listed Buildings

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

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

Newcastle Under Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development - General Parking Requirements
Policy N17: Landscape Character – General Considerations
Policy N21: Areas of Landscape Restoration
Policy B5: Control of Development Affecting the Setting of a Listed Building

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
PPG2: Green Belts (1995)
PPS3: Housing (2006)
PPS5: Planning for the Historic Environment (2010)
PPS7: Sustainable Development in Rural Areas (2004)
PPG13: Transport (2001)

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

Secretary of State's announcement of intention to abolish RSS

Planning History

81/10246/N Pair of detached bungalows Refused

Views of Consultees

The **Highway Authority** has no objections to the proposal subject to conditions regarding off-site highway works and the provision and retention of the access and parking area in accordance with drawing no. 3.

The **Landscape Development Section** has no objection to the application subject to conditions requiring a landscaping scheme, tree protection, and tree replacement.

The **Conservation Advisory Working Party** objects on the grounds that the proposal would be too close to South Lodge and would be detrimental and exacerbate the harm caused to the setting of this Listed Building.

No comments have been received from the **Environmental Health Division** or **Kidsgrove Town Council**. As the period for comments has ended, it must be assumed that they have no comments regarding this application.

Representations

Three letters of representation have been received. Objection is made on the following grounds:

- The house will be on green belt land.
- The house will have an adverse impact on South Lodge, a Grade II listed building.
- There will be an impact on residential amenity, particularly privacy.
- Bats have been seen in the area.
- The site is not and has never been used for fly tipping.
- The site has always been an open green area and has not had any building on it previously. This is not where the previous Lodge Café was sited.
- The property would be too big for the plot.

Applicant's/Agent's Submission

A Design and Access Statement has been submitted. The main points made are as follows: -

- The plot is a brownfield site that was previously part of a café/petrol station complex which was cleared in 2000 after planning permission was granted for 3 detached dwellings.
- The site is levelled, hard core surfaced and unused, being unsuitable for garden purposes because of the remains of the previous development underneath.
- The site is frequently used for fly tipping.
- Although it is designated green belt, it is previously developed land, has nothing in common with the open countryside and is encircled by development.
- The site is within easy walking distance of Talke Pits and there are shops and facilities within half a mile. It is clearly sustainable.
- The applicants are in negotiations to remove two ugly electricity poles. This will help to improve the immediate landscape and wider views.
- The materials will be in keeping with the Harecastle court development.
- The principal windows will look north across Clough Hall Drive or south east across to open countryside.
- The surrounding dwellings are of varying size and height.
- The property 'Rutlands' has a hugely dominant impact on the Lodge.

Key Issues

The application is for full planning permission for a detached dwelling. The site is within the Rural Area and Green Belt and within an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The site lies immediately to the east of South Lodge, and Jasmine Lodge lies to the north-west. Both Lodges are Grade II Listed Buildings.

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

- Does the proposal preserve the setting of the adjacent listed buildings?
- Is the proposed development appropriate development in Green Belt terms and, if inappropriate, do special circumstances exist to justify approval?
- Does the proposal comply with policies on housing development?
- Is the proposal acceptable in terms of impact on the character and appearance of the area?
- Is there any conflict with policies on the impact of development on the landscape?
- Are there any potential residential amenity issues?

Does the proposal preserve the setting of the adjacent listed buildings?

The site lies adjacent to South Lodge and Jasmine Lodge which are both Grade II Listed Buildings. The lodges flank the driveway to the former Clough Hall.

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

The proposed dwelling would be just 7.5m from the rear elevation of South Lodge and only 1.4m from its remaining curtilage. Although South Lodge has been already slightly compromised by the development of three houses in Harecastle Court, albeit that this was on land which formed the site of the Lodge café and did not form part of the curtilage of the listed building, it is considered that this development would further compromise the space around the lodge by taking a significant proportion of its rear garden. It would be a large two-storey dwelling and it would appear cramped and over dominant in relation to South Lodge.

CAWP objects to the proposed development on the grounds that the proposal would be too close to South Lodge and would be detrimental and exacerbate the harm caused to the setting of this Listed Building.

It is considered that the siting and the scale of the proposed dwelling would have an adverse impact upon the setting of the Grade II listed South Lodge.

Is the proposed development appropriate development in Green Belt terms and, if inappropriate, do special circumstances exist to justify approval?

PPG2 states that there is a general presumption against inappropriate development within Green Belts and such development should not be approved except in very special circumstances. The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:-

- Agriculture and forestry
- Essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it
- Limited extension, alteration or replacement of existing dwellings
- Limited infilling in existing villages
- Limited infilling or redevelopment of major existing developed sites

Given that the current proposal for development in the Green Belt does not fall within any of the exceptions listed above, it is considered to constitute inappropriate development.

Inappropriate development is, by definition, harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant's case is limited to an argument that although the land is in the Green Belt, it is previously developed land, has nothing in common with the open countryside and is encircled by development. It is considered that this argument does not amount to the required very special circumstances and would not outweigh the harm that the proposed development would cause to the Green Belt by definition.

Does the proposal comply with policies on housing development?

PPS3 adopts a sequential and managed approach to the release of housing sites, giving priority to the development of previously developed land in sustainable locations.

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 CF3 of the WMRSS seeks to implement a step change progressively reducing housing provision outside the Major Urban Areas, and Policy CF2 indicates that in rural areas the provision of new housing should be generally restricted to "meeting local housing needs and/or to support local services, with priority being given to the reuse of previously developed land and buildings within existing villages enhancing their character wherever possible".

Policy SP1 of the CSS states that new housing will be primarily directed towards sites within Newcastle Town Centre and identified significant urban centres. It states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

Policy ASP6 of the 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. The application site is not within a Rural Service Centre.

The site here lies beyond the Major Urban Area of North Staffordshire and although the applicant states that the site is brownfield, the Council's records show that the site is not part of the former café/petrol station complex, has not been previously developed and that it actually comprises greenfield land. The proposed dwelling would not serve a local need and neither would it support local services. The principle of residential development on this site is considered unacceptable therefore.

Impact on the character and appearance of the area

PPS1 states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

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.

The surrounding area comprises a variety of dwelling styles but in the immediate vicinity to the south are large detached dwellings. It is considered that the proposed development, in terms of its scale and density, would be commensurate with the surrounding area and it is not considered that a dwelling in this location would have any significant adverse impact on the character and appearance of the street scene generally although the harm to the setting of the listed building remains.

Any conflict with policies on the impact of development on the landscape?

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 an area of Landscape Restoration. Policy N21 of the Local Plan states that it must be demonstrated that development will not further erode the character or quality of the landscape.

Although the proposed dwelling would be large it is adjacent to existing development and the proposal would not adversely affect any landscape features. It is not considered that the character or quality of the landscape would be eroded to a sufficient extent to justify refusal.

Impact on residential amenity

PPS1 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.

The Council's Space Around Dwellings SPG recommends a distance of 10.7m between principal windows and a single storey wall. The attached garage of the proposed dwelling would be just 7.5m from the rear principal windows of South Lodge which is a single storey property and just 1.4m from its private amenity space. It is considered that the proposal would have an unacceptable overbearing impact upon the occupiers of South Lodge.

Objection has been raised by the occupiers of 'Rutlands' to the south regarding overlooking to their garden and windows. No principal windows are proposed at first floor level and the dwelling would be sited at an angle so that the windows would face away from the neighbouring property. On balance, it is not considered that there would be any significant adverse impact on the amenity of the occupiers of 'Rutlands'.

The Council's SAD SPG recommends a mean private garden length of 10.7m and an area of at least 65 square metres. The proposed dwelling would have an average rear garden length of approximately 8.5m which is below that recommended in the SPG. However, the area would exceed 65 square metres and sufficient private amenity space would be provided to enable the future occupiers to enjoy some outdoor space. On balance, it is considered that the private amenity space is acceptable.

Recommendation

Refuse for the following reasons:

1. The development, by reason of its siting and scale, would have an adverse impact upon the setting of the Grade II Listed Building, South Lodge, contrary to Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026, Policy B5 of the Newcastle-under-Lyme Local Plan and the aims and objectives of PPS5.
2. The development is inappropriate development in the Green Belt and is harmful to the interests of that Green Belt, reduces its openness and is contrary to the purposes of including land within the Green Belt. No other material considerations exist which clearly outweigh this harm and accordingly the development would be contrary to the guidance within PPG2, Policy D5B of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, and Policy S3 of the Newcastle-under-Lyme Local Plan 2011.
3. The development of this greenfield site would be contrary to the objective of maximising the re-use of 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 Policy D1 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 - 2011, Policies SP1 and ASP6 of the Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy 2009 and the aims and objectives of PPS3.
4. The proposed development, given its location outside the Major Urban Area, would not assist

in meeting local housing needs and would not support local services and if repeated elsewhere in similar locations the cumulative impact of such permissions would be so significant it would be contrary to Policy CF2 of the West Midlands Regional Spatial Strategy.

5. The proposed development, by reason of its siting just 7.5m from the rear principal windows of South Lodge to the west, would unacceptably dominate the outlook from that property and would have a significant overbearing impact upon the amenity of the occupants of that property. Accordingly, the proposal is contrary to the aims and objectives of PPS1 and the guidance within the Council's adopted Supplementary Planning Guidance relating to Space Around Dwellings.

Performance Checks	Date		Date
Consultee/ Publicity Period	8.4.11	Decision Sent Out	
Case Officer Recommendation	28.4.11	8 Week Determination	28.4.11
Management check	28.4 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr F Akhtar **Application No:** 11/00154/ADV

Location: 50-54 Church Street Audley Newcastle

Description: Retention of wall mounted advertisement signs

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

West Midlands Regional Spatial Strategy

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

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

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

Newcastle Under Lyme Local Plan 2011

Policy R14: Development in District Centres.
Policy B 9: Prevention of Harm to Conservation Areas.

Newcastle under Lyme and Stoke on Trent Core Strategy 2006-26 (adopted 2009)

Strategic Aim 16: To eliminate poor quality development;
Policy CSP1: Design Quality.
Policy CSP2: Preserve and enhance the character of appearance of the historic heritage

Other Material Considerations

Circular 11/95 - Conditions
Circular 03/07: Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development
PSS 5: Planning and Historic Environment (2010)
PPG19: Outdoor Advertisement Control (March 1992)

Companion Guide to PPS1 "The Planning System: General Principles"
Circular 3/07 Town and Country Planning (Control of Advertisement) Regulations 2007.

The Secretary of State for Community and Local Government's letter of 27th May 2010.

Relevant Planning History

08/00431/FUL	PER	8.8.2008	Change of Use of part of shop to two dwelling houses with new vehicle access.
08/00821/FUL	PER	12.11.2008	Change of Use from shop to Dwelling House Renewal of 06/00373/FUL with amendments.
10/00164/FUL	PER	5.005.2010	Change of use to restaurant with managers accommodation over and alterations to shop front.

Views of Consultees

Audley Parish Council

Not supported as it is in the conservation area and opposite residential properties.

Conservation Advisory Working Party

No objections.

Applicants/Agents Submission

None.

Representations

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

Key Issues

The application site is a modern retail unit set on a corner site behind forecourts. The application is for advertisement consent for two signs, the first being an internally illuminated sign set between two first floor front windows, the second being individual aluminium letters set between the three first floor windows further along the building. The premises fronts directly onto the footpath.

PPG19 states that the display of outdoor advertisements can only be controlled in the interest of "amenity" and "public safety". Paragraphs 11-14 of PPG19 explain what is meant by the term "amenity" – the effect on the appearance of a building – or on the visual amenity in the immediate neighbourhood in which the sign is to be developed. Following the release of Circular 03/07 Local planning authorities are required to exercise their powers under the Regulations with regard to amenity and public safety, taking into account relevant development plan policies in so far as they relate to amenity and public safety, and any other relevant factors. The definition of "amenity" includes both visual and aural amenity. Therefore as well as visual amenity, the noise generated by advertisements should be considered. "Public safety" is not confined to road safety. Crime prevention and detection are relevant; the obstruction of highway surveillance cameras, speed cameras and security cameras by advertisements is now included.

The main issues to address are therefore:-

- The impact of the signs on the visual amenity of the immediate and surrounding area
- The impact upon public safety

The impact of the signs on the amenity of the property it relates to and the surrounding area

The signs relate to an Indian Restaurant which is located within a mixed established commercial frontage in the within Audley Conservation Area.

There have been some pre-application consultation with the applicant, and it is felt that the proposal is relatively sensitive and in line with the preferred option they have submitted to the Council. It is always with regret that the applicant has undertaken the signage without waiting for the approval but it is certainly more tasteful than many advertisements along Church Street. The comments of the Parish Council have been noted; its comments relate to it being within the Conservation Area. However the Conservation Advisory Party have no objections to the proposals.

It is considered the proposed signage would not have an adverse impact on the character and appearance of the Conservation Area and that the proposal would not have an adverse impact on the amenity of the area.

The impact upon public safety

PPG19, paragraph 15 indicates that “LPAs will therefore consider such matters as the likely behaviour of drivers of vehicles who will see the advertisement; possible confusion with any traffic sign or other signal; or possible interference with a navigational light or an aerial beacon. LPAs will also bear in mind that some advertisements can positively benefit public safety by directing drivers to their destination.” It also advises that “The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety.”

No part of the signs project to give a possible hazard to passing pedestrians.

Recommendation

Permit subject to standard advertisement consent conditions (within the decision notice template) and the following conditions:

1. The lighting scheme shall be installed and retained strictly in accordance with the submitted design/specification and the Institution of Lighting Engineers "Guidance Notes for the Reduction of Light Pollution, 2000" for Environmental Zone E3.
- R1. To avoid hazard to health and safety and compliance with Policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011.
2. No direct light source shall be visible to drivers on the highway.
- R2. To avoid hazard to health and safety and compliance with Policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011.

Performance Checks	Date		Date
Consultee/ Publicity Period	22.04.2011	Decision Sent Out	
Case Officer Recommendation	17.05.2011	8 Week Determination	17.05.2011
Management check	Revised PR 17.05.2011		