

To the Chair and Members
of the
**CONSERVATION ADVISORY
WORKING PARTY**

When calling or telephoning
please ask for
Mr G Durham
Direct line or ext
742222
My ref
GD – R82/48
Yours ref

3 October 2008

Dear Sir/Madam

A meeting of the **CONSERVATION ADVISORY WORKING PARTY** will be held in **COMMITTEE ROOM 1, CIVIC OFFICES, MERRIAL STREET, NEWCASTLE** on **TUESDAY, 14 OCTOBER 2008** at **7.00pm**.

AGENDA

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of previous meetings to be signed by the Chair.
3. Minutes of meeting held on 25 September 2008 (copy attached for non-Council Members information).
4. To consider the attached reports at Appendix A and B (blue and salmon paper).
5. To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the Officer.
6. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Yours faithfully

A CAMPBELL

Democratic Services Manager

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

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

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
08/515/FUL	Brampton Miniature Railway, Brampton Park, Brampton Road, Newcastle. Mr A Holdsworth.	Extension to club room/store building.	No objections.	Permitted under delegated powers 09/09/2008.
08/580/FUL	Former Cannons & Choices Video Units, Barracks Road, Newcastle. LSI (Investment) Ltd.	Change of use of building from Class D2 (Leisure) to Class A1 (shop), external alterations and associated access and landscape works.	No objections in principle subject to there being a restrained use of colour and bright surfaces in this prominent location.	Permitted by Planning Committee 09/09/2008.
08/585/FUL	Site of former Georgia Pacific, Stanier Street, Newcastle Stanier Homes LLP.	Erection of a six storey building comprising ground floor foodstore and a 5 storey hotel; associated access, car parking, landscaping and servicing.	Members objected strongly to this proposal and recommended refusal. The designs were felt to be of inferior concept and design. The opportunity to gain something of quality following the demolition of the non-descript Georgia Pacific building was felt by Members to be of vital significance to this part of the Conservation Area.	Refused by Planning Committee 09/09/2008.
08/590/FUL & 08/591/LBC	85 High Street, Newcastle. Mitchells & Butler.	Alterations to first and second floor windows on front elevation; installation of lights to first and second floor windows, freestanding awning and gate to rear boundary.	Members objected to the alterations to the first and second floor windows on the front elevation. The building is part of the historic heritage of the town and the Georgian windows should be retained. Recommend that the blinds be refused. Members welcomed the approach to the alterations at the rear but requested that officers negotiate for a more uniform and quality of design in materials and colours.	Permitted under delegated powers 09/09/2008.

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas.
08/635/OUT	T K Phillips Workshop, Moss Lane, Madeley.	Erection of a pair of semi-detached cottages (revision to application 07/01009/OUT).	Members felt that the proposal was still inappropriate overdevelopment of the site and out of character with that particular part of Madeley.	Permitted under delegated powers 04/09/2008.

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
08/437/FUL	Fayth Cottage, 1 Lees Yard, Maer Mrs D Burnham.	Two storey side/rear extension with basement, garage & utility (Amendments to previous approval 05/881/FUL).	Within the Maer Conservation Area.	Councillor P Maskery Councillor Mrs F Myatt Councillor B Tomkins
08/517/FUL	Lower Stoneylow Farm, Unit 1 Barn Conversion, Three Mile Lane, Madeley. Mr & Mrs Emery.	Two freestanding wind turbines.	Development may affect the setting of a Listed Building.	Councillor J Bannister Councillor Mrs H Morris
08/719/COU	5-6 Ironmarket, Newcastle. Done Bookmakers.	Change of use of ground floor from retail (Class A1) to betting shop (Class A2).	Within the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton
08/735/FUL	Canal Tavern, Hardingswood Road, Kidsgrove. Admiral Taverns.	Raised covered decking area.	Within the Hardings Wood Conservation Area.	Councillor Mrs S Bowyer Councillor Mrs M Maxfield Councillor Ms T Morrey
08/736/FUL	Bow House, Church Lane, Betley. Mr R Rees.	Replacement garden wall & erection of new gates.	This proposal may affect the setting of a Listed Building.	Councillor D Becket Councillor A Wemyss
08/766/ADV	Morston House, The Midway, Newcastle. Mr Austin (North Staffs PCT).	Two illuminated fascia signs.	Within the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton
08/777/FUL	St Wulstans RC CP School, Church Lane, Wolstanton. St Wulstans RC CP School.	Extension to nursery building to create foundation stage unit.	Within the Wolstanton Conservation Area.	Councillor Mrs Y Burke Councillor M Foy Councillor Mrs T Taylor

Cont...

Reference	Location and Applicant	Development	Remarks	Ward Councillors
08/805/LBC & 08/806/ADV	85 High Street, Newcastle. Mitchells & Butler.	Retention of various illuminated/non-illuminated signs (ten in total).	Within the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton
08/818/ADV	University of Keele, Keele. Keele University.	Car parking and information signage.	Proposals may affect the Keele Village and Keele Hall Conservation Areas.	Councillor Mrs W Naylor Councillor R Studd
08/821/FUL	54 Church Street, Audley. Mr F Boon.	Change of use of shop to dwelling (Renewal of Planning Application 06/373/FUL).	Within the Audley Conservation Area.	Councillor Mrs A Beech Councillor Mrs D Cornes Councillor I Wilkes

OFFICER REPORT ON DELEGATED ITEMS

Applicant: North Staffs Model Engineering Society Ltd

Application No: 08/00515/FUL

Location: Brampton Miniature Railway, Brampton Park

Description: Extension to club room/ store building

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

West Midlands Regional Spatial Strategy

Policy QE3: Creating a high quality built environment for all

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

Policy NC19: Conservation Areas

Newcastle-under-Lyme Local Plan 2011

Policy B9: Prevention of Harm to Conservation Areas

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

Policy B13: Design and Development in Conservation Areas

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

Other Material Considerations include:

National Planning Policy

PPS1: Delivering Sustainable Development

PPG15: Planning and the Historic Environment

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

Supplementary Planning Guidance

Planning History

See planning history sheet on file for comprehensive site history

Views of Consultees

Landscape and Development Section – No objections in principle but concerns raised to the location of the proposed strip footing and the possibility of root damage to nearby trees. An alternative to strip footing should be explored.

Conservation Advisory Working Party – No objections

Representations

Nil

Applicants/Agents Submission

A detailed Design and Access Statement has been submitted with the application.

Key Issues

The application is for an extension to a club room and store building at the Brampton Miniature Railway in Brampton Park. The Miniature railway forms part of Brampton Park which is a Conservation Area. The miniature railway has an existing station building located next to the track which occupies an area of the park towards the south east of Pitfield House.

The proposal would provide an additional 22 square metres of truck storage facility at the rear of the building and will be of a similar construction to the existing building.

The key issues in the determination of the development are:

- the design of the proposals and the impact on the Conservation Area
- the impact upon neighbouring occupiers in terms of amenity
- the impact on nearby trees

Design of the proposals and the impact on the Conservation Area

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

The miniature railway falls within the Brampton Conservation Area which forms part of Brampton Park. The miniature railway has an existing station building with the proposal being an extension to the rear of this building. The location at the rear of the building would result in the proposal having a minimal impact on the visual amenity of the area and in particular the character appearance of the Conservation Area. The location of the existing station building has a backdrop of mature trees with mature trees and park land being the character of the area but the railway track is set amongst a recreational children’s playground.

In terms of the design of the proposed extension to the club room and store building it is considered small scale with materials that match the existing structure, this being considered acceptable and in accordance with PPS1 and Policies B9, B10, B13 and B14 of the Local Plan.

Impact upon neighbouring occupiers in terms of amenity

The proposed extension to the existing building would take the development closer to existing residential properties along Gower Street that overlook Brampton Park. The proposal is considered small-scale and so the impact on the amenity of neighbouring properties would be minimal with the materials matching the existing building, this being predominantly red brick.

The impact on nearby trees

The proposed extension is close to a number of trees and the Landscape and Development section have raised no objections to the proposal but have concerns about the possible impact on the roots of these trees. The loss of these trees would reduce the natural screening for the proposed extension and so the trees need to be protected in accordance with Policy N12 of the Local Plan.

The potential impact to nearby trees can be overcome through the submission of an alternative to the strip footing foundations of the supporting wall of the extension. A pile and beam foundation is recommended but details should be submitted and approved in writing prior to any work commencing on the site. This will protect the trees from damage and maintain the natural screening for the proposal.

Reasons for the grant of planning permission

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

RECOMMENDATION

Permit subject to the following conditions:-

1. No development or other operations shall commence on site in connection with the development hereby approved until an alternative to the strip footing foundations of the supporting wall of the extension is submitted to and approved in writing by the Local Planning Authority.

R1. To protect the future health of trees on or adjacent to the site in accordance with the requirements of Policy N12 of Newcastle under Lyme Local Plan 2011.

2. The external facing materials to be used in the construction of the development hereby permitted shall match as closely as possible in all respects (size, texture and colour) those of the existing building.

R2 In the interests of amenity to comply with the requirements of PPS1, policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policy H18 of the Newcastle-under-Lyme Local Plan 2011.

Performance Checks	Date		Date
Consultee/ Publicity Period	15.08.08	Decision Sent Out	
Case Officer Recommendation	08.09.08	8 Week Determination	10.09.08
Report checked by Back Office			
Management check			

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mitchell and Butler
Application No: 08/00590/FUL
Location: 85 High Street, Newcastle
Description: Freestanding Awning and fence and gate to rear boundary, replace fan lights on front elevation

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

West Midlands Regional Spatial Strategy

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

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

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

Newcastle Under Lyme Local Plan 2011

Policy B6: Extension or alteration of Listed Buildings
Policy B9: Prevention of harm to conservation areas
Policy B10: Requirement to preserve or enhance the character or appearance of a conservation area
Policy B13: Design and development in conservation areas
Policy B14: Development in or adjoining the boundary of conservation areas

Other Material Considerations

Relevant National Policy Guidance:

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

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

Planning History

See history sheet on file

Views of Consultees

The **Conservation Advisory Working Party** objects to the original proposal and wish officers to negotiate a more uniform proposal to the rear.

The **Highway Authority** has no objections subject to no light spillage.

The Environmental Health Division has no objections to the proposal

Representations

None

Applicants/Agents Submission

A Design and Access Statement has been submitted.

Satisfactory Amended Plan have been submitted removing the alterations to the front elevation window blinds and lighting and providing a more sympathetic boundary treatment to the rear

Key Issues

This is an application for full planning permission for the erection of a retractable awning and new boundary to the rear of these licensed premises.

The application property is a mid 18th Century Grade II Listed building currently used as a licensed premises. The property is located in Newcastle Town Centre and within the Newcastle Town Centre Conservation Area. The area has a mixed of commercial and retail uses.

There is an associated listed building application which concentrates on the impact of the proposal on the listed building.

The proposed awning would be sited at the rear of the property and would have retractable blinds. When not in use the blinds would be stored in a goal post structure.

The proposed fencing would replace an existing low level fence, with a higher level iron railing type fence with protruding spikes and gates although the gates do not show the protruding spikes on the detailed drawing, it is considered the gates should match the same style as the proposed fencing and this could be conditioned as such.

Local Plan policies require the prevention of harm and the preservation or enhancement of the character or appearance of a conservation area.

The alterations would provide a sensitive solution and as such it is considered acceptable and adverse impacting on the Listed Building and would not harm the appearance and character of the conservation area subject to conditions relating to the detail of the works to be carried out.

Reason for the grant of planning permission

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

RECOMMENDATION/CONDITIONS

Permit subject to,

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

- (a) Iron railings and supporting cross members to include cross sections.
- (b) The means of attaching the railing to the wall
- (c) Finished colour of the railings
- (d) Finished colour of the awning 'goal post'

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

R1. To protect and safeguard the historic fabric and appearance of the listed building and the appearance and character of the Conservation Area in accordance with the requirement of Policies NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B6, B9, B13 and B14 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objective of PPG15.

2. Notwithstanding the submitted details the proposed gates at the rear of the premises shall match the design of the proposed fencing as shown drawing 2376/03 Rev E

R2 For the avoidance of doubt and To protect and safeguard the historic fabric and appearance of the listed building and the appearance and character of the Conservation Area in accordance with the requirement of Policies NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B6, B9, B13 and B14 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objective of PPG15.

3. This permission for development relates to the details indicated on submitted drawing:-

By Design Drawing number 2376/03 Rev E received on the 9 September 2008

R – To clarify the permission and for the avoidance of doubt.

Note to Applicant

Policy N10: Crime and Disorder note.

Performance Checks	Date		Date
Consultee/ Publicity Period	22.08.08	Decision Sent Out	
Case Officer Recommendation	09.09.08	8 Week Determination	09.09.08
Management Check			

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mitchell and Butler
Application No: 08/00591/LBC
Location: 85 High Street , Newcastle
Description: Freestanding Awning and fence and gate to rear boundary, replace fan lights on front elevation

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

West Midlands Regional Spatial Strategy

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

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy NC18: Listed Buildings

Newcastle Under Lyme Local Plan 2011

Policy B6: Extension or alteration of Listed Buildings

Other Material Considerations

Relevant National Policy Guidance:

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

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

Planning History

See history sheet on file

Views of Consultees

The **Conservation Advisory Working Party** object to the original proposal and wish officers to negotiate a more uniform proposal to the rear.

Representations

None

Applicants/agents submission

A Design and Access Statement has been submitted.

Satisfactory Amended Plan have been submitted removing the alterations to the front elevation window blinds and lighting and providing a more sympathetic boundary treatment to the rear

Key Issues

This is an application for listed building consent for the erection of a retractable awning and new boundary to the rear and the replacement of two fan lights at the front elevation of these licensed premises.

The application property is a mid 18th Century Grade II Listed building currently used as a licensed premises. The property is located in Newcastle Town Centre and within the Newcastle Town Centre Conservation Area. The area has a mixed of commercial and retail uses.

The proposed awning would be sited at the rear of the property and would have retractable blinds. When not in use the blinds would be stored in a goal post structure.

The proposed fencing would replace an existing low level fence, with a higher level iron railing type fence with protruding spikes and gates although the gates do not show the protruding spikes on the detailed drawing, it is considered the gates should match the same style as the proposed fencing and this could be conditioned as such.

The replacement fan light in the front elevation provide a simpler uncluttered solution to the area above the front doors of the premises.

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

The alterations would bring a sensitive solution and as such it is considered acceptable and adverse impacting on the Listed Building subject to conditions relating to the detail of the works to be carried out.

Reason for the grant of this Listed building consent

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

RECOMMENDATION/CONDITIONS

Permit subject to:-

1. No works referred to in this listed building consent shall commence until full and precise details of the following have been submitted to and approved in writing by the Local Planning Authority: -

- (a) Iron railings and supporting cross members to include cross sections.
- (b) The means of attaching the railing to the wall
- (c) Finished colour of the railings
- (d) Finished colour of the awning 'goal post'

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

R1. To protect and safeguard the historic fabric and appearance of the listed building and the appearance and character of the Conservation Area in accordance with the requirement of Policies NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B6, B9, B13 and B14 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objective of PPG15.

2. Notwithstanding the submitted details the proposed gates at the rear of the premises shall match the design of the proposed fencing as shown drawing 2376/03 Rev E

R2 For the avoidance of doubt and To protect and safeguard the historic fabric and appearance of the listed building and the appearance and character of the Conservation Area in accordance with the requirement of Policies NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B6, B9, B13 and B14 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objective of PPG15.

3. This permission for development relates to the details indicated on submitted drawing:-

By Design Drawing number 2376/03 Rev E received on the 9 September 2008

R – To clarify the permission and for the avoidance of doubt.

Note to Applicant

Policy N10: Crime and Disorder note.

Performance Checks	Date		Date
Consultee/ Publicity Period	22.08.08	Decision Sent Out	
Case Officer Recommendation	09.09.08	8 Week Determination	09.09.08
Management Check	Amended 9.9 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Chamberlain Developments
Application No: 08/00635/OUT
Location: T K Phillips Workshop, Moss Lane, Madeley
Description: Erection of a pair of semi-detached cottages (revision to application 07/1009/OUT)

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 Landscape
Policy CF2: Housing Beyond the Major Urban Areas
Policy CF3: Levels and Distribution of Housing Development
Policy CF4: The Reuse of Land and Buildings for Housing

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: Sustainable Location and Protection of the Countryside
Policy H3: Residential Development – Priority to Brownfield Sites
Policy T16: Development – General Parking Requirements
Policy B9: Prevention of Harm to a Conservation Area
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

Other Material Considerations include:

National Planning Policy

PPS1: Delivering Sustainable Development (2005)
PPS3: Housing (2006)
PPG13: Transport (2001)
PPG15: Planning and the Historic Environment (1994)
PPS23: Planning and Pollution control – Annex 2 (2004)
PPG24: Planning and Noise (1994)

The Planning System: General Principles (2005)

Supplementary Planning Guidance

Space about Dwellings (July 2005)

Madeley Village Design Statement

Housing Clarification Report February 2008

Planning History

- 04/01218/OUT Erection of 3 terraced cottages and one detached cottage - withdrawn
- 05/456/OUT Erection of 3 terraced cottages and one detached cottage – Refused
- 06/1193/OUT Erection of one detached cottage and a pair of semi-detached cottages – Refused
- 07/1009/OUT Erection of one detached cottage and a pair of semi-detached cottages – Approved
- 08/377/OUT Revised planning application for cottages 1 & 2 previously approved
07/1009/OUT – Refused

Views of Consultees

The **Highway Authority** has no objections to the proposal subject to conditions regarding access visibility splays, provision of parking/turning areas, surface water drainage, access to be ungated, access surfaced in a bound material, and access width to be a minimum of 4.2m.

Madeley Parish Council has no objections.

Conservation Advisory Working Party objects on the grounds that the proposal would still be inappropriate overdevelopment of the site and out of character with this particular part of Madeley.

The **Environmental Health Division** refers to its comments regarding 07/1009/OUT. With regard to that scheme, it was stated that with reference to PPG24, a Noise Exposure Category (NEC) C is achieved and therefore noise needs to be considered as a determining factor in granting planning permission. The site has been subject to numerous noise surveys and reports regarding the potential noise exposure of incoming residents to the rail traffic noise and associated vibration and all the surveys agreed that the site falls into NEC C. Vibration levels were negligible and not considered a problem.

The guidance for NEC C advises that planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise. The proposed noise mitigation measures given in the Wardell Armstrong report No. NL08793 (J10) dated June 2007 will reduce the rail traffic noise to acceptable external and internal values, achieving the 'Good' standard recommended in BS 8233:1999 Sound insulation and noise reduction for buildings (internal) and achieve NEC Category A of PPG24 external).

It is determined that there is the potential for contamination to be present on site and therefore, in accordance with PPS23, contaminated land conditions are required.

In light of the above, there are no objections to the proposal.

With regard to the previous scheme **Network Rail** had no objection in principle to the development, however due to its close proximity to the operational railway, recommended that the following points should be taken into account:

- All operations must be carried out in a 'fail safe' manner.
- All surface and foul water must be collected and diverted away from Network Rail property.
- All excavations/earthworks in the vicinity of Network Rail property should be designed

- and executed so that no interference can occur.
- Security of the railway boundary should be maintained at all times.
 - Method statements should be submitted for approval prior to works commencing on site.
 - Consideration should be given to ensure that construction and maintenance can be carried out without adversely affecting the safety of, or encroaching on Network Rail's adjacent land, and therefore any building should be situated at least 2m from the boundary.
 - Trees and shrubs adjacent to the railway boundary should be positioned at a minimum distance greater than their predicted mature height from the boundary.
 - A suitable trespass proof fence should be provided adjacent to Network Rail's boundary.
 - Where new lighting is proposed adjacent to the railway, the potential for train drivers to be dazzled must be eliminated.

Representations

Nil

Applicant's/Agent's Submission

A Design and Access Statement has been submitted. This document is available for inspection at the Council Offices and at www.newcastle-staffs.gov.uk.

Key Issues

This application seeks revisions to a pair of semi-detached cottages granted outline planning permission earlier this year as part of 07/1009/OUT. All matters other than landscaping are for consideration as part of this application.

In the adopted Local Plan the site lies within the Village Envelope of Madeley and within Madeley Conservation Area.

The previous permission is extant and therefore, the principle of residential development on this site has accordingly been established. No purpose would be served by reconsidering the issue of principle therefore.

Planning permission was refused earlier this year for revisions to the previous permission (Ref. 08/377/OUT). The reason for refusal was as follows:

The height and scale of the development now proposed would mean that it would adversely dominate the adjoining and nearby properties on Moss Lane to the extent that it would be harmful to the special character and appearance of this part of the Madeley Conservation Area, and thus contrary to policies on development within Conservation Areas contained within the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Newcastle-under-Lyme Local Plan (Policies NC19 and Policies B9, B10, and B14 respectively) and guidance contained within PPG15.

The main issues for consideration are as follows:

- Impact on the Conservation Area
- Residential amenity
- Highway safety issues

Impact on the Conservation Area

The site lies within the Madeley Conservation Area. The Authority has a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

Policy NC19 of the Structure Plan states that new development within or adjacent to Conservation Areas should respect, protect and enhance their character and appearance with respect to its height, scale, intensity and materials.

Policy B9 of the Local Plan requires the Council to resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

In the scheme that was refused (Ref. 08/377/OUT), the dwellings were larger than those previously approved. The height proposed was 8.5m compared to 7.5m in the approved scheme and the width of each property was to be 5.2m rather than 4.3m as in the previous proposal. Single-storey elements were added to the rear, and an additional garage was included. The gabled elements to front and rear were widened with a consequent increase in the height of these elements.

The scheme has been amended so that the height of the proposed dwellings would be 7.7m compared to 7.5m in the approved scheme and 8.5m in the previous refused proposal. Accommodation is no longer proposed in the roof space. The width of the dwellings, at 6.5m each, would be greater than in both the previous scheme (5.2m) and the approved scheme (4.3m). Only one attached garage is now proposed and the length of each property would be 8m rather than 10m as proposed in the refused scheme. The gabled elements to the front and rear have been reduced in width.

The immediate area is characterised by traditional, very modest cottages in compact, dense development. Their height and scale is an important aspect of the appearance of this part of the Conservation Area. With the exception of the former and now converted Wesleyan Chapel these existing properties have a lower slab level than the proposal would. CAWP objects to the proposal on the grounds that it would still be inappropriate overdevelopment of the site and out of character with this particular part of Madeley.

The reduction in height results in a pair of dwellings with the appearance of traditional cottages. Although taller than the neighbouring properties, the proposed dwellings would be just 0.2m greater in height than the approved scheme. Although the dwellings would be greater in width than the approved scheme, the development would be marginally further away from the adjacent Wesleyan Chapel than the refused scheme. Subject to conditions requiring details of materials and window and door detailing, and requiring the omission of the decorative features on the gables, it is considered that the design, which is relatively simple, is acceptable. On balance, it is no longer considered that the proposed dwellings would dominate the adjacent properties in a manner that would be to the detriment of the character and appearance of the Conservation Area.

Residential amenity

In this scheme no changes have been made that would have any greater impact on the residential amenity of neighbouring properties.

In relation to noise impact, the principle of residential dwellings adjacent to the railway was deemed acceptable in consideration of the previous application. The Environmental Health Division has no objections to the amended scheme and therefore, it is not considered that a refusal could be justified on noise grounds.

Highway safety

Although the Highway Authority originally objected to the proposal, amended plans have been received indicating space for the parking of two vehicles within the curtilage of each dwelling. The Highway Authority has no objections to the amended scheme subject to the imposition of conditions.

It is not considered therefore, that an objection could be raised regarding highway safety.

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 that would justify a refusal of planning permission.

RECOMMENDATION

Permit, subject to the following conditions:

1. Approval of the details of the landscaping of the site (hereinafter called 'the reserved matter') shall be obtained from the Local Planning Authority in writing before any development is commenced.

R1. To protect amenity and in accordance with Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011, the aims and objectives of PPS1 and PPG15 and having regard to the fact that the application is for outline planning permission.

2. Plans and particulars of the reserved matter specified in condition 1 above, relating to the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

R2. To protect amenity and in accordance with Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011, the aims and objectives of PPS1 and PPG15 and having regard to the fact that the application is for outline planning permission.

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

- (i) Proposed facing and roof materials
- (ii) Windows and external doors
- (iii) Garage doors

R3. To ensure that the external appearance of the development is satisfactory and in accordance with Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of PPS1 and PPG15.

4. Before development commences on site, details of proposals for the treatment of the site boundaries shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority before the substantial completion of the development.

R4. In the interests of visual amenity and in accordance with Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of PPS1 and PPG15.

5. Prior to commencement of the development, the access visibility splay shown hatched and coloured yellow on the attached plan, Ref. SK1, shall be provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level for the life of the development.

R5. In the interests of highway safety and in accordance with the aims and objectives of PPG13.

6. Before the proposed development is brought into use, the parking, turning and servicing areas shall be provided in accordance with the approved site plan, drawing No. 378/105 Rev E and shall thereafter be retained for the life of the development.

R6. In the interests of highway safety and in accordance with the aims and objectives of PPG13.

7. The access shall remain ungated.

R7. In the interests of highway safety and in accordance with the aims and objectives of PPG13.

8. Before the proposed development is brought into use, the access shall be surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m rear of the highway boundary.

R8. In the interests of highway safety and in accordance with the aims and objectives of PPG13.

9. Before the proposed development is brought into use the access shall be designed and thereafter completed to a standard that provides a minimum width of 4.2m.

R9. In the interests of highway safety and in accordance with the aims and objectives of PPG13.

10. No development shall commence until an acoustic screen fence has been erected along the boundary with the railway in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority.

R10. To protect the amenity of the future occupiers of the properties and in accordance with the aims and objectives of PPS1.

11. No development shall commence until a desk based archaeological survey of the site has been carried out. Any necessary remediation required shall be undertaken in line with the approved details prior to any work commencing on the site.

R11. To protect any items of archaeological importance and in accordance with the aims and objectives of PPG16.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no extensions, external alterations or other development within the curtilage shall take place unless it has been subject of a prior express permission from the Local Planning Authority.

R12. To ensure that the external appearance of the development is satisfactory and in accordance with Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of PPS1 and PPG15.

13. Notwithstanding the details on the submitted plans, the decorative features on the gables of the proposed dwellings shall be omitted.

R13. To ensure that the external appearance of the development is satisfactory and in accordance with Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of PPS1 and PPG15.

Performance Checks	Date		Date
Consultee/ Publicity Period	22.8.08	Decision Sent Out	
Case Officer Recommendation	4.9.08	8 Week Determination	11.9.08
Management check			