

When calling or telephoning please ask for

Mr G Durham

Direct line or ext

742222

My ref

GD/EVB – R82/48

5 August 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, 16 AUGUST 2011** at **7pm**.

**AGENDA**

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of meeting held on 26 July 2011 (copy attached for non-Council Members information).
3. To consider the attached reports at Appendix A and B (blue and salmon paper).
4. To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the Officer.
5. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972

Yours faithfully

**P W CLISBY**

Head of Central Services

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

Outside Representatives: Messrs Chatterton, Mrs C Henshaw, Manning 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
11/138/ADV	108 High Street, Newcastle, Staffs. Nationwide Building Society.	New ATM surround with signage in white lettering out of white and blue surround.	No objections.	Permitted under delegated powers 11 July, 2011
11/183/FUL	Kimberley, Park Road, Butterton. Mr Neville Leath.	Erection of boundary fence.	No objections.	Permitted under delegated powers 6 June, 2011.
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 and alterations to existing residential accommodation.	No objections in principal. However, Members did not want double glazing in the frontage windows.	Permitted under delegated powers 4 July, 2011.
11/224/LBC	Unitarian Meeting house, Lower Street, Newcastle. Mr T Woodward.	Replacement windows to the top floor.	No objections.	Permitted under delegated powers 18 July, 2011.
11/258/FUL	Sunningdale, Main Road, Betley. Mr P Chase.	Ground floor front and side extension.	No objections but there was potential for an archaeological watching brief whilst constructing the foundations.	Permitted under delegated powers 1 July, 2011.
11/254/FUL	Church Bank and 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.	No objections.	Permitted under delegated powers 18 July, 2011.
11/347/FUL	Shalimar. 7 Church Street, Newcastle. Mr Parvais.	Retention of security shutter to main entrance.	No objections.	Permitted under delegated powers 28 July, 2011.

**CONSERVATION ADVISORY WORKING PARTY**

<b>Reference</b>	<b>Location and Applicant</b>	<b>Development</b>	<b>Remarks</b>	<b>Ward Councillors</b>
11/272/FUL	Land to rear of Stephenson Building, Keele University Campus. University of Keele.	Erection of a new day nursery.	Within Registered Historic Park and Garden.	Cllr T Kearon Cllr R Studd
11/375/FUL	11-15 High Street Newcastle. Cornwell's Chemist.	Alterations to shop front.	Within the Newcastle Town Centre Conservation Area and affects the setting of Listed Buildings.	Cllr D Clarke Cllr Mrs E Shenton
11/378/FUL	Newcastle-under-Lyme School, Mount Pleasant, Newcastle. Newcastle-under-Lyme School.	Erection of 15m high floodlighting mast to the school sports fields.	Within the Stubbs Walk Conservation Area.	Cllr D Clarke Cllr Mrs E Shenton
11/393/FUL	Newcastle-under-Lyme School, Mount Pleasant, Newcastle. Newcastle-under-Lyme School.	Sun shade sails to playground areas.	Within the Stubbs Walk Conservation Area.	Cllr D Clarke Cllr Mrs E Shenton
11/400/FUL	36 High Street, Newcastle. Butters John Bee.	Conversion of existing 2 bedroom apartment to 2 one bed apartments.	Affects a Grade II listed building and within the Newcastle Town Centre Conservation Area.	Cllr D Clarke Cllr Mrs E Shenton
11/402/FUL	61-63 High Street, Newcastle. Equity Partnerships (Osprey) Ltd.	Refurbishment of front façade including shop front.	Within the Newcastle Town Centre Conservation Area.	Cllr D Clarke Cllr Mrs E Shenton
11/404/ADV	57-68 Ironmarket, Newcastle. Britannia Building Society.	illuminated fascia sign and 1 illuminated projecting sign.	Within the Newcastle Town Centre Conservation Area.	Cllr D Clarke Cllr Mrs E Shenton

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant:** Mr S Gibbons, Mainet, **Application No:** 11/138/ADV

**Location:** 108 High Street, Newcastle

**Description:** New ATM Surround with Signage in White Lettering out of Red and Blue Surround

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

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

Policy QE3: Creating a high quality built environment

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

Policy D1: Sustainable forms of Development

Policy D2: The Design and Environmental Quality of Development

Policy NC19: Conservation Areas

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

CSP1: Design Quality

CSP2: Historic Environment

#### **Newcastle under Lyme Local Plan 2011**

N/A

### **Other Material Considerations:**

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

PPS1: Delivering Sustainable Development (2005)

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

PPG19: Outdoor Advertisement Control (1992)

Circular 03/07 Town and Country Planning (Control of Advertisement) Regulations 2007

PPS5: Planning for the Historic Environment

#### **Supplementary Planning Guidance**

Staffordshire County Council – Highways Standing Advice 2004

Newcastle Town Centre SPD– site is part of the Town Centre Historic core referred to in the Spatial Framework. Elements of Good Design include "respect the setting", use "relevant and durable materials", and "address all issues of external appearance"

#### **Relevant Planning History**

Numerous applications and advertisement consents have taken place at this property however none are relevant to this decision.

## **Views of Consultees**

**Conservation Advisory Working Party** – no objections to the proposal.

## **Representations**

No written representations received.

## **Applicants/agents submission**

The requisite application forms and drawings were submitted.

## **Key Issues**

The application is for advertisement consent for a new ATM surround with signage in white lettering out of red and blue surround. The sign has already been erected and has no illumination.

PPG 19 states that the display of outdoor advertisements can only be controlled in the interest of amenity and public safety. Paragraphs 11-14 of PPG 19 explain what is meant by the term amenity – the effect on the appearance of a building or on the visual amenity in the immediate neighbourhood in which the sign is to be developed.

The issues to address are therefore:

- The impact of the advertisements on the amenity of the property it relates to and the surrounding Conservation Area.
- The impact upon public and highway safety.

### **The impact of the advertisements on the amenity of the property it relates to and the surrounding Conservation Area**

The signage does not have an adverse impact upon the character of the area due to the acceptable design of the proposal taking into account of the fact that the new signage is very similar in all respects to other types of signage seen within the town centre and commonly across the country. The sign is suitable in scale and size, identifying and informing customers of the service provided and does not create a cluttered appearance to the shop frontage or appear as an incongruous feature. The sign, given the context of the building and its frontage, does not harm the overall character of the town centre Conservation Area. The proposal would therefore adhere with the principles of policy D2 of the Staffordshire and Stoke on Trent Structure Plan.

### **The impact upon public and highway safety**

Due to the scale and type of the advertisement and its location, it is not felt that the advertisement has an adverse impact upon public and highway safety.

## **Recommendation**

**Approve no conditions.**

## **Informative**

The decision hereby issued was made following consideration of the following plans and supporting information:-

- Planning Application Forms
- 5886 Standard Surround date stamped received by the Local Planning Authority on 17 March 2011

Performance Checks	Date		Date
Consultee/Publicity Period	<b>24/6/11</b>	Decision Sent Out	
Case Officer Recommendation	<b>11/7/11</b>	8 Week Determination	<b>22/7/11</b>
Management check	<b>15/7 ESM</b>		

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant:** Mr. Neville Leath                      **Application No:** 11/00183/FUL

**Location:** Kimberley, Park Road, Butterton

**Description:** Erection of boundary fence

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

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

Policy QE1: Conserving and enhancing the environment  
Policy QE3: Creating a high quality built environment for all  
Policy QE5: Protection and enhancement of the Historic Environment  
Policy QE6: The conservation, enhancement and restoration of the Region's landscape

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

Policy D1: Sustainable forms of Development  
Policy D2: Design and Environmental Quality of Development  
Policy D4: Managing Change in Rural Areas  
Policy D5B: Development in the Green Belt  
Policy NC1: Protection of the Countryside : General Considerations  
Policy NC2: Landscape Protection and Restoration  
Policy NC19: Conservation Areas

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

Policy CSP1: Design Quality  
Policy CSP2: Historic Environment

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

Policy S3: Development in the Green Belt  
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  
Policy N17: Landscape Character – General Considerations  
Policy N19: Landscape Maintenance Areas

### **Other Material Considerations**

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

PPS1: Delivering Sustainable Development (2005)  
PPG2: Green Belts (1995)  
PPS7: Sustainable Development in Rural Areas (2005)  
PPS5: Planning for the Historic Environment (2010)

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

## **Supplementary Planning Guidance**

Space Around Dwellings (July 2004)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Butterton Conservation Area Appraisal and Management Plan August 2007

The Secretary of State's announcement of his intention to abolish RSS.

## **Planning History**

None relevant to the determination of this planning application

## **Views of Consultees**

**Conservation Advisory Working Party** raise no objections.

**Whitmore Parish Council** supports the application.

## **Representations**

One letter of representation has been received supporting the application.

## **Discussion**

The application is for the erection of a 1.7 metre high wooden panel fence that will have the same height and appearance as the existing fence that it will continue. The fence would extend to the side of the existing dwelling and the neighbouring property whereby there is no existing boundary treatment.

The property lies within the North Staffordshire Green Belt and within the Butterton Conservation Area, outside any recognised village envelope boundary and within a Landscape Maintenance Area as defined by the Local Development Framework Proposals Map.

Minor operations are covered within Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. Class A permits development that involves the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. However, development is not permitted by Class A if:-

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level;
- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed two metres above ground level;
- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the

height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

In this instance the proposed fence would be at the side of the property which does not front a highway, would not exceed 2 metres in height and would not surround a listed building. Therefore, the proposed fence could be constructed in this location at the height proposed irrespective of whether planning permission is granted for this application or not.

Furthermore, there is an Article 4(2) covering the Butterton Conservation area but only for fences that would front a highway or open space.

However, notwithstanding the above it is considered that the design, size and form of the proposal is considered to represent an acceptable design that would not harm the openness of the Green Belt or the purposes of including land within the Green Belt. No significant harm would be caused to the character or appearance of the Butterton Conservation area due to the proposals location and height which would have no views from any main vantage points.

### **Reasons for the Grant of Planning Permission**

The proposed development can be carried out without the need for planning permission by virtue of permitted development rights and given this “fall-back” position there are no justifiable reasons for refusing the application.

### **Recommendation**

**Permit** subject to 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;

- Plan 1 (scale 1:500), date stamped received by the LPA on 18 April 2011
- Location plan (scale 1:1250), date stamped received by the LPA on 18 April 2011
- Drawing description – Typical Fence Elevation, date stamped received by the LPA on 18 April 2011
- Design & Access Statement, date stamped received by the LPA on 11 May 2011

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

### **Note to the Applicant**

You are reminded of the need to comply with the conditions attached to the planning permission.

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>07.06.2011</b>	Decision Sent Out	
Case Officer Recommendation	<b>06.07.2011</b>	8 Week Determination	<b>06.07.2011</b>
Management check	<b>6/7/11 GM NV</b>		

## OFFICER REPORT ON DELEGATED ITEMS

**Applicant:** Butters John Bee                      **Application No:** 11/00222/LBC

**Location:** The New Wine Vaults, 36 High Street, Newcastle

**Description:** Listed Building Consent for the proposed conversion of public house to office accommodation, bistro/wine bar and alterations to existing residential accommodation.

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

#### West Midlands Regional Spatial Strategy 2008

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

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

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

#### Newcastle-under-Lyme Local Plan 2011

Policy B6: Extension or Alteration of Listed Buildings  
Policy B9: Prevention of harm to Conservation Areas  
Policy 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

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

Policy CSP1: Design Quality  
Policy CSP2: Historic Environment

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

#### **National Planning Policy**

PPS1: Delivering Sustainable Development (2005)  
Companion Guide to PPS1 "The Planning System: General Principles"  
PPS5: Planning for the Historic Environment

#### **Supplementary Planning Guidance**

N/A

#### **Planning History**

There have been numerous planning applications, advertisement consents and listed building consents granted at this permission with the most recent ones being in 2003. This included alterations to the front elevation of the building and signage.

## **Views of Consultees**

The **Conservation Advisory Working Party** stated no objections in principle however they did not wish to see double glazing in the frontage window.

The **Greater Town Centre Locality Area Partnership** have welcomed the fact that the building is to be brought back into commercial use but have raised the following concerns:-

- There are no details of the windows to be installed.
- There are no details given of any new openings.
- There are no details of the original vaults which they believe still exist.
- There appeared to be only details of one flat however the application stated that there would be two. It would be useful to know where that was to be.
- It was noted that there would be no parking or disabled access which might provide difficulties for anyone living in the two flats.
- Questions raised of the compatibility of the new uses.
- These clarifications and details may need to be provided and agreed before any permission is granted.

## **Representations**

No representations received.

## **Applicants/Agents Submission**

The requisite application forms and plans were submitted as well as a design and access statement incorporating a statement of significance.

## **Key Issues**

The application is for Listed Building Consent for a proposed conversion of public house to office accommodation, bistro/wine bar and alterations to existing residential accommodation. The property is located within the town centre of Newcastle as indicated on the Local Development Framework Proposals Map.

The key issue in the determination of the development is:

- The design of the proposals and their impact upon the listed building and Newcastle under Lyme Conservation Area

## **The design of the proposals and their impact upon the listed building and Stubbs Walk 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.”*

PPS5 indicates that:

*“HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.”*

Policy B6 of the Local Plan indicates that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features. Policy CSP2 of the Core Spatial Strategy also seeks to preserve and enhance the character and appearance of the historic heritage of the Borough.

The removal of a lot of the external clutter on the front of the building is to be welcomed and would have a beneficial impact upon not only the character of the listed building but also the visual amenity of the surrounding Conservation Area.

In terms of the alterations to the proposed windows it is not felt that the elements of the proposals assimilate with the character of the existing listed building. The development of double glazed units may not be possible if the glazing bars of the existing property are to be replicated to match the existing property. Photographic evidence has also highlighted that the first floor window adjacent to the gable elevation was historically a casement window and the addition of a 3 light sash window in this place would alter this. These issues are not felt significant enough to warrant refusal and it is felt that appropriate conditions can be included to overcome these concerns.

In terms of the side elevation of the property the alterations are deemed acceptable subject to the conditioning of the materials to be used in the construction.

The internal alterations at the property are felt to be acceptable in principle however due to the unique nature of the frontage of the property it is felt that further details are required of the materials and the method of fixing to the existing property. A condition would therefore be included specifying this.

#### Other matters

As no details of the sign have been submitted, this has not been included in the determination of this consent. It appears as though the fascia sign is to be retained with details of the new business to be fixed to this.

Although the proposed uses would be dealt with by means of a planning permission it is felt appropriate to mention at this point that the uses would be able to be undertaken as permitted development however the creation of a second residential apartment would require planning permission. The agent has been made aware of this verbally and it is felt appropriate to include this as an informative on this application.

#### **Reasons for the Grant of Planning Permission**

The proposed alterations to the building would have a beneficial impact upon the appearance of the Grade II listed building as well as the Newcastle under Lyme Conservation Area. The proposal therefore accords with Policy D1 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, policies B6, B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan 2011 and the overarching aims and objectives of PPS 5.

#### **Recommendation**

##### **Permit subject to 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:-

- Existing floor plans Drawing No: 8058/1 date stamped received by the LPA on 21 April 2011.
- Proposed floor plans Drawing No: 8058/2 rev. A date stamped received by the LPA on 21 April 2011.
- Existing elevations Drawing No: 8058/3 date stamped received by the LPA on 16 May 2011.
- Proposed elevations Drawing No: 8058/4 date stamped received by the LPA on 16 May 2011.

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

3. **BESPOKE**

Development shall not commence until full and precise details of the type, texture, colour and bond of the brickwork to be used in the construction of the external walls and the proposed windows and doors including glazing details have been submitted to and approved in writing by the local planning authority. The development shall then proceed in accordance with the approved details.

R3: To ensure the quality and visual appearance of the development and Conservation Area and to comply with Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011, Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of PPS5.

4. **BESPOKE**

Notwithstanding the plans hereby approved, development shall not commence until details of the window, shown hatched on the approved plans, have been submitted to and approved in writing by the Local Planning Authority indicating a 3 light casement window. Full and precise glazing details shall also be included within this submission. The development shall then be carried out in accordance with the approved details.

R4: To ensure the quality and visual appearance of the development and Conservation Area and to comply with Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011, Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of PPS5.

### **Informative**

Please be aware that the creation of the residential apartment at ground and first floor would require planning permission. I would advise you to contact the Local Planning Authority to discuss the suitability of this proposal.

With regards to any future signage this may require listed building consent and/or advertisement consent and I therefore advise you to contact the Local Planning Authority with details as soon as they are available.

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>10/6/11</b>	Decision Sent Out	
Case Officer Recommendation	<b>4/7/11</b>	8 Week Determination	<b>11/7/11</b>
Report checked by Back Office			
Management check	<b>11/7 ESM</b>		

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant:** Mr. Trevor Woodward      **Application No:** 11/00224/LBC

**Location:** Unitarian Meeting House, Lower Street, Newcastle

**Description:** Replacement windows to the top floor

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

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

Policy NC18: Listed Buildings

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

Policy CSP1: Design Quality

Policy CSP2: Historic Environment

Newcastle-Under-Lyme Local Plan 2011

Policy B5: Control of Development Affecting The Setting of a Listed Building

Policy B6: Extension or Alteration of Listed Buildings

### **Other Material Considerations**

### **Relevant National Policy Guidance**

PPS1: Delivering Sustainable Development

PPS5: Planning for the Historic Environment (March 2010)

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

### **Planning History**

None relevant to the determination of this application.

### **Views of Consultees**

**CAWP - Conservation Advisory Working Party** raises no objections.

### **Representations**

None received.

### **Applicants/Agents Submission**

A design and access statement has been submitted and a summary of its content is as follows:

- The appearance of the building will remain unchanged as the windows will be the same as the existing windows, save for a change in the method of opening of and the

fitting of slim conservation type double glazed units. Viewed from the outside, there would be no apparent difference.

- The materials would be a quality hardwood finished in wood stain to match other existing external joinery items.
- The top floor of the building was added in 1926 and the existing windows are in poor quality.
- The windows of the first floor are the only windows to be replaced.

### **Key Issues**

The building is an old Unitarian Meeting House on the edge of Newcastle town centre and a grade II Listed Building.

The listing description details that the original building of 1650 was restored in 1717 and a second storey added in 1926 with very little of the original building now surviving. This application is for listed building consent for the replacement of windows on the top floor of the building.

As indicated above the applicant has specified that *“The appearance of the building will remain unchanged as the windows will be the same as the existing windows, save for a change in the method of opening of and the fitting of slim conservation type double glazed units. Viewed from the outside, there would be no apparent difference.”*

Policies B5 & B6 are of importance in this instance. These seek to resist proposals that adversely affect the setting and character of its architectural or historic features.

Double glazing windows on listed buildings are generally not considered acceptable. However, in determining the acceptability of works/ development that require listed building consent it is necessary to first consider what impact the development will have on the significance of the building. In this instance the first floor was added in the 1920's and the windows inserted in the 1960's. The first floor lacks any special interest and so it is the view of officers that this part of the building is of low significance.

In terms of the design and appearance of the replacement windows these would be timber frames which would have similar proportions to the existing. Glazing bars are also proposed which again are similar to the existing due to the use of the slim style double glazing. Therefore the replacement windows would have a similar external appearance to the existing windows, this being considered acceptable.

In consideration of the above policies, the low significance of the first floor, the timber frames, proportions, and glazing bars of the replacement windows it is accepted that the proposed windows would not have a harmful impact on the upper floor of the building or the grade II listed building as a whole. This being considered acceptable.

### **Reason for the grant of listed building consent:**

It is considered that the proposal does not have any detrimental impact on the character or appearance of this Grade II Listed Building, and accordingly the proposal complies with policies in the development plan indicated in the decision notice and national guidance on works to listed buildings. The Local Planning Authority has therefore exercised its duty of preserving the setting and features of special architectural or historic interest which it possesses, as detailed in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Recommendation

### Grant consent subject to the following conditions;

1. **BESPOKE** - The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1: To comply with the provisions of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. **BESPOKE** - This permission for development relates to the following submitted drawings:-
  - Drawing description – Plan of window casement (scale 1:5), date stamped received by the Local Planning Authority on 25 May 2011
  - Photographs, date stamped received by the Local Planning Authority on 25 May 2011
  - Statement of significance, date stamped received by the Local Planning Authority on 19 April 2011
- R2: To clarify the permission and for the avoidance of doubt.
3. **BESPOKE** - The materials to be used shall be in strict accordance with those specified on the approved plans and supporting information detailed in condition no. 2 above unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- R3: To protect and safeguard the historic fabric and appearance of the listed building in accordance with the requirements of Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policy B6 of the Newcastle-under-Lyme Local Plan 2011 and the guidance given in PPS5.

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>24.06.2011</b>	Decision Sent Out	
Case Officer Recommendation	<b>18.07.2011</b>	8 Week Determination	<b>20.07.2011</b>
Management check	<b>20/7 ESM</b>		

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant:** Mr P Chase                      **Application No:** 11/00258/FUL

**Location:** Sunningdale, Main Road, Betley

**Description:** Ground floor front/side extension

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

#### **West Midlands Regional Spatial Strategy 2008**

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

#### **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 and Stoke-on-Trent Core Spatial Strategy 2006 – 2026 adopted 2009**

Policy CSP1: Design Quality  
Policy CSP2: Historic Environment

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

Policy H18: Design of Residential Extensions, Where Subject to Planning Control  
Policy B9: Prevention of Harm to Conservation Areas  
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area  
Policy B13: Design and Development in Conservation Areas

### **Other Material Considerations**

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

PPS1: Delivering Sustainable Development  
PPS5: Planning for the Historic Environment

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

#### **Supplementary Planning Guidance**

Space Around Dwellings (July 2004)

Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance Supplementary Planning Document (December, 2010)

### **Planning History**

None relevant

## **Views of Consultees**

The **Conservation Advisory Working Party** has no objections but states that there is potential for an archaeological watching brief whilst constructing the foundations.

**Betley, Balterley and Wrinehill Parish Council** has no objections to the proposal.

## **Representations**

Nil

## **Applicant's/Agent's Submission**

Nil

## **Key Issues**

Planning permission is sought for a ground floor extension to the front/side of the property to form a garage, porch and toilet. The property is within Betley Conservation Area.

The key issues in the determination of the application are:

- Design and impact on the character and appearance Conservation Area
- Impact on residential amenity

### **Design and impact on the character and appearance Conservation Area**

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

Policy H18 of the Local Plan states that the form, size and location of the extension should be subordinate to the design of the original dwelling and the materials should fit in with those of the dwelling to be extended. The extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the streetscene or the setting.

The proposed extension would project forward of the existing dwelling by 2.8m. However, the property is one of a pair of inter-war semi-detached dwellings that are set back significantly behind the general building frontages along Main Road. As a result, the property is not at all prominent in the street scene. The extension would be small in scale, the materials would match the existing dwelling and timber garage doors are proposed. It is not considered therefore, that there would be any material harm to the character or appearance of the Conservation Area.

The extension is subordinate in design and accordingly the proposal is considered to comply with Policy H18 of the Local Plan.

The Conservation Advisory Working Party has no objection to the proposal but states that there is potential for an archaeological watching brief whilst constructing the foundations. Given that this is an inter-war property and that the ground would have been disturbed significantly at the time of construction of the dwelling, it is not considered necessary or reasonable to require an archaeological watching brief now.

### Residential amenity

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on residential extensions including the need for privacy, daylight standards, and environmental considerations. Taking into account the advice of the SPG it is not considered that there would be any significant adverse impact on residential amenity.

### Reasons for the Grant of Planning Permission

The proposed development is of a scale and design that is in keeping with the character of the main dwelling house and would not be detrimental to the character and appearance of the Conservation Area. Taking into account the position of the development and its scale it will not result in any significant harm to neighbouring residential amenity levels in terms of visual intrusion, overlooking or loss of light. The development is in accordance with Policies H18 and B9 of the Newcastle-under-Lyme Local Plan 2010, Policies D2 and NC19 of the Stoke-on-Trent Structure Plan 1996-2011 and Policies CSP1 and CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026.

### Recommendation

**Permit** subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1. To comply with the provisions of Section 91 of the Town and Country Planning Act.
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 dwelling.
- R2. In the interests of amenity to comply with the requirements of Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies H18 and B9 of the Newcastle-under-Lyme Local Plan 2011.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. Planning 1 received 13 May 2011

- R3. For the avoidance of doubt and in the interests of proper planning.

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>17.6.11</b>	Decision Sent Out	
Case Officer Recommendation	<b>1.7.11</b>	8 Week Determination	<b>14.7.11</b>
Management check	<b>13/7 ESM</b>		

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant:** Aspire Housing                      **Application No:** 11/00254/FUL

**Location:** Land opposite 8 Church Bank Audley

**Description:** Remove existing miner's wheel and relocate from Church Bank to Church Street Audley

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

#### **West Midlands Regional Spatial Strategy 2008**

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

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

Policy CSP1: Design Quality  
Policy CSP2: Historic Environment

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

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

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

Policy B5: Control of development affecting the setting of a Listed Building  
Policy B6: Extension or Alteration of Listed Buildings  
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

### **Other Material Considerations**

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

PPS1: Delivering Sustainable Development (2005)  
Companion Guide to PPS1 "The Planning System: General Principles"  
PPS5: Planning for the Historic Environment (March 2010)  
Circular 01/07: Revisions to Principles of Selection for Listed Buildings  
Circular 11/95 – Conditions

Listed Buildings and Conservation Areas in the Borough of Newcastle under Lyme, Planning and Development Department Newcastle under Lyme Borough Council.

### **Supplementary Planning Guidance**

None to consider.

## **Planning History**

None considered relevant.

## **Views of Consultees**

**Conservation Area Working Party** – no objections

**Audley Parish Council** – supported.

## **Representations**

None.

## **Applicants/Agents Submission**

None.

## **Key Issues**

The main considerations in the determination of this application are:-

- The impact to the character and appearance of the Audley Conservation Area and nearby Listed Buildings
- The impact to trees

### **The impact to the character and appearance of the Audley Conservation Area and nearby Listed Buildings**

The miner's commemorative wheel is to be removed from its current stand, cleaned and re-coated with black paint. It will then be placed onto a sandstone mount measuring 1.7 metres in overall height and 0.85 metres in width. The mount will have text and logo etched into it. The overall height of the structure above ground will be 2.5 metres.

There is a group of Grade II Listed Buildings opposite the site and St James Church is also Grade II Listed which lies immediately to the south.

Policy B5 of the Local Plan states that Council will resist proposals that will adversely affect the setting of a listed building. Policy B9 of the Local Plan states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B10 of the Local Plan states some criteria which must be met when permitting development that would alter the appearance of any building within a Conservation Area, including respecting the form, scale, bulk, height, materials and colours of the existing buildings, respecting historic features and boundaries, and protecting and enhancing views. Policy B13 of the Local Plan states that applicants should demonstrate how they have taken account of the need to preserve or enhance the character or appearance of Conservation Areas in the design of their development proposals.

With respect to the impact on the important views within the Audley Conservation Area and the special attention that should be paid to protecting the area's character the view taken is that the proposal would assimilate well into its surroundings and would not result in any significant harm. Moreover there would be no harm to the setting of nearby listed buildings. Overall the proposal accords with policies B5, B9, B10 and B13 of the Local Plan at to other relevant policies which seek to protect the historic environment.

### The impact to trees

There are visually significant trees in the area where the miner's wheel is to be relocated. The applicant has submitted a plan showing the position of the miner's wheel in relation to these existing trees. The miners wheel would be located in a clearing on the embankment which falls outside the crown spread of nearby trees therefore a full tree survey is not considered necessary. Taking into account the scale of the development and its position the conclusion reached is that the impact to trees would be acceptable.

### Reasons for the grant of planning permission

The proposed development has an acceptable impact to the special character and appearance of the Audley Conservation Area the views contained within it and nearby listed buildings. The development is in accordance with Policies, B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan 2010, Policies D2 and NC19 of the Stoke on Trent Structure Plan 1996-2011 and policies CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026.

### Recommendation

Permit subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans;

- Drawing number 01 and SSC Sandblast Sign Company Elevation Plan received 12 May 2011.

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

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>24.6.11</b>	Decision Sent Out	
Case Officer Recommendation	<b>18.7.11</b>	8 Week Determination	<b>18.7.11</b>
Management check	<b>18/7 ESM</b>		

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant:-** Mr Parvais Mohammed      **Application No:** 11/00347/FUL

**Location:** Shalimar Balti Restaurant, Church Street, Newcastle

**Description:** Installation of security shutter to main entrance (Retrospective)

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

#### **West Midlands Regional Spatial Strategy 2008**

Policy QE1: Conserving and Enhancing the Environment  
Policy QE3: Creating a high quality built environment for all

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

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

#### **Newcastle-under-Lyme Local Plan 2011**

Policy B9: Prevention of Harm to Conservation Areas  
Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area  
Policy B13: Design and Development in Conservation Areas  
Policy B14: Development in or Adjoining the Boundary of Conservation Areas  
Policy B18: Security Shutters in Conservation Areas

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

CSP1: Design Quality  
CSP2: Historic Environment

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

#### **National Planning Policy**

PPS1: Delivering Sustainable Development (2005)  
Companion Guide to PPS1 "The Planning System: General Principles"  
PPS5: Planning for the Historic Environment

#### **Supplementary Planning Guidance**

N/A

#### **Planning History**

This application is a result of an enforcement investigation.

#### **Views of Consultees**

**Conservation Advisory Working Party** – no objection to the proposal.

## **Representations**

No representations received.

## **Applicants/Agents Submission**

The requisite application forms and plans were submitted along with a design and access statement and a statement of significance. The applicant has also specified that the reason for this is to prevent people breaking his window which has occurred in the past.

## **Key Issues**

Full planning permission is sought for the retention of a perforated roller shutter and associated housing. The property is located within the urban area of Newcastle as well as the town centre Conservation Area as indicated on the Local Development Framework Proposals Map.

The key issue in the determination of the development is:

- The Design of the Proposal and its impact upon the Conservation Area

### **Design of the proposal and its impact upon 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 street scene within which the application is located has a range of traditional buildings and the application site is also opposite St. Giles Church (a Grade II\* listed building). A roller shutter has been installed within the existing doorway with the associated housing located behind the existing lintel. The roller shutter has quite a large perforation however due to the colour of the roller shutter this is not apparent in general views of the streetscene. This is not felt to be an issue in this instance however due to the design and paint scheme of the property and the installation of the roller shutter flush with the frontage. It is therefore felt to not detract from the character of the surrounding Conservation Area or the property itself.

### **Reasons for the \Grant of Planning Permission**

Due to the considered location of the roller shutter, its design and its associated housing and the colour scheme of the shutter and the building upon which it is situated, the development does not have an adverse impact upon the character of the town centre conservation area whilst also addressing security concerns of the applicant. The proposed development therefore accords with policies D2 and NC19 of the Stoke on Trent Structure Plan 1996-2011, policies B9, B10, B13, B14 and B18 of the Newcastle under Lyme Local Plan 2011 as well as policies CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026.

## **Recommendation**

**Permit**

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>22/7/11</b>	Decision Sent Out	
Case Officer Recommendation	<b>28/7/11</b>	8 Week Determination	<b>22/8/11</b>
Report checked by Back Office			
Management check	<b>28/7 ESM</b>		