

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

6 August 2010

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, 17 AUGUST 2010** at **7pm**.

#### AGENDA

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of meeting held on 27 July 2010 (copy attached for non-Council Members information).
3. To consider the attached reports at Appendix A and B (blue and salmon paper).
4. To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the Officer.
5. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Yours faithfully

**P W CLISBY**

Head of Central Services

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

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

**The appropriate Parish Council representative(s)**

**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).

<b>Reference</b>	<b>Location and Applicant</b>	<b>Development</b>	<b>Working Party Comments</b>	<b>Planning Decision</b>
<b>10/236/COU</b>	Sugar Well Farm, 52 Castle Road, Mow Cop. Mr D Martin.	Change of use to include land within residential cartilage.	No objections	Permitted by Planning Committee 22 June, 2010.
<b>10/248/FUL</b>	2 Pump Bank, Keele. Miss D Howe.	Proposed first floor extension to rear and side above existing lounge and porch.	The Working Party welcomed the attention to detail of the extension in the estate style but wished to ensure that the quality is carried through into the construction. Brickwork bonding and window and doors on the frontage should match the existing front elevation i.e. timber windows and English Garden wall bond.	Permitted by Planning Committee 13 July, 2010.
<b>10/299/FUL</b>	St Margaret's House, 10 Chamberlain Court, Betley. Mr B Delaney.	Single Storey rear extension.	No objections.	Permitted under Delegated powers 28 July, 2010.
<b>10/305/FUL</b>	Newcastle under Lyme School, Victoria Road, Newcastle. Newcastle-under-Lyme School.	Formation of a hard surfaced play area.	No objections.	Permitted under Delegated powers 14 July, 2010.
<b>05/164/EXTN</b>	Netherset Hey Lane Farm, Netherset Hey Lane, Madeley. Graham Ward Farms Ltd.	Extension to time limit to implement Planning Permission 05/164/FUL for demolition and clearance of portal frame agricultural buildings and conversion of traditional brick and tile outbuilding to 11 residential units.	No objections subject to the granting of Listed Building Consent.	Refused by Planning Committee 22 June, 2010.

Cont...

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision
<b>10/152/COU</b>	25 Bridge Street, Newcastle. Mrs D Burridge.	Retention of change of use from retail use to financial and professional services.	No objections.	Permitted under Delegated powers 14 July, 2010.
<b>10/225/FUL</b>	The Steps, Main Road, Wrinehill. Mr G Bushnell.	Retention of covered decking area.	Members felt that the structure was incongruous and affected the setting of the listed building. If appropriate, enforcement action should be taken.	Refused under Delegated powers 19 July, 2010.
<b>10/246/FUL</b>	Beech House, Brampton Road, Newcastle. Mr & Mrs Bhattacharjee.	Front and rear conservatory.	No objections.	Permitted under Delegated powers 15 July, 2010.

**CONSERVATION ADVISORY WORKING PARTY**

<b>Reference</b>	<b>Location and Applicant</b>	<b>Development</b>	<b>Remarks</b>	<b>Ward Councillors</b>
<b>10/435/FUL</b>	Land opposite 1 Church Villas, The Butts, Church Lane, Betley. Mr P Robinson.	Erection of detached dwelling and alterations to accesses.	Within the Betley Conservation Area.	Councillor D Becket Councillor A Wemyss
<b>10/409/FUL</b>	Clayton Hall Business and Language College, Clayton Lane, Newcastle. Clayton Hall Business and Language College.	Kitchen refurbishment and roof mounted extraction unit.	Within the Clayton Conservation Area.	Councillor Mrs A Heames Councillor S Sweeney
<b>10/447/LBC</b>	Castle Mott , Silverdale Road and John O Gaunts Corner, Newcastle. Newcastle Borough Council.	Construction of viewing platform for Castle Mott, creation of a ramp, new entrance gate and improved footpath. Improvement and interpretation of site of Castle Mott and John O'Gaunts Corner.	Grade II Listed Building and Scheduled Ancient Monument.	Councillor N Jones Councillor Miss M Reddish Councillor R Slater
<b>10/456/LBC</b>	12 King Street, Newcastle. Mr & Mrs D Singh.	New fascia and hanging sign.	Grade II Listed Building and within the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** Brian & Wendy Delaney **Application No** 10/00299/FUL  
**Location** St Margaret's House, 10 Chamberlain Court, Betley, Newcastle  
**Description** Single Storey Side Extension.

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

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

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

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

Policy H18: Design of residential extensions  
Policy B9: Prevention of harm to Conservation Areas  
Policy : 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 and the Historic Environment (2010).

#### **Supplementary Planning Guidance**

Space Around Dwellings (2004)

#### **Relevant Planning History**

NNR5011 Permit – 5 March 1970 – erection of dwellinghouse  
00/00624/FUL Permit – 20 November 2000 - conversion of existing public house to form 3  
dwellings, demolition of function suites and erection of 5 mews dwellings  
and associated garages.

#### **Views of Consultees**

**Betley, Balterley & Wrinehill Parish Council:** No objection to a significant Development.

The **Conservation Working Party** has no objections.

#### **Representations**

None.

#### **Applicants/Agent's Submission**

Design and Access Statement.

## **Key Issues**

The application site is a large two storey modern house built in a mock Georgian manner in a small development set within the Betley Conservation Area. A single storey extension is proposed across the width of the rear of the house. The wider room will be a 3.4 metre long breakfast area, the remainder is a 3.9 metre long garden room. The breakfast room will have a lean to roof with sky-lights and a large opening glazed area in the back wall. The garden room will have a double pitched roof with rear gable and glazed largely opening rear wall

The main issues for consideration in the determination of this application are visual amenity and residential amenity.

### **Visual amenity**

Policy B 9 states that the Council will resist development that would harm the special character or appearance of Conservation Areas. Policy B10 upholds the requirement to preserve or enhance the character or appearance of a Conservation Area. Planning Policy Statement 1 (34) states that Planning Authorities should plan positively for the achievement of high quality and inclusive design in the external design of all new developments. 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. Policy H18 requires residential extensions to be of materials and a design to fit in with those of the dwelling to be extended and not to detract materially from the character of the original dwelling. It is also required that an extension must not detract materially from the integrity of the original design.

Being in the surroundings to a conservation area it is desirable for any extension to match the original building and so far as possible enhance its appearance. The proposal sits within the curtilage of the house and reflects the style of the original construction so is unlikely to cause harm to the character or appearance of the conservation area. The proposal will not detract from the integrity of the original design and is acceptable in terms of the impact on the visual amenity of the property and the surrounding area. Over domination will not be apparent; and since the proposal will consist in raising the roof of an existing minor part of the structure neither will over development be apparent.

### **Residential amenity**

The proposal is single storey and set well away from boundaries and within tall boundary treatment. Overshadowing, domination or overlooking cannot occur.

Ample amenity garden space will remain for the occupiers. It is not considered that any loss of amenity can be caused to neighbouring properties.

The site lies on a narrow one-ended access road adjacent to residential properties which could potentially be affected by construction traffic. This is not sufficient reason to resist the proposal, it will however be a material loss of amenity in the period when the proposal is being built. A condition seeking to control construction could not only be unduly prohibitive and thus unreasonable, but it also duplicates other forms of control. Such a condition is accordingly not recommended but it is considered prudent to attach an informative note relating to the Considerate Contractors Scheme.

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

The proposal complies with the Aims and objectives of PSS 1, Strategic Aim 16 and Policies CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, D2 of the Stoke-on-Trent Structure Plan 1996-2011 and H18 of the Newcastle under Lyme Local Plan 2011 because its scale and design fit in with the character of the surrounding dwellings and would not be detrimental to the visual amenity of the area. Policy D2 of the Stoke-on-Trent Structure Plan 1996-2011 is further met in that the development would not result in harm to neighbouring residential amenity levels in terms of visual intrusion, overlooking or loss of light.

## Recommendation

Permit subject to:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1: To comply with the provisions of Section 91 of the Town and Country Planning Act.
2. **MAT2** - The materials to be used in the construction of the development hereby permitted shall match in all respects (size, texture and colour) those of the existing house.
- R2: In the interests of amenity to comply with the requirements of policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policy H18 of the Newcastle-under-Lyme Local Plan 2011.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - RON DESIGNS UK LTD Drg 767 SK 2; Received by the Council 20 MAY 2010;
  - RON DESIGNS UK LTD Drg 767 SK 4; Received by the Council 20 MAY 2010;
  - RON DESIGNS UK LTD Drg 767 SK 5; Received by the Council 20 MAY 2010;
  - RON DESIGNS UK LTD Drg 767 SK 6; Received by the Council 20 MAY 2010;
  - RON DESIGNS UK LTD Drg 767 SK 10; Received by the Council 20 MAY 2010;
  - RON DESIGNS UK LTD Drg 767 SK 11; Received by the Council 20 MAY 2010;
  - RON DESIGNS UK LTD Drg 767 SK 13A; Received by the Council 20 MAY 2010;
  - RON DESIGNS UK LTD Drg 767 SK 20; Received by the Council 20 MAY 2010;
  - RON DESIGNS UK LTD Drg 767 SK 21; Received by the Council 20 MAY 2010
  - RON DESIGNS UK LTD Drg 767 SK Ground Floor Plan; Received by the Council 20 MAY 2010.
- R3: For the avoidance of doubt and in the interests of proper planning.

## Notes to the Applicant

- 1 This Authority wishes to draw your attention to the Considerate Contractors Scheme. This is a voluntary Code of Practice, driven by the construction industry, which seeks to:-
  - Minimise any disturbance or negative impact (in terms of noise, dirt and inconvenience) sometimes caused by construction sites to the immediate neighbourhood
  - Eradicate offensive behaviour and language from construction sites
  - Recognise and reward the contractor's commitment to raise standards of site management, safety and environmental awareness beyond statutory duties

For further information contact:-

Considerate Constructors Scheme, PO Box 75, Ware. SG12 9LN Tel 0800 783 1423

- 2 N10. (Crime prevention)

Performance Checks	Date		Date
Consultee/Publicity Period	<b>26.06.2010</b>	Decision Sent Out	
Case Officer Recommendation	<b>28.07.2010</b>	8 Week Determination	<b>30.07.2010</b>
Management check	<b>Revised PR 29.07.10</b>		

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant:-** Mr G Morrey **Application No:** 10/00305/FUL

**Location:** Newcastle under Lyme School, Victoria Road, Newcastle

**Description:** Formation of a hard surfaced play area.

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

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

Policy D2: The Design and Environmental Quality of Development

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

Policy B9: Prevention of harm to 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"

#### **Planning History**

None relevant to this application.

#### **Views of Consultees**

**Sport England** – No objection to the application due to the land affected being an embankment between the school buildings and a MUGA (Multi Use Games Area) which would not function as a playing field because of its size, scale and location.

**Conservation Advisory Working Party** – No objections.

#### **Representations**

None received.

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

The requisite application forms and plans were submitted. A design and access statement was also submitted.

#### **Key Issues**

Full planning permission is sought for a new hard surfaced play area within the existing grounds of Newcastle under Lyme School. The site is located within the urban area of Newcastle as shown on the Local Development Framework Proposals Map. The application site is in close proximity to the boundary of Stubbs Walks Conservation Area.



The key issues for the determination of the application are therefore:-

- The impact upon the principle of the development
- Visual amenity and Impact upon the Conservation Area
- Other matters

#### Principle of the development

Sport England have been consulted with regard to the application in line with statutory advice on the loss of playing fields and they have stated that due to the scale and location of the proposed development on a relatively steep embankment they would not object to the proposal as the area is not a functionable play area.

The development is also within private school grounds and would not lead to the loss of any public open space. It is therefore felt that the principle of the development is acceptable in policy terms.

#### Visual amenity and impact upon the Conservation Area

Paragraph 34 of PPS 1 states that

‘Good design should contribute positively to making places better for people. 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’

Paragraph 36 goes on to state that Local Authorities should ensure that developments are ‘Visually attractive as a result of good architecture and appropriate landscaping’

Due to the scale and location of the proposed development and its rather attractive gabion retaining wall, the development would actually create an attractive feature on an otherwise bland grassed embankment. Consequently it is felt that the development would not have an adverse impact upon the character of the surrounding area or the nearby Stubbs Walks Conservation Area. It is therefore felt that the proposed development adheres with the principles of policies B9 and B14 of the Newcastle-under-Lyme Local Plan 2011 and policy CSP 2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009).

#### Other matters

The issue of the safety of the retaining wall would be dealt with at a building control stage and due to its position within private grounds it would not have an adverse impact upon the safety of the wider general public.

The proposed development would result in a certain amount of excavated material being created. Verbal clarification from the applicant has put this at about 60m<sup>3</sup> (Approx 120 tonnes) and it has not yet been determined whether this would remain on site or whether it would be removed. To allow the Local Planning Authority to control this material it is therefore recommended that a condition be included as part of any permission requesting details of this prior to the commencement of the development.

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

Due to the modest scale of the proposed hard surfaced play area in conjunction with its considered location in place of a bland embankment, the development would accord with policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011 as well as CSP 1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (Adopted 2009). It would also have no adverse impact upon the nearby Stubbs Walks Conservation Area which accords with the principles of policies B9 and B14 of the Newcastle-under-Lyme Local Plan 2011 and policy CSP 2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009).

## Recommendation

### Permit subject to

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1: To comply with the provisions of Section 91 of the Town and Country Planning Act .
2. Prior to the commencement of development details of the new protective barrier to the top of the embankment shall be submitted to and approved in writing by the local planning authority. The scheme shall then be developed in accordance with the approved details.
- R2: In the interests of amenity to comply with the requirements of policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - Existing Layout, Existing and Proposed Sections No: 02 rev. A (stamped received by the Local Planning Authority 19/5/10)
  - Proposed Layout and Site Plan No: 01 rev. A (stamped received by the Local Planning Authority 19/5/10)
- R3: For the avoidance of doubt and in the interests of proper planning.
4. Prior to the commencement of the development details of a scheme for the method of disposal of the excavated material either on site or off site shall be submitted to and approved in writing by the Local Planning Authority. The disposal of excavated materials shall then be undertaken in accordance with the approved details.
- R4: In the interests of visual amenity and highway safety in accordance with policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011.

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>18/6/10</b>	Decision Sent Out	
Case Officer Recommendation	<b>14/7/10</b>	8 Week Determination	<b>14/7/10</b>
Report checked by Back Office			
Management check	<b>ESM 14/7</b>		

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant:-** Mrs Diane Burridge                      **Application No:** 10/00152/COU  
**Location:** 25 Bridge Street, Newcastle  
**Description** Retrospective application for Change of use of the unit from Use Class A1 to Use Class A2 Financial and Professional Services.

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

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

Policy D1: Sustainable Forms of Development  
Policy D2: The Design & Environmental Quality of Development  
Policy NC19: Conservation Areas  
Policy TC1: Ensuring the future of town centres

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

Policy B1: Historic Heritage  
Policy B9: Prevention of Harm to Conservation Areas  
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area

#### **Newcastle under Lyme and Stoke on Trent Core Strategy 2009**

Strategic Aim 5: To foster and diversify the employment base.  
Strategic Aim 7: To help Newcastle Town Centre to continue to thrive as a strategic centre;  
Policy SP1 6: Retail and office development will be focussed towards the City Centre and Newcastle Town Centre;  
Policy SP2 1: Diversification and modernisation of the centres for new business investment;  
Policy ASP4: Newcastle Town Centre Area Spatial Policy;  
Policy CSP2: Historic Environment.

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

#### **National Planning Policy**

PPS1: Delivering Sustainable Development (February 2005)  
Companion Guide to PPS1: The Planning System: General Principles.  
PPS5: Planning and the Historic Environment (2010).  
PPS6: Planning for Town Centres (March 2005)  
PPG24: Planning and Noise (1994)

#### **Supplementary Planning Guidance**

Supplementary Planning Document for Newcastle Town Centre (January 2009)

#### **Relevant Planning History**

None.

#### **Views of Consultees**

**Conservation Officer:** The Conservation Officer was consulted but has not made any representation.

## **Representations**

None received.

## **Applicants/Agents Submission**

None.

## **Key Issues**

This application is for retrospective Planning Permission for change of use of the unit for purposes within Use Class A2 financial and professional Services. No external alterations are covered by this application.

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

- Would the loss of a retail unit or the provision of a professional office have an unacceptable impact upon the range of goods and services offered in the locality?
- Would the proposal be detrimental to the Conservation Area?
- Would the proposal cause harm to the occupiers of neighbouring properties?

Would the loss of a retail unit or the provision of a professional unit have an unacceptable impact upon the range of goods and services offered in the locality?

National policy and policies within the development plan seek to maintain and improve the quality and diversity of retail provision and maintain and promote diversity of use. The change from Retail to Financial and Professional Services has resulted in the loss of a retail unit within the town centre historic core, which is defined as Primary Shopping Area in the recently adopted SPD (see above). The new use, a Class A2 use, within a secondary retail frontage, will encourage people into the town centre and will be used by those visiting the town centre for other purposes. It is therefore considered that the proposal diversifies the uses within the town centre whilst having a neutral or possibly positive impact on the vitality and viability of the town centre.

Would the proposal be detrimental to the Conservation Area?

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid in the exercise of planning function to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy B9 states that the Council will resist development that would harm the special character or appearance of Conservation Areas. Policy B10 upholds the Requirement to preserve or enhance the character or appearance of a Conservation Area.

This proposal does not include any physical development and there are no other factors which would harm the character of the conservation area.

Would the proposal cause harm to the occupiers of neighbouring properties?

The application site is set in a row of shops with flats above. The amount of noise and disturbance generated by an A2 is likely to be no greater or less than that generated by an A1 since there will be less deliveries, arrivals and departures, generation of and removal of packaging and waste and the nature of transactions does not generate noise. It is not considered that the proposed change of use would unacceptably affect the living conditions of nearby residents through odour or noise and disturbance.

Reasons for the grant of planning permission

The Class A2 use, within the Primary Shopping Area and outside of the Primary Shopping Frontage as define in the Newcastle under Lyme Town Centre Supplementary Planning Document, will potentially bring the public into the town centre adding to its vitality in accordance with the Strategic Aims 5 and 7 and policies SP1 6, SP2 1, ASP4 of the Newcastle under Lyme and Stoke on Trent

Core Spatial Strategy 2006-2026 and policy TC1 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011.

The development does not harm the Conservation Area as required by Policies B1 and B9 of the Newcastle under Lyme Local Plan 2010, NC19 and D2, of the Staffordshire and Stoke on Trent Structure Plan 1996-2011 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026.

Policy D2 of the Stoke on Trent Structure Plan 1996-2011 is further met in that the development does not result in harm to neighboring residential amenity.

**Recommendation**

**Permit.**

**Informative**

1. The decision hereby issued was made following consideration of the following plans:-
  - Location plan, date stamped received 21<sup>st</sup> May 2010.

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>15.06.2010</b>	Decision Sent Out	
Case Officer Recommendation	<b>14.07.2010</b>	8 Week Determination	<b>16.07.2010</b>
Management check	<b>Varied ESM 15/7</b>		

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** Mr Graham Bushnell **Application No** 10/00225/FUL  
**Location** The Steps, Main Road, Wrinehill  
**Description** Retention of covered decking area

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

#### **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 NC1: Protection of the Countryside: General Considerations  
Policy NC2: Landscape Protection and Restoration

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

Policy S3: Development in the Green Belt  
Policy H18: Design of Residential Extensions Where Subject to Planning Control  
Policy B5: Control of development affecting the setting of a Listed building  
Policy B6: Extension or Alteration of Listed Buildings  
Policy N17: Landscape Character – General Considerations  
Policy N18: Areas of active Landscape Restoration

### **Other Material Considerations**

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

PPS1: Delivering Sustainable Development (February 2005)  
PPS5: Planning for the Historic Environment (March 2010)  
PPS7: Sustainable Development in Rural Areas (August 2004)  
Companion Guide to PPS1 “The Planning System: General Principles”  
Supplementary Planning Guidance (SPG)  
Space about Dwellings standards (July 2004)

### **Planning History**

10/00028/207C1 Enforcement enquiry

### **Views of Consultees**

**Betley, Balterley and Wrinehill Parish Council** – support the application and note that the covered decking appears more attractive than the existing concrete roof.

**Conservation Area Working Party** – Members felt that the structure was incongruous and affected the setting of the listed building. If appropriate enforcement action should be taken.

### **Representations**

One letter of representation has been received from a neighbouring occupier who states that they

have no objections to the proposal.

### **Applicant's submission**

None.

### **Key Issues**

The application is for the retention of a covered decking area. The covered decking area has been erected within the curtilage of a listed building and requires the benefit of planning permission. The key issues to consider in the determination of this application are:-

- Whether or not the development is appropriate or inappropriate in Green Belt terms
- The visual impact of the covered decking area, in particular on the setting of The Steps a Grade II Listed Building and the impact upon the character and appearance of the wider landscape

#### **Whether or not the development is appropriate or inappropriate in Green Belt terms**

The site is located within the Green Belt. PPG2 and the development plan policies do accept that limited extensions and alterations may be appropriate development however the development applied for falls outside of this specification and cannot be considered as being appropriate development. The development being inappropriate is by definition harmful to the interests of the Green Belt. It furthermore adds to the buildings on the site, reducing the openness of the Green Belt and by failing to safeguard the countryside from encroachment it is contrary to one of the purposes of including land within the Green Belt. Unless there are other material considerations which clearly outweigh such harm the required very special circumstances to justify approval do not exist. No special circumstances have been advanced by the applicant and none are considered to exist. The development is therefore unacceptable in Green Belt terms.

#### **The visual impact of the covered decking area, in particular on the setting of The Steps a Grade II Listed Building and the impact upon the character and appearance of the wider landscape**

The Steps is a Grade II Listed Building. The structure is located within the rear garden of the property but is visible from the main road mainly due to the steepness of the site which is upward sloping from the rear of the main dwelling house.

When assessing the impact of the development from the rear garden area it is apparent that the structure appears very dominant which is magnified by the sloping nature of the site and its close proximity to the main dwelling house. The structure also appears to be a dominant and strident feature from the views obtained from the main road.

The Councils Conservation Officer has advised that the all of the structure erected has a detrimental impact to the setting of the listed building but the most significant dominant feature is the roof canopy and should this be removed the decked area in itself would have a less severe impact.

Whilst there are serious concerns relating to the impact to the immediate setting of The Steps, it not supported that the impact of the development to the wider landscape is significant.

Overall the view taken is that the development has an unacceptable impact to the setting of The Steps.

### **Recommendation**

#### **NOTE: MS TO SEND OUT SEPARATE LETTER TO APPLICANT WITH DECISION NOTICE**

**Refuse** for the following reason:-

1. The development represents 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. The applicant has failed to demonstrate that the very special circumstances exist which clearly outweigh this harm and accordingly the development is contrary to the guidance within PPG2, Policy D5B of the adopted Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, and Policy S3 of the adopted Newcastle-under-Lyme Local Plan 2011.

2. The development is harmful to the setting of a Grade II Listed Building by virtue of its dominant and strident appearance in relation to the main dwelling house. For this reason the development fails to comply with policy CSP2 of the Staffordshire and Stoke-on-Trent Core Spatial Strategy 2006 - 2026, policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policy B5 of the Newcastle under Lyme Local Plan 2011.

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>25.6.10</b>	Decision Sent Out	
Case Officer Recommendation	<b>19.7.10</b>	8 Week Determination	<b>21.7.10</b>
Management check			



## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant:** Mr S Bhattacharjee                      **Application No:** 10/00246/FUL

**Location:** Beech House, Brampton Road, Newcastle

**Description** Front and rear canopies & rear conservatory.

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

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

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)**

CSP1: Design Quality  
CSP2: Historic Environment

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

Policy H18: Design of residential extensions  
Policy B 9: 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:**

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

PPS1: Delivering Sustainable Development (2005)  
PPS5: Planning for the Historic Environment

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

#### **Supplementary Planning Guidance**

Space Around Dwellings (2004)

#### **Relevant Planning History**

02/00487/FUL                      Four Dwellings with garages, new access and closure of existing access - permit  
09/00180/FUL                      Side link conservatory and new render to garage wall. Change colour of garage door - permit

### **Views of Consultees**

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

### **Representations**

None received

## **Applicants/Agents Submission**

A design and access statement has been submitted to support the application because the site lies within the conservation area. Its contents can be viewed on the application file or by visiting Public Access on the Councils website.

## **Key Issues**

The application site is a modern detached house which forms part of a group of four which is within the Brampton Conservation Area, as indicated on the Local Development Framework Proposals Map. The house has a white rendered finish, the other houses in the group and the adjoining older house have a brick finish. The proposal is for a side conservatory, a canopy over a set of French doors at the rear of the property and a large canopy over the main front entrance to the property.

Amended plans have been submitted following planning officer comments about the size of the front canopy.

The main issue for consideration in the determination of this application is;

- the design of the proposals and the impact of the proposed development on the Conservation Area
- Residential Amenity

## **The design of the proposals and the impact of the proposed development 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.”*

Policy H18 requires residential extensions to be of materials and a design to fit in with those of the dwelling to be extended and not to detract materially from the character of the original dwelling. It is also required that an extension must not detract materially from the integrity of the original design.

Policy B9, B10, B13 and B14 seeks to prevent harm of development on Conservation Areas and a requirement to preserve or enhance the character or appearance of a Conservation Area. The property is located within the Brampton Conservation Area and in particular, policy B10 is of importance in this instance.

The residential development is set well back from The Brampton and accessed via a private driveway. Mature trees within the area screen views of the residential development from the Brampton. The property is rendered in a white/ cream finish which contrasts with the other properties within the development and in particular this contrast was sought by officers during the original application.

The proposed conservatory is of a size and design that would be subordinate to the design of the main dwelling. The appearance of the proposed conservatory is traditional but is predominantly glazed and its location at the side/ rear of the property would result in no views from any main vantage in the street scene or from views within the conservation area.

A pitched roof canopy is also proposed over a rear set of French patio doors. The materials would match those of the original dwelling. This would respect the character of the original dwelling and again there would be no views from any main vantage points due to its location and size.

The application also proposes a canopy on the front elevation to the property which would have a hardwood cladding fascia and would be supported by stone pillars. Amended plans have been received reducing the size of this canopy from a width of 8 metres down to 4 metres. It would still be supported by four pillars however. During the submission of these amendments the applicant has decided to omit a proposed bay window and so the existing window would remain. The front canopy is now of a size that would not dominate the front elevation with the general style of the canopy being considered acceptable with appropriate colourings and use of stone. Furthermore, due to its location it would not harm the character and appearance of the conservation area with minimal views from the wider area and any views would be seen within the context and character of the original dwelling.

In consideration of the above it is considered that the proposed extensions and additions would be subordinate in design and would be in keeping with the character of the original dwelling. The proposals are of a design, scale and location that would not harm the character of the Brampton conservation area, this being considered acceptable.

#### Impact upon neighbouring occupiers in terms of amenity

PPS 1 paragraph 3 states that;

*“Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. A widely used definition was drawn up by the World Commission on Environment and Development in 1987: ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs.’”*

Supplementary Planning Guidance provides further advice regarding residential extensions.

Due to the proposed location of the conservatory in relation to the adjacent neighbouring properties it is felt that there would be no adverse impact upon their residential amenity.

#### Reasons for the approval of planning permission

The proposed extensions and alterations are of a scale and design that is in keeping with the character of the main dwelling house whilst preserving the appearance of the Brampton Conservation area and they would not be detrimental to the visual amenity of the area. Taking into account the position of the development it would not result in harm to neighbouring residential amenity levels in terms of visual intrusion, overlooking or loss of light. The proposed extensions and alterations accord with Policy B9, B10 & B13 of the Newcastle under Lyme Local Plan 2010, Policy D2 & Policy NC19 of the Stoke on Trent Structure Plan 1996-2011 and policy CSP1 & CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026.

**Permit** subject to 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 and supporting information;
  - Drawing title ‘Proposed south elevation, east elevation & north elevation’ (scale 1:100), date stamped received by the LPA on 27 April 2010.
  - Drawing title ‘Proposed west elevation’ (scale 1:100), date stamped received by the LPA on 15 July 2010.
  - Drawing title ‘Proposed plan’ (scale 1:100)’, date stamped received by the LPA on 15 July 2010.
  - Drawing title ‘Plan View’ (scale 1:500)’, date stamped received by the LPA on 15 July 2010.
  - Site location plan scale 1:1250, date stamped received by the LPA on 27 April 2010.
  - Proposed front canopy section date stamped received by the LPA on 21<sup>st</sup> June 2010.
- R2: For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place until samples of the materials to be used in the construction of external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

R3: In the interests of amenity and to preserve the character and appearance of the conservation area to comply with the requirements of policies D2 & NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policies B9, B10 of the Newcastle-under-Lyme Local Plan 2011.

**Note to the Applicant**

1. You are reminded of the need to comply with the conditions attached to the planning permission, failure to do so could lead to enforcement action against the owners of the property.

Performance Checks	Date		Date
Consultee/Publicity Period	<b>18.06.2010</b>	Decision Sent Out	
Case Officer Recommendation	<b>15.07.2010</b>	8 Week Determination	<b>16.07.2010</b>
Management check	<b>15/7/10 GM NV</b>		