

To the Chair and Members
of the
CONSERVATION ADVISORY
WORKING PARTY

Mr G Durham
742222
GD/ED – R82/48

7 March 2008

Dear Sir/Madam

A meeting of the **CONSERVATION ADVISORY WORKING PARTY** will be held in **COMMITTEE ROOM 1, CIVIC OFFICES, MERRIAL STREET, NEWCASTLE** on **TUESDAY, 18 MARCH 2008** at **7.00pm**.

AGENDA

1. Minutes of meeting held on 26 February 2008 (copy attached for non-Council Members information).
2. To consider the attached reports at Appendix A and B (blue and salmon paper).
3. To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the Officer.
4. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Yours faithfully

A CAMPBELL

Democratic Services Manager

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

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

Reference	Location and Applicant	<u>Development</u>	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
07/667/FUL	School Rooms adjoining The Croft, Main Road, Betley Sausage Developments	Change of use of school room to dwelling house with single storey rear extension	The Working Party objects to the sub-division of the properties with boundary walls preferring retention of the existing open aspect	Permitted under Delegated Powers 15/11/07
07/1043/OUT	Gaunts Hatch, 45 Sandy Lane, Newcastle Jaram Developments Ltd	Demolition of existing dwelling and outbuilding and erection of a single building for occupation by senior persons in ten apartments together with warden accommodation	No objections in principle to the outline application. However, concerns were raised about the loss of a building with interesting design and character. In addition, Members felt that the proposal was too 'massed' together and could be spread out. Request that officers negotiate for a more sympathetic design.	Refused by Planning Committee 31/01/08
07/1050/FUL	Butterton House, Park Road, Butterton Mr N Eldershaw	Replacement of windows on the South West and North West elevations with cream upvc double glazed sliding sash windows and French door to the South West Elevation	Members had no objections to this proposal. They welcomed the careful approach and the use of the cream textured finish to the window frames	Permitted under Delegated Powers 29/01/08
07/1081/LBC	Queens Chambers, 2 Queen Street, Newcastle Brown & Corbishley	Internal alterations	No objections	Permitted under Delegated Powers 14/02/08

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
08/63/FUL	50-52 Church Street, Audley Mr F Boon	Change of use of part of shop premises to two dwellinghouses and associated external alterations	Within the Audley Conservation area	Councillor Mrs A Beech Councillor Mrs D Cornes Councillor I Wilkes
08/93/ADV	The Clarks Shop. 50 High Street, Newcastle Clarks International	New fascia signage	Within the Newcastle Town Centre Conservation Area	Councillor D Clarke Councillor Mrs E Shenton
08/104/ADV	51 High Street, Newcastle The Extracare Charitable Trust	Non-illuminated fascia sign	Affects a Grade II Listed Building and the Newcastle Town Centre Conservation Area	Councillor D Clarke Councillor Mrs E Shenton
08/121/COU	3 Fogg Street, Newcastle Mr Linh The Nguyen	Change of use to nail bar salon	Within the Newcastle Town Centre Conservation Area	Councillor D Clarke Councillor Mrs E Shenton
08/128/ADV	Co-op Travel, Unit 8 Castle Walk, Newcastle, Staffs. CWS Retail Financial Services	One internally illuminated fascia sign and one non-illuminated projecting box sign	Within the Newcastle Town Centre Conservation Area	Councillor D Clarke Councillor Mrs E Shenton
08/140/LBC	The Guildhall, High Street, Newcastle Newcastle Borough Council	Conversion from former public house to Council Customer Service Centre	Grade II Listed Building and within the Newcastle Town Centre Conservation Area	Councillor D Clarke Councillor Mrs E Shenton
08/146/FUL	Land junction of River Lea Mews & Moss Lane, Madeley Mr & Mrs Williams	Detached house with integral garage (amendments to planning permission 04/749/FUL)	Within the Madeley Conservation Area	Councillor A Howells Councillor Mrs H Morris
08/155/LBC	Keele Hall, Keele University, Keele Mr G Williams	Installation of a platform lift between lower and principal ground floors	Listed Building and within the Keele Hall Conservation Area	Councillor Mrs W Naylor Councillor R Studd

OFFICER REPORT ON DELEGATED ITEMS

Applicant Sausage Developments **Application No** 07/667/FUL
Location The School Rooms, Adjoining The Croft, Ravenshall, Betley
Description Change of use of school room to dwelling house with single storey rear extension

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

West Midlands Regional Spatial Strategy

Policy QE1: Conserving and Enhancing the Environment
Policy QE3: Creating a High Quality Built Environment for all
Policy QE6: The Conservation, Enhancement and Restoration of the Region's Landscape
Policy CF2: Housing Beyond the Major Urban Areas
Policy CF3: Levels and Distribution of Housing Development
Policy CF4: The Re-use of Land and Buildings for Housing

Staffordshire Structure Plan 1996 – 2011

Policy D1: Sustainable Forms of Development
Policy D2: The Design and Environmental Quality of Development
Policy D4: Managing Change in Rural Areas
Policy D5B: Development in the Green Belt
Policy H6: Conversions
Policy H11: Housing in Open Countryside
Policy T1A: Sustainable Location
Policy NC1: Protection of the Countryside: General Considerations
Policy NC2: Landscape Protection & Restoration
Policy NC18: Listed Buildings

Newcastle-under-Lyme Local Plan 2011

Policy S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy H9: Conversion of Rural Buildings for Living Accommodation
Policy E12: The Conversion of Rural Buildings
Policy T16: Development – General Parking Requirements
Policy N18: Areas of Active Landscape Conservation
Policy B6: Extension or alteration of Listed Buildings
Policy B7: Listed Buildings – Change of Use

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPS3: Housing
PPS7: Sustainable Development in Rural Areas
PPG15: Planning and the Historic Environment

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

Supplementary Planning Guidance

Supplementary Planning Guidance relating to the control of residential development

Housing Clarification Report (February 2008)

Planning History

04/01077/COU Change of use to dwelling with single storey extension – refused

07/00390/LBC Internal and external alterations and rear extension - approved

Views of Consultees

The **Conservation Advisory Working Party** objects to the sub-division of the properties with boundary walls preferring retention of the existing open aspect.

The **Environmental Health Division** has no objections, other than to request a condition about unexpected contamination.

The **Highway Authority** has no objections subject to conditions regarding access, parking and turning.

Betley, Balterley & Wrinehill Parish Council has not commented.

Representations

Nil

Applicants/agents submission

A Design and Access Statement has been submitted.

Key Issues

The property is an early nineteenth century Grade II Listed building. Listed building consent was granted earlier this year for internal and external alterations to the property and a rear single-storey extension (Ref. 07/390/LBC). The property is situated to the south of the village envelope of Betley. It is sited within an Area of Active Landscape Conservation and within the Green Belt as designated on the Proposals Map of the Local Plan.

An application for planning permission for the change of use of the schoolroom to a dwelling was refused in March 2005 (Ref. 04/1077/FUL) for the following reasons:

1. The proposed development does not comply with Policy H1 and H9 of the Newcastle-under-Lyme Local Plan 2011 or the aims and objectives of PPS7 which seek to ensure that development is located within the urban area or within a village envelope and that every reasonable attempt has been made to secure a suitable employment use of the premises which is supportive of the rural economy before a residential use is considered. The submission contains no substantive systematic rigorous investigation of the viability of such uses in terms of estimated costs and anticipated returns.
2. The proposed development would result in a new dwelling being located outside any defined settlement and would, because of its rural location, undermine the aims and objectives of PPG3 and PPG13 and is therefore contrary to Policies D1, D4, H2, H6 and T1A of the Staffordshire and Stoke-on-Trent Structure Plan 2011 and Policies S1, H1 and T1 of the Newcastle-under-Lyme Local Plan 2011.

It is considered that the main issues for consideration in the determination of this application are:

- Whether the development is appropriate or inappropriate in Green Belt terms.
- If inappropriate, whether very special circumstances exist to justify approval.

- Whether the development accords with policies on conversion of rural buildings to residential use.
- Any conflict with policies on development in the countryside.
- Whether there would be any impact on the Listed Building.
- Whether the proposal complies with policies on housing development.
- Whether there is any residential amenity or highway safety issue.

Appropriate or inappropriate development in the Green Belt?

Local and national planning policy advises against allowing inappropriate development in the Green Belt. PPG2 states that the re-use of buildings within the Green Belt is not inappropriate providing:

- (a) It does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it;
- (b) Strict control is exercised over the extension of re-used buildings and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it;
- (c) The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction;
- (d) The form, bulk and general design of the buildings are in keeping with their surroundings.

A relatively small-scale extension is proposed to the rear of the property but it is not considered that the proposed would have a materially greater impact than that of the present building on the openness of the Green Belt. Indeed the proposal in that it involves the demolition of the “works” building at the front of the property can be considered to enhance openness. The application building is capable of conversion without major reconstruction and it is considered that the proposal would be in keeping with the surrounding area.

In conclusion therefore, it is considered that the proposal would constitute appropriate development in the Green Belt and there is no need for the applicant to demonstrate very special circumstances.

Compliance with policies on the re-use of rural buildings which include the achievement of sustainable development objectives?

Structure Plan Policy H6 indicates that residential conversions should not create sporadic development in the countryside where first preference will be given for the reuse of existing buildings for employment purposes. Local Plan Policy H9 indicates that before the conversion of rural buildings for living accommodation can be considered, evidence must be provided to show that the applicant has made every reasonable attempt to secure a suitable business use for the premises, subject to Policy E12. It lists a series of criteria that include the requirement that the building does not require reconstruction, extension or substantial alteration and its form bulk and general design is in keeping with its surroundings. In this instance, the details of the proposal meet this requirement. The scheme has been designed to utilise as far as possible the existing openings within the fabric of the building and only a small extension to the rear of the property is proposed. It is considered therefore, that the conversion works would be sympathetic to the character of the building and the surrounding area.

PPS7 advises that in the determination of planning applications Local Planning Authorities should, inter alia, support development that delivers diverse and sustainable farming enterprise and support countryside based activities that contribute to rural economies. The government supports the reuse of appropriately located buildings where this would meet sustainable development objectives, and Policy H9 similarly indicates that the residential conversions need to be in sustainable locations. It states that reuse for economic development purposes will usually be preferable, but residential conversions may be more appropriate in certain locations, and for some types of buildings. The Statement goes on to indicate that Planning Authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns or villages, for economic or community uses or to provide housing in accordance with the policies in PPS3.

Whilst the building is not within the village envelope of Betley, it is contained within ribbon development that forms the settlement of Ravenshall and therefore, sporadic development in the

open countryside would not be created. PPG13 advises that housing development should be located, wherever possible, so as to promote sustainable means of travel to other facilities. PPS7 seeks to promote more sustainable patterns of development and states that developments in rural areas should give people the greatest opportunity to access them by public transport, walking and cycling in line with the policies set out in PPG13.

This site whilst it is in the countryside and some distance from Betley and its services, is on a bus route which has an hourly frequency of service so the future occupants of the dwellings would have some choice over their mode of travel. However, most importantly here, the building is Listed – a factor that was not noted and taken into account in 2004 - and has been unused for a significant length of time. It is not maintained and it is considered important that it is reused. The former shop to the front of the building would be demolished and it is considered that this would enhance the setting of the listed building.

The applicant has not sought to demonstrate that any attempt has been made to secure a suitable business use for the premises. Given the close proximity of the building to residential properties and the fact that any development needs to respect the character and setting of the listed building, it is considered that a residential use would be the most appropriate alternative use for this building.

On balance it is considered that refusal on such grounds could not be sustained.

Any conflict with policies on development in the countryside?

Policies NC1 and NC2 of the Structure Plan seek to protect the countryside for its own sake and Policy NC2 sets out a list of criteria by which applications should be determined.

The site lies within an Area of Active Landscape Conservation. Policy N18 of the Local Plan requires that development help to conserve the high quality and character of the landscape.

The proposal would not affect any landscape features and the alterations to the building would be sympathetic to the surrounding countryside. It is not considered that the proposal would have any adverse impact on the character of the landscape therefore.

Impact on the listed building

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

Listed building consent has been granted for the internal and external alterations to the property and for the extension (Ref. 07/00390/LBC). CAWP have expressed concern regarding the potential impact of boundary treatments on the setting of the Listed Building. Subject to the imposition of conditions requiring the submission of details, it is not considered that the works would have any detrimental impact on the character or appearance of the listed building.

Does the proposal comply with policies on housing development?

Policy H1 of the Local Plan does refer to the acceptability of housing conversions that comply with Policy H9. However there is substantial over-provision now anticipated relative to Structure Plan Policy H1 but the RSS has effectively superseded this policy. RSS Policy CF3 seeks to implement a step change progressively reducing housing provision outside the Major Urban Areas, and CF2 indicates that in rural areas the provision of new housing should be generally restricted to “meeting local housing needs.... with priority being given to the re-use of.....buildings within existing villages enhancing their character wherever possible”.

The Council's February 2008 housing clarification report does not promote a moratorium on rural residential conversions. It does however indicate that in that they involve agricultural buildings, as here, rural conversions should be treated as greenfield development; and that conversions to residential use can be permitted as being in accordance with policy (that seeks employment use as the preferred reuse). The report goes on to note that conversions, as well as being intrinsically more sustainable than new build, can often be used to conserve historic buildings and those of other architectural merit, but it does conclude by noting that some conversions will need to be resisted

referring to constraints on development in rural areas and in particular the statement that development will not be permitted in rural areas where the scale of development would be contrary to the RSS strategy of increasing the proportion of housing development taking place in urban areas. Only one unit is proposed in this instance.

Although the housing clarification refers to increasing the proportion of housing development taking place in urban areas it does not rule out all new housing within rural areas. Although outside the village envelope, the site does lie on the outskirts of a village and the proposal would successfully retain the listed building without detriment to its appearance. It is considered therefore, that on balance, a refusal on such grounds could not be sustained.

Residential amenity

No windows are proposed in the side elevation of the building and the neighbouring property to the south has an existing detached garage adjacent to the boundary. It is not considered that there would be any adverse impact on residential amenity therefore.

Highway safety

A driveway is proposed to serve both dwellings and parking is proposed to the rear. Sufficient parking is proposed for both properties.

Planning permission was granted in 2006 for a vehicular and pedestrian access to serve The Croft, approximately 8m to the north of the access now proposed (Ref. 06/909/FUL). The Highway Authority is concerned that in the interests of highway safety, that access should not be constructed. In terms of the setting of the Listed building this also has benefits as well, and is a further factor in support of the application. The applicant has signed a unilateral undertaking agreeing not to implement that permission. A shared access would be provided instead to serve both properties.

Subject to the imposition of conditions, it is not considered that an objection could be sustained on highway safety grounds.

Reason for the grant of planning permission:

Whilst the proposal would result in a new dwelling being located outside any defined settlement and would therefore be contrary to policies relating to the provision of new housing, it would bring this unused Grade II Listed Building into use and would not have any detrimental impact on its character or appearance.

Recommendation/conditions

Permit subject to the following conditions:

1. No works referred to in the grant of planning permission shall commence until full and precise details of the following have been submitted to and approved in writing by the Local Planning Authority: -
 - a) the external facing materials including for the driveway and parking areas
 - b) rainwater goods
 - c) a method statement for any repair works
 - d) boundary treatments

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

- R1. To protect and safeguard the historic fabric and appearance of the listed building in accordance with the requirement of Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policy B6 of the Newcastle-under-Lyme Local Plan 2011.
2. Before the proposed development is brought into use the parking and turning areas, as indicated on DEP Architects 1:200 Landscape Plan shall be surfaced and thereafter

maintained in a bound material with 2 parking bays for each property clearly delineated and retained for the life of the development.

- R2. In the interests of highway safety in accordance with the aims and objectives of PPG13.
- 3. Before the proposed development is brought into use the access shall be designed with a width of 4.2m for the first 10m rear of the highway boundary.
- R3. In the interests of highway safety and in accordance with the aims and objectives of PPG13.
- 4. Before the proposed development is brought into use the access shall be designed with a gradient not exceeding 1 in 10 for a minimum distance of 5m rear of the highway boundary.
- R4. In the interests of highway safety and in accordance with the aims and objectives of PPG13.
- 5. Any gates shall be positioned a minimum distance of 5m rear of the highway boundary and open away from the highway.
- R5. In the interests of highway safety and in accordance with the aims and objectives of PPG13.
- 6. Notwithstanding the provisions of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no extensions, external alterations, erection of outbuildings, or other development within the curtilage of the house, shall be carried out without the prior consent of the Local Planning Authority.
- R6. In the interests of the character and appearance of the Listed Building to comply with the requirements of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.
- 7. In the event that contamination is found that was not previously identified it shall be reported immediately to the Local Planning Authority and works must cease. An investigation and risk assessment must be undertaken, and where remediation is necessary a Remediation Strategy shall be submitted and agreed in writing with the Local Planning Authority. The agreed scheme shall be completed before work recommences unless otherwise agreed in writing by the Local Planning Authority.
- R7. To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to unacceptable risks from contamination during construction in accordance with the provisions of PPS1 and PPS23.

Performance Checks	Date		Date
Consultee/ Publicity Period	17.8.07	Decision Sent Out	
Case Officer Recommendation	26.2.08	8 Week Determination	12.9.07

OFFICER REPORT ON DELEGATED ITEMS

Applicant - Eldershaw **Application No 07/1050/FUL**

Location Butterton House, Park Road, Butterton

Description Replacement of windows on South West and North West elevations with cream uPVC double glazed sliding sash windows.

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

West Midlands Regional Spatial Strategy

Policy QE5 Protection and enhancement of the Historic Environment

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

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

Newcastle Under Lyme Local Plan 2011

Policy B8 Other Buildings of Historic or Architectural Interest
Policy B9 Prevention of harm to Conservation Areas
Policy B10 Requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B13 Design and development in Conservation Areas
Policy B14 Development in or adjoining the boundary of Conservation Areas

Other Material Considerations

Article 4(2) Direction

Butterton Conservation Area Appraisal

Relevant National Policy Guidance:

PPS1
PPG 15
Companion Guide to PPS1 – ‘The Planning System : General Principles’

Supplementary Planning Guidance

Whitmore Village Design Statement

Planning History

2007 07/467/FUL Refused – Replacement windows

Views of Consultees

The **Conservation Advisory Working Party** has no objections to the proposal. They welcomed the careful approach and the use of the cream textured finish to the window frames.

Whitmore Parish Council support this application and appreciates the changes and improvements in this application, compared to those in 07/467/FUL to the look of this stylish building.

Representations

As part of the submitted details by the applicant a copy of a letter from an adjacent neighbour has been received supporting the application.

Applicants/Agents submission

The application was accompanied by a planning statement.

The applicant's agent has submitted a letter questioning the validity of the north west elevation being part of the Article 4 direction.

Key Issues

This application is for full planning permission for the installation of uPVC sash windows on two elevations of the property. The application is part retrospective in that some of the windows have been installed.

The property was subject a previous planning application for a similar proposal which was refused in 2007. The reason for the refusal was due to the negative impact on the character and appearance of the Butterton Conservation Area.

The property is not listed however it is located in Butterton Conservation Area.

The Conservation Area is subject to a CA appraisal and an Article 4(2) direction which has been made and confirmed.

The making of the Direction has lead to the requirement for the submission of this application.

A report presented to Planning Committee 31 January 2006 which sought authority to place the Article 4(2) direction on Butterton Conservation Area specifically identified the types of works which the Direction should control including "alterations to window materials and casements (such as inserting PVC windows)".

The 2007 Butterton Conservation Area Appraisal identifies Butterton House as a historic building which contributes (positively) to the character of the Conservation Area.

The main issue for consideration in the determination of this application is the impact of the replacement windows on the appearance and character of the Conservation Area.

The property is an impressive 3 storey property used as a private residence. The dwelling is set off and above the adjacent highway in its own grounds, the elevations referred to in this application are visible from either Park Road, or the cul de sac serving 1 – 5 The Barns and Estate Cottage.

The existing windows to be replaced are 12 single glazed timber sashes and 2 windows on the 2nd floor attic rooms. The existing front door/porch will remain undisturbed. The timber frames and glazing bars on the existing windows are slender and maximise the glazing areas. At some point in the past the first floor windows have been reduced in height (there is still evidence of the brick header lintel). This alteration may be to accommodate a second floor but the LPA has no evidence this was the case.

Whilst the design of the 12 timber sash windows is predominantly the same there are number of subtle differences between these windows which would indicate the process of repairs and renewals over the years. For example some have been replaced without the decorative horns under the top casement of the window. Of the fourteen windows, 7 are original, 7 have been replaced at some time (in wood and lack such good detailing as the originals) whilst three have already been replaced by the applicants in uPVC.

The proposed alteration would involve the installation of uPVC sash windows, it is proposed the finishing colour of these would cream as opposed the standard white. A sample of this has been obtained – the textured surface and colour are applied by the use of a film. The sample window (No.9) has been installed to assist the decision maker in determining the application. The agent has indicated that it would be possible to provide the same reveal to the work as exists at present. No measured drawings of the windows as existing have been provided with the application. The thickness of the proposed frames and the glazing bars would be slightly wider and as such bulkier than those they are replacing resulting in slightly less glazing area to each window. It should be noted on the previous application the LPA was lead to believe that vertical glazing bars were only used for aesthetic purposes, however, it is clear from the installed sample they form part of the main structure of the glazing units.

The use of a non traditional and nonauthentic material uPVC is proposed on these elevations. On the other two elevations the windows have been replaced with the same uPVC windows as being proposed on the elevations which are referred to in this application

Some representations/queries have been made in respect of which elevations are referred to the Article 4(2) direction -i.e. front a “highway, waterway, or open space - namely the north west elevation (included in this application) and the south east elevation (not part of this application). The Direction itself refers to the “enlargement, improvement or alteration of a dwellinghouse, where any part of the enlargement, improvement or alteration would front a highway, waterway, or open space”. Para 17 of Appendix D to Circular 9/95 explains that in the case of a property which fronts a road, but whose side and rear front private land, an extension to the side of the house could be covered by such a Direction if a wall to the extension would front (i.e. face) the road. Here the works are ones of alteration rather than enlargement.

Written advice had been given by an officer of the authority prior to the submission of the previous application that the Direction applied only to the “two elevations which fronted the two roads”. On the basis of this advice the owner proceeded to renew the windows on the southeastern and northeastern elevations. It is considered that with respect to the southeastern elevation and the curvature of the highway that is an elevation which “fronts” onto a highway, but it would be plainly unreasonable to now take enforcement action with respect to the alterations that have been undertaken to that elevation. It is also accepted that in the light of information provided by the agent about the status of cul de sac that the north west elevation does not “front” onto a highway – a highway being by definition a route to which the public have a right of access.

The case for retention of the existing windows is based on the visual contribution the building makes to the character and appearance of the Conservation Area.

In consideration of the proposed replacement of the windows, it should be noted that:-

- Butterson House is sited at least 20 metres off Park Road and approximately 15 metres off the road leading to The Barns and Estate Cottage,
- There is intervening landscaping/vegetation between the highway and the property.
- Park Road adjacent to Butterson House is at a lower level and partially in a cutting
-
- A significant number of the windows are not original,
-

In conclusion it is considered the replacement windows would not adversely harm the character or appearance of this part of Butterson Conservation Area given:-

- The applicant’s intention to use a material, an appropriate finish of cream colour and grained texture.
- The style/design of the replacement would replicate as far as possible the ones there would replace.
- The existing windows have been repaired/replaced in the past with some 7 out of the 14 being “non original”
- The distance the property is viewed at from any public vantage point and the difficulty of easily distinguishing at that distance the original windows from those now proposed – the difference being the slimmer vertical glazing bar in the proposed windows.

- Improvements to an elevation by the replacement of standard casement windows with sash style windows to match the remainder of the elevation (in the case of windows 13 and 14 on the North West elevation)
- Given that such changes have been made to other elevations there would be no consistency in the appearance of the property should permission be refused
- The acceptance now that the northwest elevation does not front onto a highway.
- This proposal together with other restoration/alteration works of the property will ensure the medium to long-term stewardship of this important building in the Conservation Area.

Reason for granting planning permission

Although there would be a difference in appearance between the existing windows and those proposed, having regard to the particular circumstances of this case including the nature of that difference, the distance from which it would be viewed, the enhancement element involved in certain replacement works and the issue of the consistency of fenestration treatment it is considered that the proposal does not adversely impact on the character or appearance of the Conservation Area and accords with provisions of the development plan for the locality indicated in the decision notice and there are no other material considerations which would justify a refusal of planning permission

Recommendation

Permit subject to

1. The replacement windows shall be installed fully in accordance with the submitted details in terms of window design and style, the cream finishing colour and grained texture.

R – For the avoidance of doubt and to protect the character and appearance and character of Butterton Conservation Area in accordance with the requirements of policies B8, B9, B10 and B13 of the Newcastle under Lyme Local Plan 2011.

2. The replacement windows shall be installed to match the reveals of the existing timber sash windows.

R – To protect the character and appearance and character of Butterton Conservation Area in accordance with the requirements of policies B8, B9, B10 and B13 of the Newcastle under Lyme Local Plan 2011.

Note to applicant

N10 - Crime and Disorder note.

Performance Checks	Date		Date
Consultee/ Publicity Period	06/02/08	Decision Sent Out	
Case Officer Recommendation	07/02/08	8 Week Determination	08/02/08
Report Cleared by Process To GRB			
Management check	GRB 7.2		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Brown and Corbishley **Application No** 07/1081/LBC

Location Queens Chambers, 2 Queen Street, Newcastle

Description Internal and external alterations

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

West Midlands Regional Spatial Strategy

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

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy NC18: Listed Buildings

Newcastle Under Lyme Local Plan 2011

Policy B6: Extension or alteration of Listed Buildings

Other Material Considerations

Relevant National Policy Guidance:

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

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

Planning History

See history sheet on file

Views of Consultees

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

Representations

None

Applicants/agents submission

A Design and Access Statement has been submitted.

Key Issues

The property is an early nineteenth century Grade II Listed building. This application is for listed building consent for internal and external alterations to the property.

The alterations relate the second floor accommodation which is currently used for filing and general storage connected the solicitors' offices located on the ground and first floors of the building. The alterations would form three offices.

The alterations would consist of :-

- The removal of internal partitions, file racking, internal cupboards
- The removal and replacement of all ceilings
- Levelling floor boards
- Repairs to wall plaster
- Increase the size of 2 loft hatches
- Existing joinery work to be stripped down and repaired where necessary
- Replace 5 external casement timber windows (like for like)
- Provision of a new glazed screen within an existing archway

Negotiations have taken place with the Council's Conservation Officer regarding the works to be carried out and clarification has been sought and confirmation has been received regarding the detail of the works to be carried out.

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

The second floor has very little architectural detailing which reflects the probable original use for domestic staff quarters.

The proposal includes for the retention of what existing detailing there is and exposes of further detail previously hidden by insensitive alterations in the past.

The alteration would bring this part of building into active use and thereby further safeguarding the future of the building.

Reason for the grant of this Listed building consent

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

Recommendation/conditions

Grant consent subject to the following conditions

6. No works referred to in this listed building consent shall commence until full and precise details of the following have been submitted to and approved in writing by the Local Planning Authority: -
 - e) All new joinery works
 - f) A method statement for any repair works

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

- R1. To protect and safeguard the historic fabric and appearance of the listed building in accordance with the requirement of Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policy B6 of the Newcastle-under-Lyme Local Plan 2011.
7. This consent relates to the proposals indicated on the Wood Goldstraw Yorath drawing number 3755-01-03 revision A and the details contained within the email communication from Wood Goldstraw Yorath dated 21 January 2008 marked 'LPA1' and attached to this consent.
- R2. For the avoidance of doubt and to reflect the submission of revised proposals during the consideration of the application.

Note to Applicant

You are requested to inform the local planning authority at least 7 days in advance of the date you intend to commence the works related to this consent.

Performance Checks	Date		Date
Consultee/ Publicity Period	06/02/08	Decision Sent Out	
Case Officer Recommendation	14/02/08	8 Week Determination	15/02/08
	GRb 14.2		