

When calling or telephoning please ask for

Mr G Durham

Direct line or ext

742222

My ref

GD/EVB – R82/48

8 January 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, 19 JANUARY 2010** at **7pm**.

AGENDA

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of meeting held to be signed by the Chair
3. Minutes of meeting held on 22 December 2009 (copy attached for non-Council Members information).
4. To consider the attached reports at Appendix A and B (blue and salmon paper).
5. To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the Officer.
6. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Yours faithfully

P W CLISBY

Head of Central Services

Members: Councillors Miss Cooper, Heesom, Mrs Naylor, Slater and Mrs Williams

Outside Representatives: Messrs Chatterton, Ferrington, Heeks, Manning, McNair Lewis, 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**

**APPENDIX 'A'
(Blue Paper)**

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
09/521/FUL	Butterton House, Park Road, Butterton. N Eldershaw.	Erection of new garage/stable building and change of use of land for the keeping of horses.	The Working Party shared the serious concerns expressed by Whitmore Parish Council concerning the scale, height and design of the proposed development and its likely detrimental impact on the setting and amenity of adjoining properties. As such, the proposal, if permitted, would conflict with aspects of Policy B10 of the Newcastle-under-Lyme Local Plan 2011.	Refused under Delegated Powers 14/12/09.
09/586/DEEM3	Kidsgrove Depot Site, Liverpool Road, Kidsgrove Newcastle under Lyme Borough Council.	Removal of existing buildings and redevelopment of entrance, parking and storage areas.	The Working Party welcomed the demolition of these unattractive and redundant buildings agreeing that there would be no adverse affect on the adjoining Kidsgrove Town Hall. Although there was not considered to be any conflict with Policy B10 of the Newcastle-under-Lyme Local Plan 2011, the Working Party did feel that the design of the replacement buildings lacked imagination in terms of design expressing a preference for the use of pitched roofs that would be more in keeping with adjoining buildings.	Permitted by Planning Committee 8/12/09.
09/587/DEEM3	18-20 High Street, Newcastle 81-83 High Street, Newcastle and adjacent to Greggs, Castle Walk, Newcastle Newcastle-under-Lyme Borough Council.	Installation of alley gates at three locations in the town centre.	No objections.	Permitted by Planning Committee 8/12/09.

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
09/679/LBC	The School Rooms and the Croft, Main Road, Betley. Mr & Mrs A Southall.	Change of use from school rooms to form additional accommodation, alterations and ground floor rear extension and new vehicular access.	Affects the setting of a listed building.	Councillor D Becket Councillor A Wemyss
09/722/FUL	Smithy Cottage, 35 Mucklestone Road, Mucklestone. Mr I Phillips.	Retention of widened access, together with re-erection of stone pillar.	Within Mucklestone Conservation Area.	Councillor P Maskery Councillor Mrs F Myatt Councillor B Tomkins
09/723/AGR	Smithy Cottage, 35 Mucklestone Road, Mucklestone. Mr I Phillips.	Erection of steel framed barn.	Within Mucklestone Conservation Area.	Councillor P Maskery Councillor Mrs F Myatt Councillor B Tomkins
09/724/AGR	Mucklestone Nurseries, Church Farm, Eccleshall Road, Mucklestone Mr B Watkins.	Polytunnel for horticulture.	Within Mucklestone Conservation Area.	Councillor P Maskery Councillor Mrs F Myatt Councillor B Tomkins
09/734/DEEM3	Holdcroft Motor Centre, Brunswick Street, Newcastle. Newcastle Borough Council.	Proposed health and wellbeing centre which includes a 25m swimming pool, learner pool, spectator gallery, changing facilities, climbing wall, fitness suite, children's activity zone, dance studio and multi-purpose room.	Affects the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton
09/735/ADV	Jubilee Baths, Nelson Place, Newcastle. Newcastle Borough Council.	3 non illuminated banner advertisements.	Within the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton

OFFICER REPORT ON DELEGATED ITEMS

Applicant:- N Eldershaw

Application No: 09/00521/FUL

Location: Butterton House Park Road Butterton

Description: Erection of new garage/ stable block and change of use of land for the keeping of horses

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

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

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: Design and Environmental Quality of Development
Policy D5B: Development in the Green Belt
Policy NC1: Protection of the Countryside : General Consideration
Policy NC2: Landscape Protection and Restoration
Policy NC13: Protection of Trees, Hedgerows and Woodlands
Policy NC19: Conservation Areas
Policy T1A: Sustainable Location
Policy T3: Rural Areas

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 N12: Development and the protection of trees
Policy N17: Landscape Character –General Considerations
Policy N19: Landscape Maintenance Areas
Policy T16: Development – General Parking Requirements

Other Material Considerations

Relevant National Policy Guidance:

PPS1

PPG2

PPS 7

PPG 15

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

Supplementary Planning Guidance

Space about dwellings

Whitmore Village Design statement

Butterton Conservation Area Appraisal and Management Plan August 2007

Views of Consultees

The **Conservation Advisory Working Party** shares serious concerns concerning the scale, height and design of the proposal and its likely detrimental impact on the setting and amenity of adjoining property and therefore conflicts with aspects of policy B10 of the Local Plan.

Whitmore Parish Council strongly opposes the application on the following grounds:-

- The size of the proposed building conflicting with the Whitmore Village Design Statement
- The proposal contravenes policy B10 of the Local Plan
- The potential future use of the building
- The design of the building
- The lack of pre-application discussion between the applicant and his neighbour or the local community.

The **Environmental Health division** has no objections subject to no burning of waste, the garage use is restricted to the storage of motor vehicles only and approval of any external lighting

The **Landscape Development Section** objects to the proposal on the grounds it would be detrimental to protected trees on or adjacent to the site. Recommending the proposal should be relocated and the application should be accompanied by a tree survey, tree inspection and tree constraints plan.

Representations

One letter of objection has been received raising the following concerns:-

- The excessive size of the proposal and it not being sympathetic to its surroundings
- Loss of views
- The proposal would be overbearing and cast shadows over the adjacent property
- The proposal would have an adverse impact on the Conservation Area
- Concern over the lack of consultation with neighbours
- Drainage concerns
- Future Maintenance issues
- The type of construction proposed

- The loss of trees
- The proposed use of materials
- The erection of a chimney
- Noise and smells from the keeping of horses

Applicants/Agents Submission

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

Key Issues

This application is for full planning permission for the erection of a detached building to be used for garaging and stables, the proposal also involves the change of use of land to the rear for the keeping of horses. The building designed in a 'L' shaped configuration would contain 3 double garages and 2 stables with an open sided covered area leading to the paddock. The building would have a maximum width of 17.7 metres and a maximum depth of 17.7 metres and an overall height of 6.18 metres. The proposal would be positioned at a lower ground level than the surrounding area.

The site is located within the Green Belt, within Butterton Conservation Area and outside any recognised village envelope boundary and within a Landscape Maintenance Area as defined by the Local Plan proposals map. The site forms part of a paddock area adjacent to a detached former farmhouse.

The key issues to be considered are:-

- Does the proposal harm the character or appearance of the Conservation Area
- Is the development appropriate or inappropriate development within the Green Belt
- and if inappropriate development do the required very special circumstances exist
- Does the development comply with landscape policies
- Impact on trees
- Impact on Residential Amenity

Harmful to the Conservation Area?

The local planning authority has a duty to pay special attention to whether a development would be harmful to the character and appearance of the Conservation Area.

The Butterton Conservation Area – Character Appraisal and Management Plan states:-

“The village of Butterton is spread over half a mile with houses sporadically placed along the villages main streets. It splits into two distinct areas , the village and the Butterton Old Hall estate properties, which both have a rural setting surrounded by farmland with extensive countryside views”.

“The Conservation Area lies within the Landscape Park of the former Butterton Hall and includes the group of buildings situated around the site of the old Butterton Hall, St Thomas Church, the surrounding woodland, Butterton Dyke and extends to include Park Lodge.”

These descriptions clearly indicate the varied character of this Conservation Area being made up of former estate buildings and open countryside.

This part of Conservation Area is undeveloped and the proposal would introduce a substantial built form beyond the historic cluster of former estate buildings and it is

considered this would have a detrimental impact on the character and appearance of the Conservation Area and as such should be resisted on these grounds

CAWP have raised concerns regarding the proposal in terms of its impact on the Conservation Area.

Appropriate or inappropriate development in the Green Belt?

One of five purposes of the Green Belt, as defined in PPG2, is to assist in safeguarding the countryside from encroachment, it also indicates that in addition to the general policies on development in the Green Belt there is a general presumption against inappropriate development within them. Development is inappropriate unless it is for one of a limited number of listed purposes. Limited extension, alteration or replacement of existing dwellings may be acceptable however, it is considered, this proposal would not fit comfortably into this category. Local Plan Green Belt policy follows a similar line to national planning policy as does the Structure Plan policy.

The proposal clearly encroaches into the countryside and whilst it would be difficult to express this as urban sprawl in this context, the proposal would definitely have a detrimental impact by reducing the Green Belts openness which is one of its specific qualities despite the proposal being located at a lower ground.

The proposal is inappropriate development.

Very special circumstances?

Inappropriate development should not be approved, except in very special circumstances. Inappropriate development is by definition harmful to the Green Belt, and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The LPA is thus required to weigh in the balance the harm and any other considerations.

The onus is placed on the applicant to demonstrate that the very special circumstances exist to warrant allowing inappropriate development in the Green Belt. Whilst the Applicant's agent has submitted a Design And Access Statement this does not provide the justification to allow the proposal.

Impact on trees

Being in a Conservation Area the trees within it are protected, the site also benefits from an area Tree Preservation Order. There are a number of trees along the former hedgerow which are protected, the submitted details show some of these trees would be removed. Whilst it is understood additional tree planting has been undertaken on the adjoining land no evidence/tree survey has been submitted to justify removal of these trees. It is considered these trees add to both the character of the Conservation Area and the wider landscape. It is considered the proposal should be resisted on these grounds.

Compliance with local landscape policies

The site lies within a Landscape Maintenance Area. The policy (N19) indicates the Council will seek to maintain the high quality and characteristic landscapes in Landscape Maintenance Areas as shown on the Proposal Map. Where development can be permitted, it will be expected to contribute to this aim. Within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

Given this proposal is considered to encroach into an area of previously undeveloped countryside and would involve the removal of hedge line trees it is considered the proposal would not contribute to the landscape quality of the area and as such should be resisted.

Residential amenity

The proposal is sited approximately 15 metres from the nearest adjacent property. When applying the adopted Supplementary planning guidance relating to space about dwelling the proposal would not conflict with the guidance found within the document.

Recommendation

Refuse due to

1. The proposed development would be harmful to the character and appearance of this part of the Butterton Conservation Area by reason of its scale, siting and massing in an area of open countryside that is of importance to the character and appearance of the Conservation Area and accordingly it does not accord with the policies and the guidance within PPG15; Policy NC19 of the Staffordshire and Stoke on Trent Structure Plan; Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 -2026; and Policy B10 and B14 of the Newcastle Local Plan 2011.
2. The development constitutes inappropriate development in the Green Belt contrary to PPG2, Policy D5B in the Staffordshire and Stoke on Trent Structure Plan (1996 - 2011), and Policy S3 in the Newcastle under Lyme Local Plan 2011 and the applicant has failed to demonstrate that the required very special circumstances exist in this case to justify approval of the application.
3. The development involves to the removal of protected visually significant trees, no justification has been provided to warrant their removal therefore the proposal would be contrary to Policy NC13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011; and Policy N12 of the Newcastle-under-Lyme Local Plan 2011.