

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

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

9 January 2009

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, 20 January 2009** at **7.00pm**.

AGENDA

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of previous meetings.
3. Minutes of meeting held on 5 January 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

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

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

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
08/555/FUL	Madeley Village Hall and Lea House, Furnace Lane, Madeley. Madeley Project Group & H21.	Sixty-three two-bedroom flats Extra Care Scheme linked to New Madeley Community building replacing existing residential care home (Lea House) and existing village hall and scout hut.	No objections in principle to this proposal. However, Members requested that the car park be better sited so as to not be the first aspect of the development to be seen. Alternatively, a landscaping scheme could be agreed.	Permitted by Planning Committee 5/5/2008.
08/884/FUL	Chamberlain House, Chamberlain Court, Betley. Mr B Baldwin.	Two storey side extension.	No objections.	Permitted under Delegated Powers 22/12/2008.
08/895/FUL	Kingsley, Brampton Road, Newcastle. Aspire Housing.	Siting of replacement generator and 2m high screen fence.	No objections	Refused under Delegated Powers 22/12/2008.
08/915/FUL & 08/916/LBC	The Old Bulls Head, Lad Lane, Newcastle. Punch Taverns.	New timber/glazed roof shelter to rear yard area, including new hard landscaping and boundary wall demolition and rebuilding. Minor internal alterations to provide separation from new public access route to private accommodation at first floor.	No objections. Members welcomed the proposals that would improve the Town Centre Conservation Area and enhance this Listed Building.	Permitted under Delegated Powers 17/12/2008.

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
08/639/FUL	Rethink. Grove Court, 100 Lancaster Road, Newcastle. Ms L Scott.	Rear conservatory.	Within the Stubbs Walk Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton
08/779/FUL	6 Queen Street, Newcastle. Charter Veterinary Surgeons.	Formation of parking following demolition of building.	Within the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton
08/967/FUL	Holiday Cottage 3, Maer Hall, Maer. Mr B Fradley.	Relocation of existing holiday unit from the hayloft to Bothy Cottage and use of the former hayloft as a dwelling without complying with Condition 1 of 06/723/FUL which restricts occupation to short term holiday accommodation.	Within the Maer Conservation Area.	Councillor P Maskery Councillor Mrs F Myatt Councillor B Tomkins
08/971/FUL	The Observatory, Keele University, Keele. University of Keele.	Extension to Observatory to provide new toilets, entrance, exhibition space and extension to existing lecture room.	Within Keele Historic Parks and Gardens.	Councillor Mrs W Naylor Councillor R Studd

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr Brian Baldwin
Application No: 08/00884/FUL
Location: Chamberlain House, Chamberlain Court, Betley, Newcastle
Description: Two Storey Side Extension.

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

West Midlands Regional Spatial Strategy

Policy Q3: Creating a High Quality Built Environment

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 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.

Other Material Considerations:

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)

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

Supplementary Planning Guidance

Space Around Dwellings (2004)

Relevant Planning History

NNR5011	PER	5.03.1970	Erection of Dwellinghouse
NNR5227	PER	18.02.1971	Erection of Garage
NNR6321	REF	24.07.2003	Erection of Dwelling
05/01059/FUL	PER	5.1.2006	Rear Conservatory

See also history sheet on file – none relevant to this proposal.

Views of Consultees

Betley Parish Council - no response to consultation.

Conservation Advisory Working Party - no objections.

Representations

One letter of objection. The issues raised are over domination, over development, lack of need for the extension, proposal spoils the proportions and line of the existing building, traffic congestion and obstruction during construction.

Applicant's/Agent's Submission

Design and Access Statement. The proposal is the preferred scheme of the various options considered. The proposal has been sympathetically designed and should not cause any harm to the appearance of the conservation area. The additional room is needed due to the present lack of laundry facilities. The proposal does not significantly increase the footprint of the dwelling. It is proposed to use all matching materials.

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. The single storey side wing/projection at the southern end of the main elevation is to be increased to two floors by raising the side walls, roof pitch and insertion of a rear dormer. The rear dormer will contain a French window serving a balcony.

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 occur; 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 has a balcony at first floor level so overlooking could be possible. The

location of the house however, in relation to its neighbours, the openness to the rear, together with tall boundaries and the presence of trees, should overcome this issue. The balcony would also look out to the rear end of the adjacent property's garden with a relationship similar to that of a traditional rear facing window which would not have an adverse impact upon residential amenity. The work would sit within the shadow of the main building so not cause any additional shadowing or dominance of the neighbouring property. The proposal is primarily the raising the roof of an existing minor part of the structure, the proposal will accordingly not produce any material intensification of occupation. Accordingly the volume of traffic using the access will not increase in the long term. 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 does accord with provisions of the development plan for the locality indicated in the decision notice and there are no other material considerations that would justify a refusal of planning permission.

Recommendation

Permit subject to:

1. **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.

- R1. In the interests of amenity to comply with the requirements of policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policies B9, B10, B13 and H18 of the Newcastle-under-Lyme Local Plan 2011.

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	12.12.2008	Decision Sent Out	
Case Officer Recommendation	15.12.2008	8 Week Determination	11.02.2008
Management check			

OFFICER REPORT ON DELEGATED ITEMS

- Applicant:** Aspire Housing
- Application No:** 08/00895/FUL
- Location:** Kingsley, The Brampton, Newcastle.
- Description:** Diesel Generator and Two metre high Screen fence.

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

West Midlands Regional Spatial Strategy

Policy QE3: Creating a High Quality Built Environment for all

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

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

Newcastle Under Lyme Local Plan 2011

- Policy B1: Historic Heritage
Policy B5: Control of Development affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area.

Other Material Considerations

Relevant National Policy Guidance

- PPS1: Delivering Sustainable Development (2005)
PPG15 Planning and the Historic Environment
- Companion Guide to PPS1 "The Planning System: General Principles"
PPG24 Planning and Noise

Relevant Planning History

None relevant to this application.

Views of Consultees

Environmental Health Division: - The application should be resisted. Potential for noise to be experienced by occupiers of nearby properties. The proposed siting is very close to the boundary with Brampton Court Flats and is therefore located at the least suitable location. The objection could be overcome by a more suitable location away from the proposed development being found.

Conservation Advisory Working Party: - No objections, subject to careful

screening with appropriate landscaping.

Representations

Nil.

Applicants/Agents Submission

Design and Access statement has been submitted with the application.

The Generator is to be installed to provide adequate back up to the mains electricity supply. This has occurred six times within the last six months, on each occasion lasting no more than 30 seconds. They will also be run quarterly as part of their maintenance programme.

Materials are to be in accord with those currently used on the site.

Key Issues

The application is for a standby generator and screening within the Brampton Conservation Area. The generator is a replacement for the existing one which is located to the rear of the building on the north side. The proposed location of the present application is at the front of the building on the south side. The location is this point because it is adjacent to the boiler house which contains all the switch gear into which the high capacity supply cable has to connect. Placing the replacement generator at the same location as the existing one would entail laying a new supply cable for the generator to the boiler room.

Given the location of the site within the urban area, the relevant policies listed above and the features of the site, the key issues to be considered are:

- residential amenity;
- visual amenity and in particular whether the proposal preserves or enhances the character and appearance of the Conservation Area.

Residential amenity

Structure Plan Policy D2 indicates that development should generally conserve and where possible improve the quality of life and the environment and should (c) minimise nuisance from noise. PPG 24 recognises that noise can be a material consideration in the determination of planning applications and with respect to noisy development recognises that most development that is necessary for the creation of jobs will generate noise, that the planning system should not place unjustifiable obstacles in the way of such development, but LPAs should also ensure that development does not cause an unacceptable level of intrusion. The generator is only five metres from the side of the flats at Brampton Court. Details of the anticipated noise levels arising from the generator at a similar distance (7 metres) are provided in the application documentation. The Environmental Health Division's technical advice is that at this close distance noise disturbance to the occupiers of the flats is bound to occur. In the past twelve months there have been four test and six 'real' start ups by the existing generator so residential disturbance is likely to occur around ten times a year – or potentially more should breaks in electricity supply become more frequent. The events could occur at night (although tests could be programmed to occur during the day). Although disturbances would probably be a relatively infrequent and short live event, the severity of the disturbance is such that it

would be an unacceptable level of intrusion.

Being set within a planted area beside a tall hedge the generator or screening would not produce loss of residential amenity through their bulk or height.

Visual amenity

The generator is to be set in a planted area, forming part of the area at the front of this building, within the Brampton Conservation Area. As such the LPA has to pay special regard to the preservation or enhancement of the CA in the exercise of its planning powers. The machine is rectangular being 3.6 metres long, 1.875 metres high and 1.150 metres wide. It is to be screened by a new 2 metre high timber trellis panel fence with climbers. Precise details of the screen have not been provided but with careful planning and restoration of the planting the appearance it should be acceptable.

Recommendation

Refuse:

The generator by virtue of its location and noise output will cause an unacceptable loss of amenity to neighbouring residents contrary to Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, and guidance within PPG24 Planning and Noise.

Performance Checks	Date		Date
Consultee/ Period	12.12.08	Decision Sent Out	
Case Recommendation	22.12.08	8 Week Determination	31.12.08
Management check	Grb 24.12		

OFFICER REPORT ON DELEGATED ITEMS

- Applicant:** Punch Taverns
- Application No:** 08/00915/FUL
- Location:** Old Bulls Head, Lad Lane, Newcastle
- Description:** Ground New timber/ glazed roof shelter to rear yard area, including new hard-landscaping & boundary wall demolition & rebuilding

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

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

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

Newcastle Under Lyme Local Plan 2011

- Policy B5: Control of development affecting the setting of a Listed building
Policy B6: Extension or Alteration of Listed Buildings
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development In Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

Other Material Considerations

- Circular 11/95 - Conditions
By Design – Urban Design in the Planning System: Towards Better Practice (DETR/CABE, 2000)
By Design – Better Places to Live (DTLR, 2001)
Safer Places – the Planning System and Crime Prevention (ODPM/ Home Office, 2003)
Planning and Access for Disabled People: A Good Practice Guide (ODPM, 2003)

Relevant National Policy Guidance:

- PPS1: Delivering Sustainable Development
PPG15: Planning and the Historic Environment
PPG24: Planning and noise

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

Supplementary Planning Guidance

Planning History

08/00916/LBC - New timber/glazed roof shelter to rear yard area, including new hard-landscaping and boundary wall demolition and rebuilding. Minor internal alterations to provide separation from new public access route to private accommodation at first floor - under consideration

See planning history sheet on the file for comprehensive site history.

Views of Consultees

Environmental Health makes the following comments; in providing a location for smoking it is considered that there will be an increase in numbers of customers using this outside area. Intensification in the outside use will inevitably cause an increase in noise levels from patrons that could potentially cause nuisance/disturbance to the occupiers of residential properties located close to the shelter. However, the following conditions should be applied to prevent nuisance:-

- Fit self closers to the access/egress doors from the club to the outside area
- No outdoor seating or tables
- No outdoor speakers or amplified music/voice/entertainment.
- Full and precise details of an external lighting scheme for the site shall be submitted to the Local Planning Authority for prior approval.

Conservation Advisory Working Party has no objections and welcomes the proposals that would improve the Conservation Area and enhance this listed building.

Representations

Nil

Applicants/Agents Submission

A Design and Access Statement has been submitted as part of the planning application

Key Issues

The proposal is for an external smoking shelter/area at the rear of the public house on Lad Lane in Newcastle Town Centre. The Bulls Head is a Listed Building within the town centre conservation area. The proposal will result in a boundary wall being demolished and rebuilt and so only the very top/ roof of the shelter will be visible above the rebuilt brick walls. A separate listed building consent application is being determined by the Local Planning Authority.

Key issues in the determination of the development therefore are:

- the design of the proposal and
- the impact on the character of the Grade II Listed Building and Conservation Area
- the impact of the proposal on residential amenity of adjacent occupiers and

crime and disorder

Design of the proposals

PPS1 paragraph 3 refers to sustainable development and states:

“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.’”

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

The application premises are a Grade II Listed Building which is a public house off Lad Lane in the Newcastle Town Centre Conservation Area. The proposal is to develop an external unused area at the rear into an external smoking area/ shelter. The smoking area will have a floor area which measures 4.7m by 5.2m in length and width respectively and will be enclosed by a rebuilt brick wall following demolition of an existing wall which is in a state of disrepair. The replacement wall will measure a maximum of 3.1 metres in height and will screen much of the smoking area/ shelter from view. The wall is built up to the alleyway at the side, thus maintaining the existing narrow walkway and occupying the same location as the existing wall, both at the side and rear.

The smoking area/shelter will have direct access from the rear fire escape of the main public house with steps up to the smoking area. A new tanalised timber pergola with polycarbonate roof over part of the smoking area to form a shelter is proposed. Only the top 0.5 metres of the pergola and roof will be visible above the rebuilt side brick wall. The external smoking yard area will be paved in Yorkshire paving. Existing gates will remain in both the side and rear newly built walls, these gates will be upgraded with a new timber gate, frame and concrete lintel over.

The design and location of the smoking area and shelter is considered acceptable and done to a reasonably high standard and a majority of the smoking shelter would be hidden by the rebuilt brick wall. The area is considered small but the alleyway running adjacent to it results in it having visual merits within its surroundings. Therefore it is considered that the proposal will enhance the alleyway which currently has no merit in terms of its appearance on this part of the town centre.

The design of the proposal complies with the guidance provided within PPS1, paragraphs 3 and 33, this being deemed acceptable.

Impact on the character of the Grade II Listed Building and Conservation Area

Policy B6 of the Local Plan seeks to resist alterations to a listed building that would adversely affect its character or architectural or historic features. Policy B9, B10, B13 and B14 seeks to prevent harm of development on Conservations Areas and a requirement to preserve or enhance the character or appearance of a Conservation Area.

The property is a Grade II listed building and is located within the Newcastle Town

Centre Conservation Area and in particular, policies B6 and B10 are of importance in this instance.

As discussed earlier in the report, the external smoking area/ shelter is at the rear of the public house and although the area is quite secluded from any main vantage points within the wider surrounding area, a narrow alley at the side/ rear provides a passageway for pedestrians. The area to be developed is currently untidy and unsafe and the proposal will include the rebuilding of walls at the side and rear of the external area. This area is currently enclosed with a brick wall of a similar size but is in a state of disrepair. The rebuilding of the wall will enhance the appearance of this rear area and screen the main shelter and smoking area from wider views. Therefore, only the roof will be visible above the brick walls.

Conditions related to the rebuilding of the wall, as like for like replacements, with a sample of pointing and coursing for the approval of the Council will be sought and a sample of any replacement bricks for approval will also be required.

Although views of the proposal from the wider area are limited, thus minimising the impact on the Conservation Area, there is a narrow alleyway to the side/ rear whereby the rebuilt wall will be built up to. However, the existing area at the rear is currently unsightly with the wall being in a state of disrepair. Therefore, it is considered that the proposal would enhance the appearance of the alley way and Conservation area in general.

The smoking shelter itself could be removed in the future without harming the general fabric of the listed building. A double door gate is proposed in the rear wall to allow refuse bins to be brought inside which would also de-clutter the appearance of the alleyway which is also considered to enhance the appearance of the Conservation Area.

It is considered that the proposed development would not harm the character of the building, in accordance with policy B6, and it would enhance the appearance of the Conservation Area whilst not having any detrimental impact on the character or appearance of the Conservation Area. This being in accordance with policy B9, B10, B13 and B14 of the Local Plan.

The impact of the proposal on residential amenity of adjacent occupiers and crime and disorder

PPG24 refers to Noise and states:

“The impact of noise can be a material consideration in the determination of planning applications. The planning system has the task of guiding development to the most appropriate locations. It will be hard to reconcile some land uses, such as housing, hospitals or schools, with other activities which generate high levels of noise, but the planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise (such as road, rail and air transport and certain types of industrial development). It is equally important that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses. Development plans provide the policy framework within which these issues can be weighed but careful assessment of all these factors will also be required when individual applications for development are considered. Where it is not possible to achieve such a separation of land uses, local planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations.”

The proposed public house is located within a town centre location with very few residential properties in close proximity. Environmental Health have recommended a number of conditions to be attached to any permission, these will further minimise the impact of patrons using the external smoking area/shelter and on the general amenity of the area. The provision of a smoking shelter can be anticipated to retain persons outside and normal activities such as laughing and shouting can be reasonably anticipated.

However, the floor area of the proposed development is considered small scale with only a limited capacity to a small number of seats and tables. Access to the bar area and main public house will come from an external door but the area will be enclosed by a 3 metre high brick wall.

The EHO have recommended a number of conditions which will minimise the proposals impact on the amenity of the area in order to control and noise and disorder generated by the proposed development but as discussed above the location at the rear of the premises and the enclosed brick walls will result in only a minimal impact on the amenity of the area in terms of noise and crime and disorder.

Reason for Recommendation

The proposed works to the building are considered acceptable in terms of their visual appearance and their impact on the Grade II listed building and conservation area. The proposal is considered acceptable in terms of the impact on the amenity of the area and any neighbouring occupiers. By granting planning permission the Local Planning Authority will be able to exercise some control over the design and use of the external areas around the pub.

Decision

Permit subject to the following conditions:

1. The external yard walls, hereby permitted, shall be replaced as like for like using reclaimed bricks from the existing walls or in bricks which shall have been agreed, in writing, by the Local Planning Authority beforehand. To enable the approval of the bricks a sample panel of replacement brickwork shall be made available for inspection by the Local Planning Authority and shall be retained until the development has been completed. The walls shall be constructed in accordance with the 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 and the aims and objective of PPG15.

2. No development shall commence until full and precise details of the following have been submitted to and approved in writing by the Local Planning Authority: -
 - (i) A sample of pointing and coursing for the proposed rebuilt walls
 - (ii) The colour of the timber gates and timber pergola

The development shall be completed in accordance with the approved details.

- R2: To protect and safeguard the historic fabric and appearance of the listed building in accordance with the requirements of Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policy B6 of the Newcastle under Lyme Local Plan 2011 and the guidance given in PPG15 and PPS1.
3. Before the smoking shelter comes into use self closers shall be fitted to the entrance doors.
- R3: In the interest of protecting residential amenity levels in accordance with PPS1.
4. Prior to the commencement of development, details of the external lighting scheme shall be forwarded to the Local Authority for prior approval. The details of the scheme shall include details of the location, height, lighting type, Lux levels and confirmation that light shall not at any time spill beyond the boundary of the application site.
- R4: In the interests of protecting residential amenity levels.
5. There shall be no outdoor speakers, amplified music/voice/ entertainment within the smoking shelter of the public house hereby permitted.
- R5: In the interests of protecting residential amenity levels in accordance with PPS1 and PPG24 Noise.
6. There shall be no outdoor seating located within the smoking shelter.
- R6: In the interests of protecting residential amenity levels in accordance with PPS1 and PPG24 Noise.

Note to the Applicant

The applicant is advised that compliance with planning conditions does not necessarily prevent action being taken by either the Local Authority or members of the public to secure the abatement, restriction or prohibition of statutory nuisances actionable under the Environmental Protection Act 1990 or any other statutory provisions.

Performance Checks	Date		Date
Consultee/ Publicity Period	25.11.08	Decision Sent Out	
Case Officer Recommendation	17.12.08	8 Week Determination	22.12.08
Management check	Amended 18/12 ESM		

OFFICER REPORT ON DELEGATED ITEMS

- Applicant:** Punch Taverns
- Application No:** 08/00916/LBC
- Location:** Old Bulls Head, Lad Lane, Newcastle
- Description:** New timber/glazed roof shelter to rear yard area, including new hard-landscaping and boundary wall demolition and rebuilding. Minor internal alterations to provide separation from new public access route to private accommodation at first floor.

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

West Midlands Regional Spatial Strategy

Policy QE3: Creating a high quality built environment for all

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy 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
PPG15: Planning and the Historic Environment

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

Planning History

08/00915/FUL - Ground New timber/ glazed roof shelter to rear yard area, including new hard-landscaping & boundary wall demolition & rebuilding - under consideration

See planning history sheet on the file for comprehensive site history.

Views of Consultees

Conservation Advisory Working Party has no objections and welcomes the proposals that would improve the Conservation Area and enhance this listed building.

Representations

Nil

Applicants/Agents Submission

A design and access statement has been submitted as part of the planning application.

Key Issues

This application is for listed building consent for the erection of a new timber/glazed roof shelter to the rear yard area which will serve as a smoking shelter/ area for the public house. The area will include new hard-landscaping and boundary wall demolition and rebuilding. Minor internal alterations to provide separation from the new public access route to the private accommodation at first floor are also proposed. The property is a Grade II Listed building. An application for planning permission for the smoking shelter, demolition and rebuilding of walls is also being considered (Ref. 08/915/FUL).

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 proposed demolition of the walls of the rear yard area and the rebuilding of these walls would protect and enhance the appearance of this part of the listed building which is currently in a state of disrepair. The applicant has widened the doorway to the rear of the yard to enable the refuse bins to be brought inside. This is a benefit as it will now de-clutter the alleyway and the colour of the new timber double gate can be conditioned for approval. The smoking shelter is detached from the main building which lessens the impact on the integrity of the building, this enabling the structure to be removed without harming the listed building.

The rebuilding of the walls is a key element and so these should be built to a high standard. This can be regulated by way of conditions. A like for like replacement of walls is recommended using reclaimed bricks from the demolition of the wall. If this is not possible then a sample of replacement bricks would be required for approval by the LPA.

The internal works are not significant and will have a minimal impact on the fabric of the building, therefore there are no concerns regarding this.

It is not considered that the internal alterations, the rear smoking shelter and demolition and rebuilding of the walls would have any detrimental impact on the character or appearance of the Listed Building.

Reason for the grant of listed building consent:

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

Recommendation

Grant consent subject to the following conditions:-

1. The external yard walls, hereby permitted, shall be replaced as like for like using reclaimed bricks from the existing walls or in bricks which shall have

been agreed, in writing, by the Local Planning Authority beforehand. To enable the approval of the bricks a sample panel of replacement brickwork shall be made available for inspection by the Local Planning Authority and shall be retained until the development has been completed. The walls shall be constructed in accordance with the 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. and the aims and objective of PPG15.

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

- (i) A sample of pointing and coursing for the proposed rebuilt walls
- (ii) The colour of the timber gates and timber pergola

The development shall be completed in accordance with the approved details.

R2: To protect and safeguard the historic fabric and appearance of the listed building in accordance with the requirements of Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policy B6 of the Newcastle under Lyme Local Plan 2011 and the guidance given in PPG15 and PPS1.

Performance Checks	Date		Date
Consultee/ Publicity Period	25.11.08	Decision Sent Out	
Case Officer Recommendation	17.12.08	8 Week Determination	22.12.08
Management check	Amended 18/12 ESM		