

When calling or telephoning please ask for
Mr G Durham

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742222

My ref
GD/EVB – R82/48

6 October 2009

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, 20 OCTOBER 2009** at **7pm**.

AGENDA

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of meeting held on 29 September 2009 (copy attached for non-Council Members information).
3. To consider the attached reports at Appendix A and B (blue and salmon paper).
4. To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the Officer.
5. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Yours faithfully

P W CLISBY

Head of Central Services

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

Outside Representatives: Messrs Chatterton, Ferrington, Heeks, Manning, McNair Lewis, Tribbeck and Worgan

The appropriate Parish Council representative(s)

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
09/534/COU & 09/531/FUL	Aston Manor Farm, Aston, Newcastle. Mr P McCormack.	Conversion of traditional agricultural buildings to three dwellings and two self-catering tourist units, new vehicular and pedestrian accesses and associated car parking.	Affects the setting of a Listed Building.	Councillor P Maskery Councillor Mrs F Myatt Councillor B Tomkins
09/00556/COU	25 Ironmarket, Newcastle. Mrs L Brown.	Change of use from A1 to A2 use as an estate agent.	Within the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
09/534/COU & 09/531/FUL	Aston Manor Farm, Aston, Newcastle. Mr P McCormack.	Conversion of traditional agricultural buildings to three dwellings and two self-catering tourist units, new vehicular and pedestrian accesses and associated car parking.	Affects the setting of a Listed Building.	Councillor P Maskery Councillor Mrs F Myatt Councillor B Tomkins
09/00556/COU	25 Ironmarket, Newcastle. Mrs L Brown.	Change of use from A1 to A2 use as an estate agent.	Within the Newcastle Town Centre Conservation Area.	Councillor D Clarke Councillor Mrs E Shenton

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Done Brothers (Cash Betting) Ltd
Application No: 09/00359/FUL
Location: 5-6 Ironmarket, Newcastle
Description: Installation of two air condenser units to the rear (retrospective)

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

West Midlands Regional Spatial Strategy 2008

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 N19: Conservation Areas

Newcastle-under-Lyme Local Plan 2011

Policy B9: Prevention of harm to Conservation Areas
Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B13: Design and Development in Conservation areas

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
Companion Guide to PPS1 "The Planning System: General Principles"
PPG 15: Planning and the Historic Environment (1994)

Supplementary Planning Guidance

None.

Relevant Planning History

2008 08/719/COU Permitted – 4 November 2008 - change of Use of ground floor from retail

Views of Consultees

Conservation Advisory Working Party – no objections

Environmental Health Division – no objections

Representations

None.

Applicants/Agents Submission

A Design and Access Statement has been submitted, with the key points outlined below:-

- Done Brothers are a large business offering facilities that are responsive to the market and to our customers needs.
- The building as a whole imposes no constraints as to the facilities that the company can provide.
- No car parking spaces will be provided on site, but badge holders will be able to park anywhere in line with Council
- The site lies within a Conservation Area, and it is endeavoured to fit in with the existing street scene and provide a frontage which is as close to the existing as possible. The plant equipment will be situated in a place where it is highly unlikely to be visible to passing public

Key Issues

Full planning permission is sought for two air condenser units to the rear of 5 and 6 Ironmarket, which is in use as a betting office presently. This is a retrospective planning application. The property is located within the Town Centre Conservation Area and within the urban area as designated by the Local Plan proposals map.

The key issues in the determination of the application are:

- Impact to the character and appearance of the Conservation Area
- Neighbouring amenity/ environmental health issues

Impact on the character and appearance of the Conservation Area

PPG 15 "Planning and the Historic Environment" is the Government's national planning policy guiding development which affects the historic environment. It states the importance of considering how a development would affect the appearance and character of a conservation area. PPG 15 informs Structure Plan policy NC19, which states the presumption in favour of retaining and enhancing buildings, groups of buildings, or other features which contribute to their special character, appearance or interest. New development within or adjacent to Conservation Areas should respect, protect and enhance their character and appearance with respect to height, scale, intensity and materials, and only generate levels of activity which will support their preservation and economic viability. Local Plan Policies B9, B10 and B13 reflect the aims of national and county policy.

Paragraph 34 of PPS 1 states that "good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted." Paragraph 36 goes on to state that Local Authorities should ensure that developments are "visually attractive as a result of good architecture and appropriate landscaping."

It is considered that the air condensor units have a minimal impact on the overall appearance and character of the Conservation Area. They are located on the rear elevation of the property, which faces onto an alley way/ car parking area. The backs of these properties do not form a key view of the conservation area, and are not what makes the area visually and architecturally special. It is considered that the air condensor units are not attractive, but do not harm the overall character of the Conservation Area.

Overall the proposal is considered acceptable and complies with Policies B9, B10 and B13 of the Local Plan, NC19 of the Structure Plan and the aims and objectives of PPS 1 and PPG 15.

Neighbouring amenity/environmental Health issues

The Environmental Health Division has been consulted on the planning applications, who state they have received no complaints since the installation of the air condenser units. Furthermore, they have analysed the noise details submitted and these conform with the World Health Organisation Guidelines for this type of external equipment.

There are no residential premises within the immediate vicinity of the area in which the units have been installed.

Reasons for the grant of planning permission

The proposal 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 no conditions.

Note to the Applicant

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

- Design and Access Statement
- Block Plan scale 1:250
- Location Plan scale 1:1250
- Existing and Proposed elevations
- Product Specification

Performance Checks	Date		Date
Consultee/ Publicity Period	11/9/09	Decision Sent Out	
Case Officer Recommendation	14/9/09	8 Week Determination	9/10/09
Management check	Varied 21/9 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr. L Ector
Application No: 09/00320/LBC
Location: 3 King Street, Newcastle
Description: Internal & external alterations to form offices and showroom

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

Emerging Policy

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy – as submitted and as subject of letter from the Inspector dated 23 June 2009 finding the document to be sound provided certain changes are made.

CSP1: Design Quality
CSP2: Historic Environment

Further Documents

Circular 11/95 - Conditions
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

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

Supplementary Planning Guidance

Supplementary Planning Document for Newcastle Town Centre (January 2009).

Planning History

1948	NNB00068	Permit – extensions to offices
1960	NNB04783	Permit – the extension of an office

Views of Consultees

Landscape Section has no objections.

Conservation Advisory Working Party welcomed the applicant's attempts to make the alterations sympathetic to the character of the Listed Building. However, concerns were raised regarding the proposal to lower the ceilings and therefore change the fabric of the building. Request that officers discuss this matter further with the applicant.

Representations

None.

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 internal and external alterations to the building in association with a new business. The internal alterations would be fairly minor but would include the blocking up of fire places, doors and restoring old openings that have previously being blocked up and the refurbishment of the existing sash windows and shutters. Towards the rear of the property there would be a new opening to form a doorway (wider than standard to meet regulations) so that it would form a door to a disabled toilet. A replacement roof that would replace an existing glazed roof over an existing extension is proposed. Two conservation style velux windows would be inserted and the roof would be tiled.

On the first floor further similar internal alterations are proposed with an access door created from the existing kitchenette onto a proposed balcony area. This would have a timber decking floor with cast iron railings or guarding around the edge. The property is a Grade II Listed building. An application for planning permission for the balcony area and new access door, and replacement tiled roof over a previous extension is also being considered (Ref. 09/415/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 balcony, including the flooring and guard railings over an existing flat roof which, has an ugly appearance would enhance this part of the building, albeit only marginally. The changes to the internal fabric of the building are considered to respect, restore and enhance the old features of the building, particularly the replacement of the sash windows and shutters on the ground floor. The other alterations are considered very minor.

The applicant was proposing to install a suspended ceiling, however this has received objections from both the conservation officer and the Conservation Area Working Party. It is considered that the benefits that this would bring to the energy efficiency of the building as indicated by the applicant does not outweigh the harm that this causes to the character of the building. Therefore amended plans have been submitted with the suspended ceiling being removed, the internal alterations are now considered acceptable.

In summary it is not considered that the internal alterations, the creation of the rear balcony and a replacement tiled roof would have any detrimental impact on the character or appearance of the Listed Building but conditions are recommended for the precise materials and details of the guard railings, flooring and roofing materials to be submitted and approved by the LPA. A method statement detailing the repairs and refurbishment of the windows and shutters is also considered necessary.

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 development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1: To comply with the provisions of Section 91 of the Town and Country Planning Act
2. 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: -
 - (a) Any proposed roofing materials.
 - (b) The proposed cast iron guarding, including colouring.
 - (c) The proposed flooring on the balcony, including colouring.

The development shall be carried out 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. Prior to the commencement of the development a method statement by a specialist contractor shall be submitted to and approved in writing by the Local Planning Authority for details of the repair and refurbishment of existing windows and shutters. The relevant work shall be carried out in strict accordance with the approved details.
- R3: To protect and safeguard the historic fabric and appearance of the listed building in accordance with the requirements of Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policy B6 of the Newcastle under Lyme Local Plan 2011 and the guidance given in PPG15 and PPS1.

Informative

1. The decision hereby issued was made following consideration of the following plans and supporting information;
 - Drawing Nos. 05 'a', 06 'a', 07 'a', 08 'a' date stamped received by the LPA on 14 September 2009
 - Project specification, date stamped received by the LPA on 08 June 2009
 - Design & Access Statement, date stamped received by the LPA on 27 July 2009

Performance Checks	Date		Date
Consultee/ Publicity Period	28.08.09	Decision Sent Out	
Case Officer Recommendation	24.09.09	8 Week Determination	24.09.09
Management check			

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr L Ector

Application No: 09/00415/FUL

Location: 3 King Street, Newcastle

Description: Internal & external alterations to form offices and showroom

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
Policy B15: Trees and Landscape in Conservation Areas

Other Material Considerations

Emerging Policy

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy – as submitted and as subject of letter from the Inspector dated 23 June 2009 finding the document to be sound provided certain changes are made.

Strategic Aim 14 (SA14) – To protect and enhance the historic heritage and the unique character of the plan area by ensuring new developments are appropriate in terms of scale, location and their context.

ASP4: Newcastle Town Centre Area Spatial Policy
CSP1: Design Quality
CSP2: Historic Environment

Further Documents

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)
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

Supplementary Planning Document for Newcastle Town Centre (January 2009).

Planning History

An application for listed building consent, reference 09/00320/LBC, is being considered concurrently with this application

1948	NNB00068	Permit – extensions to offices
1960	NNB04783	Permit – the extension of an office

Views of Consultees

Landscape Section has no objections.

Conservation Advisory Working Party welcomed the applicant's attempts to make the alterations sympathetic to the character of the Listed Building. However, concerns were raised regarding the proposal to lower the ceilings and therefore change the fabric of the building (this comments relates to the LBC application). They request that officers discuss this matter further with the applicant.

Representations

None.

Applicants/Agents Submission

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

Key Issues

The proposal is external alterations (internal alterations are also proposed but these are for consideration within the application for listed building consent) but the main matters for determination in this application are the construction of a rear balcony with railings around and the formation of an access into the rear building at first floor level onto this balcony. A replacement glazed roof is also proposed over an existing extension to the building. This would include two velux roof lights within the proposed replacement tiled roof. The property is a Listed Building on the edge but within the town centre conservation area. As indicated above 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 in terms of noise and disturbance

Design of the proposals and the impact on the character of the Grade II Listed Building and Conservation Area

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.”*

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 application premise is a Grade II Listed Building which is an office building and has been for a number of years. The building has seen a number of extensions at the rear which are considered out of character with the original building. These extensions are both two storey and single storey and have flat roofs. The location of these is at the rear of the premises with minimal views from public vantage points results in views within the area being minimal.

The proposal is to insert/ create an access door at first floor level onto the single storey flat roof extension with the erection of cast iron railings around the edge, this forming a balcony area. The railings would measure 1 metre in height and the access door would lead from a kitchenette. In terms of the design merits of the proposal the height of the railings are considered acceptable but a condition is considered necessary for the submission of further details on the type and colour of the railings. The design and detailing of the door is also considered acceptable with minimal views from public vantage points.

The area at the rear of the building, including the extensions, has a relatively untidy appearance and so the railings would help, albeit minimally, to tidy up this area. There is a boundary wall on the rear boundary with three trees that are proposed to be removed. This inevitably opens up views of the balcony but views from any main vantage points would be limited and the proposed railings and access door are considered to be an acceptable design. Furthermore the rear extensions in themselves do little to enhance the appearance of the conservation area and the development does not further adversely impact on the character of the conservation area or on views in and out of the conservation area. The trees to be removed do not dominate the landscape and although they do minimise views in and out of the conservation area the impact from their removal is not considered to be contrary to policy B15 of the local plan.

The application is also for a replacement roof over an existing extension which has a glazed roof. This is hidden from any views but a replacement tiled roof is considered to improve the appearance of the building. The two velux windows proposed are considered acceptable with conservation style velux windows being submitted on the submitted plans.

It is considered that the proposed development would not harm the character of the listed building, in accordance with policy B6, and it would enhance it very slightly whilst not having any further detrimental impact on the character or appearance of the Conservation Area than the existing extensions already do. 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 office building is located within a town centre location but there is a block of flats beyond the rear elevation. The formation of a balcony would allow members of staff to gain access to this area, particularly at break times and lunch times. This has the potential 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 with only a limited capacity at any time. The balcony has no roof and although it is a first floor balcony it is considered that there would be no further impact, in terms of noise, than people standing in the rear yard area at ground floor. There is also only a limited number of staff employed at the premises which further minimises its impact. The distance from the balcony to the nearby residential properties is approximately 12 metres and so any loss of privacy is likely to be limited despite the loss of trees on the rear boundary. The premises would only be in operation during normal office hours and so the impact on the nearest residential properties would be minimal. Conditions to further minimise any impact are recommended restricting the use of the balcony. These include no seating located on the balcony and nobody shall use the balcony after 18:00 hours.

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 development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1: To comply with the provisions of Section 91 of the Town and Country Planning Act.
2. 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: -
 - (a) Any proposed roofing materials
 - (b) The proposed cast iron guarding, including colouring
 - (c) The proposed flooring on the balcony, including colouring

The development shall be carried out 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. No lighting shall be installed on the balcony or on walls around the balcony unless details are first submitted and approved in writing by the local planning authority.
- R3: In the interests of protecting residential amenity levels.
4. There shall be no outdoor seating located on the balcony at any time.

R4: In the interests of protecting residential amenity levels in accordance with PPS1 and PPG24 Noise.

5. The balcony shall not be occupied after 18:00 hours on weekdays or at weekends.

R5: In the interests of protecting residential amenity levels in accordance with PPS1 and PPG24 Noise.

Informative

1. The decision hereby issued was made following consideration of the following plans and supporting information;

- Drawing No's. 05 'a', 06 'a', 07 'a', 08 'a' date stamped received by the LPA on 14 September 2009
- Project specification, date stamped received by the LPA on 08 June 2009
- Design & Access Statement, date stamped received by the LPA on 27 July 2009

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	28.08.09	Decision Sent Out	
Case Officer Recommendation	24.09.09	8 Week Determination	24.09.09
Management check	Varied 24/9 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Staffordshire County Council
Application No: 09/00428/CPO
Location: Audley Library
Description: Extension to provide additional facilities

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

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

Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

Policy B9: Prevention of harm to Conservation Areas

Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area

Policy B13: Design and Development in Conservation Areas

Policy B14: Development in or adjoining the boundary of Conservation Areas

Other Material Considerations include:

National Planning Policy

PPS1: Delivering Sustainable Development

PPS7: Sustainable Development in Rural Areas

PPG15: Planning and the historic environment

Supplementary Planning Guidance

Space about dwellings – adopted by Borough Council

Planning History

05/11/64 NNR3318 Permitted – erection of County Branch Library

18/06/09 09/282/CPO Object – extension to provide additional facilities

Views of Consultees

The County Council have responsibility for undertaking any required consultations concerning this proposal.

Borough Council's Conservation Advisory Working Party – no objections.

Representations

The County Council have responsibility for undertaking any required consultations concerning this proposal.

Applicants/Agents Submission

A Supporting Statement (Incorporating a Design and Access Statement) accompanies the submission, which is available for inspection at the Guildhall.

Key Issues

The application is for the extension of Audley Library. The Borough Council's role as District Planning Authority is as a consultee – the County Council being the determining Authority under the Town and Country Planning General Regulations.

This is a re-consultation from the County Council following an objection from Newcastle Borough Council (09/00282/CPO) on the grounds that it considers the proposal would have been harmful to the character and appearance of the Conservation Area in terms of the design of the extension, by virtue of its design, materials and form. Furthermore, the objection asked the County Council to inform itself as to the nature of the intended use of the play area and to consider whether the introduction of these covered play areas will so materially and detrimentally affect the enjoyment of the residential properties to the north of the site as to justify refusal, and the County Councils attention was drawn to the existence of the Space Around Dwellings SPG.

The site is located within the village envelope of Audley, within the Conservation Area.

In deciding what representations to make the first consideration is whether the proposal has an impact upon any particular interests of the Borough Council (such as landholdings). The Borough Council does not appear to own land in the vicinity of the site.

Beyond that, consideration should be given to whether any aspect of the development has a particular bearing upon the amenity of the Borough's residents and to comment upon whether the proposal appears to conflict with any policies within that part of the development plan or emerging local development framework for which the Borough Council is the responsible Planning Authority, and upon whether the proposal has any bearing upon the strategic aims of the Council – of creating a Borough of opportunity; a cleaner, safer and greener Borough; and a healthy and active community.

The Borough Council should not attempt to deal with the matter as if it were the relevant planning Authority. There is, it is suggested no merit in it commenting upon detailed technical considerations upon which the County Council will obtain advice both from their specialist officers and consultees.

The proposal involves extending Audley Library to the rear, with a flat roof extension, and two covered children's play areas, with a shed within the play area to the east of the proposed extension. The design of the proposed extension has been amended to take into consideration the objections to the previous application and also an on site meeting.

Given the above the main key issues for this Council are:-

- Impact on the Conservation Area
- Visual Amenity
- Residential Amenity

Impact on the Character and Appearance of the Conservation Area

Section 72 of the Listed Buildings & Conservation Areas Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Policies B9, B10 and B13 of the Local Plan are all concerned with the protection and enhancement of the character and appearance of the Borough's Conservation Areas.

Policy B9 states that the Council will resist development that would harm the special architectural or historic character of Conservation Areas. Policy B10 states that permission will be granted to construct or alter the appearance of a building only if its proposed appearance would preserve or enhance the character or appearance of a Conservation Area.

Local Plan policy B14 indicates special regard has to be paid to the acceptability of the form, scale and design of development. There are still limited details of the shed, therefore the County Council will have to inform itself that the shed would not harm the character or appearance of the Conservation Area.

The existing library building is not of architectural or historic merit, being of flat roof construction built in the mid 1960s. However, it is still important to consider the impact of the design of the extension on the character of not only this building, but of the wider views of the Conservation Area.

In the previous application the relationship of the various extensions to the existing building did not appear to be well thought through and the design is uninspiring. The Council's Conservation Advisory Working Party also objected to the overall design of the proposed extension, which they considered should reflect the style of the existing building more. They also had concerns over the massing of extension being squeezed into this small area behind the library, and the style of fencing proposed.

The design of the proposed extension has been amended and would now be more in keeping with the existing building, as bricks instead of wood cladding are now proposed. The brickwork is to be Staffordshire blue brick, which will provide a contrast with the existing building but which is considered would work well in terms of appearance within the Conservation Area.

Furthermore, the proposed fencing around the children's play area has been clarified and improved, making it both child friendly and minimising the impact to the Conservation Area.

Overall it is considered that the proposed development would now not compromise the special character and appearance of the Conservation Area and the proposal is considered acceptable in terms of Newcastle under Lyme Local Plan Policies B9, B10, B13 and B14.

Visual amenity

Paragraph 34 of PPS 1 states that "good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted." Paragraph 36 goes on to state that Local Authorities should ensure that developments are "visually attractive as a result of good architecture and appropriate landscaping."

The overall design of the proposal is now considered in keeping with the existing building, and would not detract from the character and appearance of the building or the street scene in general. The brickwork is to be Staffordshire blue brick, which will provide a contrast with the existing building and the proposed windows at high level would reflect the appearance of the existing building more. The proposed shed would be a maximum of 2.4 metres to the apex of the roof. Whilst elevational details are not provided of this, it is considered that this would appear acceptable; however the County Council should inform itself that this would have an acceptable appearance.

From views from within the street scene and the footpath adjacent to the site it is considered that the proposal will now have a better and more appropriate appearance in terms of its relationship with the existing library building and the surrounding area generally.

Residential amenity

In terms of residential amenity, there are some residential bungalows to the north of the application site, on the opposite side of a footpath linking Church Street to the Bowling Club. One of the bungalows (No.5) has a principal window (as defined in the adopted Supplementary Planning Guidance on Space about dwellings) facing towards the development, approximately 7 metres from the proposed development of one of the children's external play area, but there is an intervening boundary wall and between the play area and that wall a path leading to the bowling Club. The County as the LPA will no doubt wish to inform itself as to the nature of the intended use of the play areas, to consider whether the introduction of these covered play areas will so materially and detrimentally affect the enjoyment of that property as to justify refusal, and their attention should be drawn to the existence of the SAD SPG.

Decision

Advise the County Council that the Borough Council **supports** to the proposal on the grounds that it considers the proposed extension would not compromise the character and appearance of the

Conservation Area by virtue of its design, materials and form. The County Council is furthermore asked to consider whether the introduction of these covered play areas will so materially and detrimentally affect the enjoyment of the residential properties to the north of the site as to justify refusal, and the County Council's attention is drawn to the existence of the Space About Dwellings SPG.

Performance Checks	Date		Date
Consultation response date		Decision Sent Out	
Case Officer Recommendation	19/8/09	Date comments required by the County Council	19/8/09
Report checked by Back Office			
Management check			

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Instant Cash Loans Ltd
Application No: 09/00433/COU
Location: 67-69 High Street, Newcastle
Description: Change of use from A1 (Retail) to A2 (Financial & Professional Services)

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

West Midlands Regional Spatial Strategy 2008

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

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

Policy D1: Sustainable Development
Policy D2: The Design and Environmental Quality of Development
Policy NC19: Conservation Areas
Policy TC1: Ensuring the Future of Town Centres

Newcastle-Under-Lyme Local Plan 2011

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

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development
PPS6: Planning for Town Centres
PPG15: Planning and the Historic Environment

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

Supplementary Planning Guidance

Supplementary Planning Document for Newcastle Town Centre (January 2009)

Planning History

Nil

Views of Consultees

Environmental Health has no objections to this proposal.

Conservation Advisory Working Party has no objections to the proposal and welcomed the re-occupation of the building).

Representations

Nil

Applicant's/Agent's Submission

A letter has been submitted to accompany the application. The main points are as follows:

- The property is a vacant travel agent that has been vacant for 12 months.
- The Money Shop will re-introduce an active frontage reinvigorating the vitality and viability of the area.
- The unit is located just within the Primary Shopping Frontage of the town centre.
- The use will provide a financial service to shoppers facilitating the exchange of cheques for cash, loans, money transfer and foreign currency exchange.
- The use wholly accords with planning policy in that the percentage of A1 retailers within the Primary Shopping Frontage remains high enough to maintain the overall vitality and viability of the centre.
- The customer footfall will be comparable to that of a shop use.
- There will be no impact on residential amenity.

Key Issues

Full planning permission is sought for the change of use of this unit from A1 (Retail) to A2 (Financial and Professional Services). The property is within the urban area of Newcastle as defined on the Local Plan Proposals Map and on the Prime Frontage within the Primary Shopping Area as defined in the Town Centre SPD. It has a frontage width of approximately 5m.

The unit is currently unoccupied. The main issues for consideration are:

- (i) Would the loss of a retail unit have an unacceptable impact upon the range of goods and services offered in the locality?
- (ii) Would the proposal have an adverse impact on the character and appearance of the Conservation Area?

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

PPS6: Planning for Town Centres seeks to promote the health and viability of town centres and to this end to maintain and improve the quality and diversity of retail provision in town centres and maintain and promote diversity of use. PPS6 indicates if an authority distinguishes between primary and secondary frontages within a Primary shopping area, primary frontages should contain a high proportion of retail uses, whilst secondary frontages should provide greater opportunities for flexibility and a diversity of uses, in the context of the need to encourage a diversification of uses in town centres as a whole. In the Newcastle Town Centre SPD, the site is within the Primary Shopping Area, which is the area within the inner ring road where retail is the primary activity. The SPD states that within the Primary Shopping Area, the Prime Frontage is where pure retail is expected to dominate rather than other high street uses (bars, restaurants, banks etc). This has been defined as the frontage of the square created by Ironmarket, High Street, Castle Walks and Hassell Street. The application property is within this area.

The proposal will result in the loss of a retail unit within this area. However, the surrounding uses are primarily retail and therefore, even with the change of use of this one unit, it is considered that retail will continue to dominate. (A Goad plan that has been submitted by the applicant demonstrates that the majority of the units along the High Street frontage to the north-west of Hassell Street remain in retail use or are vacant but were previously retail). It is not considered therefore, that the proposal will have any significant adverse impact on the vitality or viability of the town centre as a retail centre.

Would the proposal be detrimental to the Conservation Area?

Policy B9 of the Local Plan states that the Council will resist development that would harm the special character or appearance of Conservation Areas. Policy B10 upholds the requirement to preserve or enhance the character or appearance of a Conservation Area.

This proposal does not include any external alterations and it is not considered that the proposed

change of use would harm the character or appearance of the Conservation Area.

Reasons for the Grant of Planning Permission

The proposal accords 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 the following conditions:

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

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

Informative

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

Letter dated 31 July 2009
Existing layout
Proposed layout

Performance Checks	Date		Date
Consultee/ Publicity Period	8.9.09	Decision Sent Out	
Case Officer Recommendation	9.9.09 Returned to RK on 13/4 by GRB	8 Week Determination	5.10.09
Management check	Cird GRB 18.9		

OFFICER REPORT ON DELEGATED ITEMS

Applicant: New Look Group PLC
Application No: 09/00450/ADV
Location: New Look, Castle Walk, Newcastle
Description: Eight Advertisement Signs

Policies and Proposals in the Approved 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 & Environmental Quality of Development.
Policy T13: Local Roads
Policy NC19: Conservation Areas

Newcastle under Lyme Local Plan 2011

Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B20: Illuminated Fascia and other signs in Conservation Areas

Other Material Considerations include:

National Planning Policy

PPS1: Delivering Sustainable Development (February 2005)
Companion Guide to PPS1: The Planning System: General Principles.
PPG19: Outdoor Advertisement Control (March 1992)
Circular 03/07 Town and Country Planning (Control of Advertisement) Regulations 2007

Staffordshire County Council – Highways Standing Advice 2004

Relevant Planning History

1992 92/514/FUL Permitted - 29.10.1992 - Installation of security roller shutter to entrance lobby frontage

Views of Consultees

Conservation Advisory Working Party – No objections.

Representations

Nil

Applicants/Agents Submission

Nil

Key Issues

Advertisement Consent is sought for eight advertisement signs at New Look, Castle Walk, Newcastle under Lyme. The property is located within the Town Centre Conservation Area and urban area, as designated by the Local Plan proposals map.

The proposed fascia signs would have a satin (matt) finish, and the background panels are non-illuminated, with only the perimeter of the lettering illuminated to give a subtle halo illumination. The luminance level is 180ft lamberts per square metre.

Signs 1 to 7 (marked on the submitted plan) are fascia signs, finished in black. 4 of the 7 will have the “new look” logo and halo illumination to the lettering. The fascia signs would replace the existing fascia signs on the property. Sign 8 would be an internally illuminated projecting sign, measuring 650mm by 600mm, and 210mm in depth. There would be 2 of these, displayed at first floor level on the brickwork of the building.

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

The main issues to address are therefore:

- Impact upon the character and appearance of the Conservation Area
- The impact of the fascia signs and projecting signs on the amenity of the property they relate to and the surrounding area
- The impact upon public and highway safety

Impact upon the character and appearance of the Conservation Area

PPG 15 “Planning and the Historic Environment” states the importance of protecting and enhancing the character and appearance of Conservation Areas. Policy NC19 of the Staffordshire and Stoke on Trent Structure Plan reflects this national policy by stating that there will be a presumption in favour of retaining and enhancing buildings, groups of buildings, or other features which contribute to their special character, appearance or interest. New development within Conservation Areas should respect, protect and enhance their character and appearance with respect to its height, scale, intensity and materials, and only generate levels of activity which will support their preservation and economic viability. The Local Plan contains several policies aimed at the preservation and enhancement of Conservation Areas. Those being relevant in the determination of this application are Policies B9, B10, B13 and B20.

Policy B13 “Design and Development in Conservation Areas” states that applicants should demonstrate how they have taken into account the need to preserve or enhance the character or appearance of Conservation Areas in the design of their development proposals.”

It is considered that the proposed signs would not detract from the character and appearance of the conservation area, and would be an improvement on the existing signs on the property in terms of the design and the colours to be utilised. Policy B20 controls the illumination of signs in Conservation Areas, and states that the lettering of advertisement signs only should be illuminated if required, and that letters should stand proud of the sign. Whilst the letters do not stand proud, they are halo illuminated in a subtle way, which is considered acceptable. It is also the same method of illumination currently used on this property. The illumination levels should be restricted to 300 candelas per square metre, to comply with Policy B20 of the Local Plan.

Therefore, the proposal would be considered to comply with the aims and objectives of Policies B9, B10, B13 and B20 of the Local Plan, Policy NC19 of the Structure Plan and PPG 15.

The impact of the signs on the amenity of the property it relates to and the surrounding area

Paragraph 33 of PPS 1 states that “Good Design is indivisible from Good Planning.” In paragraph 34

it goes on to state that “Good design should contribute positively to making places better for people, and that 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.”

PPG 19 “Outdoor Advertisement Control” states that outdoor advertising is essential to commercial activity in a free and diverse economy. Outdoor advertisements take many forms, communicating information or a message to passers by. It goes on to state in paragraph 4 that poorly designed signs can spoil the appearance of a good building.

The building is not of special architectural character or appearance, and the signs therefore do not detract from the character of the building. In terms of the aims and objectives of PPS 1, it is considered that the design of the signs do not detract from the character or appearance of the area or street scene.

Overall the signage is considered acceptable in terms of the aims and objectives of PPG 19 and PPS 1.

Public safety and highway safety

It is considered that the fascia signs would not cause any undue harm to public safety. Policy T13 ‘Local Roads’ of the Staffordshire and Stoke-on-Trent Structure Plan states that the priorities for local roads will be to improve safety for all users.

Recommendation

Approve subject to conditions:

1. No direct light source shall be visible to users of the highway.
- R1: In the interest of highway safety, in accordance with policy T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 and PPG19.
2. The luminance levels of the signs shall not exceed 300 candelas per square metre.
- R2: To protect the character and appearance of the Conservation Area, in accordance with Policy B20 of the Newcastle-under-Lyme Local Plan 1996 – 2011.

Note to the applicant

1. This decision has been made following consideration of the following plans and supporting documents:
 - Plan No SD5356.09r1
 - Location Plan

Performance Checks	Date		Date
Consultee/ Publicity Period	11/09/09	Decision Sent Out	
Case Officer Recommendation	14/09/09	8 Week Determination	2/10/09
Report checked by Back Office			
Management check			

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr J Wood

Application No: 09/464/LBC

Location: Woodshutts Farm, Second Avenue, Kidsgrove

Description: Demolition of two-storey north corner section of existing dwelling

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 B4: Demolition of Listed Buildings

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

None

Views of Consultees

The **Conservation Advisory Working Party** cautiously welcomed the proposal if the result was sympathetic to the fabric of this historic building in accordance with Policies B4 and B11 of the Local Plan.

English Heritage has no objection in principle to the removal of this later wing to allow proper conservation of the adjacent timber framing.

The **Council for British Archaeology** states that this is an extremely interesting and complex building and a rare survivor for the area. It is understood that the building is in poor condition but there is no supporting evidence for this. It is appreciated that the building does need an occupier and care and maintenance. An archaeological assessment or evaluation is recommended prior to any decision. Any conservation work should be carried out by someone with knowledge and expertise of historic building treatment. The exposure of timber framing externally and the unblocking of blocked openings needs further thought and great care.

No comments have been received from the **Victorian Society**, the **Ancient Monument Society**, the **Georgian Group**, the **Society for the Protection of Ancient Buildings** and **Staffs County Council Archaeology**.

Representations

Nil

Applicant's/Agent's Submission

A Design and Heritage Statement has been submitted. The building is listed primarily due to the presence of an early possibly sixteenth-century frame crosswall internally with later seventeenth-century framing extensions and alterations, mainly surrounded by nineteenth and twentieth century brick fabric. Much of the fabric is in a significantly deteriorated condition and initially the objective is to arrest further degradation and begin a process of conservation/repair and enhancement. The principal issue causing serious damage is the leaking horizontal valley on the northwest roof pitch and adjoining pitched valleys. Water penetration is causing significant decay and damage to elements of seventeenth-century framing internally. Temporary repairs have proved unsuccessful. The existing north-east corner 2-storey section is early twentieth century in machine-made brick. It exhibits significant progressive foundation settlement, is structurally defective and contributes negligible historic value.

Key Issues

The property is a Grade II Listed building. This application is for listed building consent for the demolition of the two-storey north-east corner section of the building.

Policy B4 of the Local Plan states that the Council will resist the total or substantial demolition of a listed building, unless exceptionally, an applicant can convince the Council that it is not practicable to continue to use the building for its existing purpose and there is no other viable use. Although CAWP refer to Policy B11 of the Local Plan, that policy relates to demolition in conservation areas, and as this property is not within a conservation area, it is not considered relevant.

The proposal involves the demolition of a 2-storey section of the building that currently serves as a utility with a bathroom above. The section to be demolished comprises approximately 11% of the floor area of the building as a whole and therefore, it is not considered to constitute substantial demolition as referred to in Policy B4 of the Local Plan.

PPG15 states that where proposed works would not result in the total or substantial demolition of the listed building or any significant part of it, the LPA is expected to address the same considerations as it would in relation to an application in respect of alterations or extensions. 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 its architectural or historic features. Where Listed Building consent is granted for alterations resulting in the loss of historic fabric, the Council will ensure that provision is made for an appropriate level of archaeological building recording to take place prior to the commencement of or during works.

The building has been recorded and a schedule drawn up of the worst areas of deterioration. As referred to in the Design and Heritage Statement, the principal issue causing serious damage is the leaking horizontal valley on the northwest roof pitch and adjoining pitched valleys. Water penetration is causing significant decay and damage to elements of seventeenth-century framing internally. It is proposed to remove this later extension to enable the building to dry out and investigation to be made of the extent of the damage.

The section to be demolished is an early twentieth-century addition and therefore, not a historic extension, and it is damaging the historic fabric of the building. Its removal would arrest further degradation and enable the restoration of the building.

The proposal would not result in the loss of historic fabric and therefore, it is not considered that there would be any adverse impact on the character or architectural or historic features of the 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 architectural or historic features 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:

1. No development shall commence until a Method Statement for the demolition of the 2-storey north-east corner section of the building referred to in the application, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full 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.

Informative

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

- Location Plan Scale 1:1250
- Site Plan Scale 1:500
- Measured Survey Drawings Scale 1:50
- Proposed Ground Floor Plan Scale 1:50
- Proposed First Floor Plan Scale 1:50
- Proposed Elevations Scale 1:50
- Design and Heritage Statement

Performance Checks	Date		Date
Consultee/ Publicity Period	18.9.09	Decision Sent Out	
Case Officer Recommendation	22.9.09	8 Week Determination	13.10.09
	28.9.09 ESM		