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Mr G Durham

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My ref
GD/EVB – R82/48

12 March 2010

To the Chair and Members

of the

CONSERVATION ADVISORY
WORKING PARTY

Dear Sir/Madam

A meeting of the **CONSERVATION ADVISORY WORKING PARTY** will be held in **COMMITTEE ROOM 1, CIVIC OFFICES, MERRIAL STREET, NEWCASTLE** on **TUESDAY, 23 MARCH 2010** at **7pm**.

AGENDA

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

Yours faithfully

P W CLISBY

Head of Central Services

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

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

The appropriate Parish Council representative(s)

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

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

| Reference | Location and Applicant | Development | Working Party Comments | Planning Decision |
|----------------------------|---|---|---|------------------------------------|
| 09/484/COU | 21 London Road, Newcastle. Mrs J Bargna. | Change of use from offices to private nursery. | No objections. | Permitted by Committee 27/10/2009. |
| 09/674/FUL & 09/675/LBC | Betley Model Farm Complex, Main Road, Betley. Y & Y Developments Ltd. | Conversion and extension of a vacant farm complex into a twelve bedroom hotel and function room facility including a restaurant/bar, spa and office accommodation and associated new vehicular access, car parking provision and landscaping. | The Conservation Advisory Working Party raised concerns and objections to this proposal. It was felt that the proposal would bring about dramatic changes to the building which would result in its historic character being lost. Concerns were also raised regarding the building's stability in respect of the proposed alterations. | Refused by Committee 16/02/2010. |

Chair's statement : *The application was considered on a previous occasion at which members of the Working Party were invited to a site visit .At the location it is possible to appreciate the intimate links between the Old Hall and its associated buildings, the water meadow setting and views into Betley Conservation area and the very distinctive character and features of the model farm complex.*

I heard nothing in the new application to sway me from the view that the proposal would destroy for ever the integrity and character of the farm buildings for what they are; a historic reminder of what farm life was in the past.

The commercial activity proposed would reduce that part of Betley Conservation Area to a noisy, lit up ,vehicle dominated hub of activity totally at odds with its current character and destroying the unique character of the 'backlands' views in to the village.

Having seen the remaining (now ruined) fragments of Keele's own model farm complex juxtaposed with modern buildings and 21st century modern life such that it is impossible now to read its historic function and character It seems to me to be even more vital to protect Betley Model Farm from such a fate .I recommend refusal of all parts of the proposal.

Cont...

| Reference | Location and Applicant | Development | Working Party Comments | Planning Decision |
|------------------------------------|---|--|---|--|
| 09/681/FUL & 09/682/LBC | Old Hall, Poolside, Madeley. Mr G White. | Conversion of outbuilding into living accommodation. | The Conservation Advisory Working Party objected to this proposal. The form of the development would be detrimental to the massing qualities of the small cluster of outbuildings. In addition, the proposal would be out of character with the existing buildings. | Refused by Committee 16/02/2010. |
| 09/706/LBC | Ravenshall Farm, Main Road, Betley. Mr R Blades. | Demolition of selected agricultural buildings and conversion of retained buildings to 3 dwellings. | The Conservation Advisory Working Party welcomed the proposal as a good way forward for the buildings. It was felt that the proposal would not affect the setting of the Listed Building. | Permitted by Committee 16/02/2010. |
| 09/722/FUL | Smithy Cottage, 35 Muckleston Road, Muckleston. Mr I Phillips. | Retention of widened access, together with re-erection of stone pillar. | The Conservation Advisory Working Party welcomed the reinstatement of the stone pillar as it would enhance the character of the Conservation Area. | Permitted under delegated powers 26/02/2010. |
| 10/31/COU | 19 High Street, Newcastle. Mrs L Brown. | Change of use from retail unit to estate agents. | No objections. | Permitted under delegated powers 24/02/2010. |

CONSERVATION ADVISORY WORKING PARTY

| Reference | Location and Applicant | Development | Remarks | Ward Councillors |
|-------------------|---|---|---|--|
| 10/109/LBC | Manor Farm, Manor Road, Madeley. Mr J Furnival. | Conversion of redundant barn to single dwelling and two holiday lets and alterations to access. | Proposal affects the setting of a Listed Building. | Councillor J Bannister Councillor Mrs H Morris |
| 10/111/ADV | Hanover Dental Surgery, 12 King Street, Newcastle. Mr Singh. | Proposed fascia sign and hanging sign. | Proposal is within the Newcastle Town Centre Conservation Area and affects a Listed Building. | Councillor D Clarke Councillor Mrs E Shenton |
| 10/147/FUL | 6 Betley Hall Gardens, Betley. Mr & Mrs Pearce. | Ground floor side extension. | Proposal is within the Betley Conservation Area. | Councillor D Becket Councillor A Wemyss |
| 10/134/FUL | Butterton Nurseries, Park Road, Butterton. Mr & Mrs Leath. | Erection of two single storey dwellings with attached office accommodation. | The proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated. Proposal is within the Butterton Conservation Area. | Councillor P Maskery Councillor Mrs F Myatt Councillor B Tomkins |

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr I Philips **Application No:** 09/00722/FUL

Location: Smithy Cottage, 35 Mucklestone Road, Mucklestone

Description: Retention of widened access together with re-erection of stone pillar

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 NC1: Protection of the Countryside: General Considerations
Policy NC2: Landscape Protection and Restoration
Policy NC19: Conservation Areas
Policy T13: Local Roads

Newcastle-under-Lyme Local Plan 2011

Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or adjoining the boundary of conservation areas
Policy N17: Landscape character: general considerations
Policy N19: Area of Landscape Maintenance

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026

CSP1: Design Quality
CSP2: Historic Environment

Other Material Considerations

Relevant National Policy Guidance:

PPS1 Delivering Sustainable Development (2005)
The Planning System: General Principles (Companion Guide to PPS1)

Supplementary Planning Guidance

Planning for Landscape Change: Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, formally adopted on 10 May 2001

Mucklestone Conservation Area Designation Document

Planning History

The most relevant applications are the following:-

| | |
|--------------------------------|--|
| 04/00295/FUL | Conversion of redundant farm building to holiday accommodation. |
| 04/00296/COU | Change of use of agricultural buildings to a combined B1/B8 commercial and agricultural use |
| 04/00297/FUL & 04/00298/CON | Demolition of existing wall and re-use of materials to form new complementary farmyard entrance' |

These applications were refused and later dismissed at appeal with the adverse impact upon the Conservation Area cited as the reason.

Since this decision was made an incident occurred whereby a pillar on the wall was knocked down. The incident was looked into from a legal perspective as to whether the applicant could be forced to reinstate the pillar however as the incident appeared to be an accident, planning case law indicated that this would not be successful. The applicant subsequently came forward to re-erect the pillar in a different location which resulted in this application.

Views of Consultees

Environmental Health – No objection.

Conservation Advisory Working Party – Welcomed the reinstatement of the stone pillar as it would enhance the character of the Conservation Area.

Loggerheads Parish Council – Object to the application for the following reasons:

- The access should never have been widened the Parish Council has been requesting for years the pillar be re-erected back to its original situation.
- The proposed widened access is in a Conservation Area which would not enhance or preserve the area
- Serious safety concerns if larger and increased volumes of traffic are accessing the road on a dangerous and unlit section.
- There is an existing problem in the area regarding parking round the church particularly at funerals which will be heightened if the access is widened and more traffic uses it.
- A previous application has already been refused by both the committee and at appeal.

Highways Authority – No objections to the development subject to condition relating to surfacing. An informative is also included relating to the requirement for a legal agreement due to some minor works being within the adopted highway.

Representations

A letter was received from a local resident providing photographic evidence of the original access to assist if the pillar was to be restored to its original position.

Applicants/Agents Submission

The requisite application forms were submitted along with a supporting design and access statement.

The applicant also provided a response to the parish council's objection to the scheme refuting their claims.

Key Issues

The application is for the retention of widened access together with the re-erection of a stone pillar.

The key issues are therefore:-

- Impact of the development upon Mucklestone Conservation Area
- Highway safety

Impact of the development upon Mucklestone Conservation Area

As has already been stated in the planning history above, the Council is not in a position to insist upon the reinstatement of the pillar in its original location as there are no enforcement powers available that would secure these works.

In addressing this issue it is necessary to consider the decision on the appeals, referred to in the Planning History Section above. The proposals involved the demolition of the piers and walls at the access (which is the subject of this application), the repositioning of the stone piers further back from the highway, and the use of some of the materials to form a new farmyard entrance. In dismissing the appeals the Inspector indicated that the stone piers and wings of the access give it a more formal appearance than the access to farm yard, which also formed part of his consideration, and that this grander entrance would be simplified while the more modest functional access to the farmyard would become more elaborate.

The current proposal differs from that considered at appeal. The farm yard access has not been amended and no amendment is proposed within this application. In addition the pier and wall which remains in situ is to be retained in its current position and the pillar is to be re-erected in line with that pier but in a position which would form a wider access than the original. The current proposal does not have the same impact as the proposal dismissed at appeal, therefore.

Whilst the pillar is not to be sited in its original position it is considered that its reinstatement would, nonetheless, have a beneficial impact upon the character of the Conservation Area by restoring the symmetry of the entrance that has been lost.

The fallen pillar is in good condition and it appears as though it can be re-erected with fairly minor works that would ensure the development assimilates within the surrounding area. To ensure this is the case a condition would be included as part of any approval specifying that materials from the fallen pillar and wall are utilised unless previously agreed in writing with the Local Planning Authority.

The conclusion is that the proposal has an acceptable impact on the character and appearance of the Conservation Area and the reinstatement of the pillar in the revised position is preferable to the alternative; i.e. the permanent loss of the pillar. The Inspector's decision on the appeals referred does not alter this conclusion.

Highway safety

Based upon the comments received from the Highway Authority, they have no objection to the proposed development subject to the inclusion of a condition relating to details of the surfacing/construction to be approved in writing prior to commencement of development. They have also requested that an informative be included as part of any permission stating

that an appropriate legal agreement would be required as part of the works are within the adopted highway.

Reasons for the Grant of Planning Permission

The proposal would result in the reinstatement of a stone pillar which has been demolished and removed from the site. Whilst the pillar is not to be sited in its original position it is considered that its reinstatement would have a beneficial impact upon the character of the Conservation Area by restoring the symmetry of the entrance that has been lost. The Council has no powers to require the restoration of the pillar in its original position and as such the alternative would be that the pillar would be permanently lost and the harm to the character and appearance of the Conservation Area that currently exists by virtue of this loss would be perpetuated. There are no other material considerations which would justify a refusal of planning permission.

Recommendation

Permit subject to conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1: To comply with the provisions of Section 91 of the Town and Country Planning Act.
2. The re-erection of the stone pillar shall be carried out to match the existing pillar utilising materials from the fallen stone pillar and wall unless previously agreed in writing with the Local Planning Authority. This shall also include a mortar that matches in colour that of the existing stone pillar and wall.
- R2: In the interests of amenity and to comply with the requirements of PPS1, Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policy H18 of the Newcastle-under-Lyme Local Plan 2011.
3. Prior to the commencement of development details shall be submitted to and approved in writing by the local planning authority indicating full construction/surfacing details for the proposed access widening broadly indicated on submitted Drawing No. 4 which shall thereafter be provided in accordance with the approved details.
- R3: In order to comply with policy T13 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011.
4. The development hereby permitted shall be carried out in accordance with the following approved plans;
 - Drawing No: 3 ii date stamped received by the LPA on 10 December 2009.
 - Drawing No: 3 iii date stamped received by the LPA on 10 December 2009.
 - Drawing No: 4 date stamped received by the LPA on 10 December 2009.
- R4: For the avoidance of doubt and in the interests of proper planning.

Informative

The access widening/surfacing works will require an appropriate legal agreement with Staffordshire County Council for the proposed minor works within the adopted highway. Prior to commencing work the applicant is required to contact Staffordshire County Council.

| Performance Checks | Date | | Date |
|-------------------------------|-----------------------|----------------------|---------------|
| Consultee/ Publicity Period | 12/2/10 | Decision Sent Out | |
| Case Officer Recommendation | 26/2/10 | 8 Week Determination | 1/3/10 |
| Report checked by Back Office | | | |
| Management check | Varied 1/3 ESM | | |

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mrs Lisa Brown **Application No:** 10/00031/COU

Location 19, High Street, Newcastle

Description Change of use from retail to estate agents

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

West Midlands Regional Spatial Strategy 2008

Policy UR3: Enhancing the Role of City, Town and District Centres

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 T1A: Sustainable Location

Policy NC19: Conservation Areas

Policy TC1: Ensuring the Future of Town Centres

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS)

Policy ASP4: Newcastle Town Centre Area Spatial Policy

Policy CSP2: Historic Environment

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

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development

PPS4: Planning for Sustainable Economic Growth

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

Nil

Representations

Nil

Applicant's/Agent's Submission

Nil

Key Issues

Full planning permission is sought for the change of use of this unit from retail (A1) to an estate agent (A2). The property is within the urban area of Newcastle as defined on the Local Development Framework Proposals Map and within the Primary Shopping Area as defined in the Town Centre SPD.

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?

PPS4: Planning for Sustainable Economic Growth seeks to promote the vitality and viability of town and other centres as important places for communities and to this end to focus new economic growth and development of main town centre uses in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment.

PPS4 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 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. It is not within the Prime Frontage however. The SPD states that the Primary Shopping Area should be the area where retail is the primary activity. It states that while retail should predominate, other uses are also essential to the area's vitality.

The proposal would result in the loss of a retail unit. However, the proposed A2 use will encourage people into the town centre and will be used by those visiting the town centre for other purposes. 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.
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1:500 Scale Ordnance Survey map
- R2. For the avoidance of doubt and in the interests of proper planning.

| Performance Checks | Date | | Date |
|-----------------------------|----------------|----------------------|----------------|
| Consultee/ Publicity Period | 12.2.10 | Decision Sent Out | |
| Case Officer Recommendation | 24.2.10 | 8 Week Determination | 10.3.10 |
| Management check | | | |