

When calling or telephoning please ask for

Mr G Durham

Direct line or ext

742222

My ref

GD/EVB – R82/48

14 May 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, 25 MAY 2010** at **7pm**.

AGENDA

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of meeting held on 4 May 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 Naylon, Slater and Mrs Williams (Membership correct at the time of going to print).

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
04/625/EXTN & 04/626/EXTN	Madeley Manor Nursing Home, Heighley Castle Way, Madeley. Mr P Quinn.	Extension of time limit to implement planning permission 04/625/FUL and 04/626/LBC for extension to provide additional patient accommodation for the nursing home.	No objections but hope to see conservatory properly restored.	Permitted by Planning Committee 20 April, 2010.
10/137/ADV	2 Castle Walk, Newcastle. Wilkinsons Hardware Stores.	Various illuminated and non-illuminated signs.	No objections.	Delegated decision (split) 6 May 2010.
10/143/FUL	8 Victoria Road, Newcastle. Mr C Hope.	Rear conservatory.	No objections.	Permitted under Delegated Powers 21 April 2010.
10/147/FUL	6 Betley Hall Gardens, Betley. Mr & Mrs Pearce.	Ground floor side extension.	No objections.	Permitted under Delegated Powers 28 April 2010.
10/164/FUL	50-54 Church Street, Audley. Mr F Boon.	Change of use to restaurant with internal alterations and alterations to shop front.	No objections and welcome the frontage design and its attempt to maintain the architectural rhythm of the building.	Permitted under Delegated Powers 5 May 2010.
10/183/LBC	8 Church Street, Audley. Mr & Mrs J Pointon.	Demolition of outbuilding.	No objections subject to conditions that ensure the restoration of the wall.	Permitted under Delegated Powers 4 May 2010.

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
10/208/FUL	Butterton Nurseries, Park Road, Butterton. Miss M Holtom.	Single storey side extension.	Within the Butterton Conservation Area	Councillor Mrs F Myatt Councillor B Tomkins Councillor A Howells
10/223/FUL	The Rosary, Main Road, Betley. Mr S Goodall.	Rear conservatory.	Within the Betley Conservation Area	Councillor D Becket Councillor A Wemyss
10/233/FUL	Clod Hall, Almington. Mrs M Mayall.	Demolition of former kennel buildings and erection of detached dwelling with stable block and garage and change of use of land to garden.	Proposal affects a Grade II Listed Building	Councillor Mrs F Myatt Councillor B Tomkins Councillor A Howells
10/234/LBC	Clod Hall, Almington. Mrs M Mayall.	Repairs and restoration including partial demolition of attached buildings.	Proposal affects a Grade II Listed Building	Councillor Mrs F Myatt Councillor B Tomkins Councillor A Howells
10/236/COU	Sugar Well Farm, 52 Castle Road, Mow Cop. Mr D Martin.	Change of use to include land within residential cartilage.	Proposal may affect the setting of a listed building.	Councillor C Barber Councillor Miss S Short Councillor J Cooper
10/248/FUL	2 Pump Bank, Keele. Miss D Howe.	Proposed first floor extension to rear and side above existing lounge and porch.	Within the Keele Village Conservation Area.	Councillor Mrs W Naylor Councillor R Studd
10/260/FUL	Butterton Nurseries, Park Road, Butterton. Butterton Nurseries Ltd.	Retention of boundary walls to plot numbers 3 & 4, erection of entrance gates and piers and associated landscaping.	Within the Butterton Conservation Area.	Councillor Mrs F Myatt Councillor B Tomkins Councillor A Howells
10/263/FUL	The Estate House, Main Road, Betley. Mr D Dunkley.	Detached double garage.	Within the Betley Conservation area.	Councillor D Becket Councillor A Wemyss
10/274/FUL	Waterfall Cottage, Whitmore Hall, Three Mile Lane, Newcastle Mr Cavenagh-Mainwaring.	Two storey rear extension.	Within the Whitmore Conservation Area.	Councillor Mrs F Myatt Councillor B Tomkins Councillor A Howells

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Wilkinsons **Application No:** 10/00137/ADV

Location: 2 Castle Walk

Description: Various illuminated and non-illuminated signs

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 2011

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

Newcastle under Lyme and Stoke on Trent Core Strategy 2006-2026 (adopted 2009)

Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle Under Lyme Local Plan 2011

Policy B9: Prevention of Harm to Conservation Areas
Policy B10: Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B14: Development in or Adjoining the Boundary of Conservation Areas
Policy B20: Illuminated Fascia and Other Signs in Conservation Areas

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (February 2005)
PPS5: Planning for the Historic Environment (March 2010)
Companion Guide to PPS1: The Planning System: General Principles.
PPG19: Outdoor Advertisement Control (March 1992)
Circular 03/07: Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Planning History

None considered relevant.

Views of Consultees

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

Representations

Nil

Applicants/Agent's submission

A Design Statement has been submitted by the applicant.

Key Issues

Advertisement consent is sought for various illuminated and non-illuminated signs. The site is within the Town Centre Conservation Area as designated on the Local Development Framework Proposals Map. A total of 16 signs are proposed including 2 main fascia signs which are to feature the "Wilkinson" text, 2 projecting box signs and various other fascia panels. The proposed signs are coloured dark red, white and yellow.

PPG19 states that the display of outdoor advertisements can only be controlled in the interest of "amenity" and "public safety". Paragraphs 11-14 of PPG19 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. Following the release of Circular 03/07 Local planning authorities are required to exercise their powers under the Regulations with regard to amenity and public safety, taking into account relevant development plan policies in so far as they relate to amenity and public safety, and any other relevant factors. The definition of "amenity" includes both visual and aural amenity. Therefore as well as visual amenity, the noise generated by advertisements should be considered. "Public safety" is not confined to road safety. Crime prevention and detection are relevant; the obstruction of highway surveillance cameras, speed cameras and security cameras by advertisements is now included. The main issue to address is therefore amenity – and public safety.

The main issues for consideration are as follows:

- Impact on the character of the area, particularly on the setting of the Listed Buildings and on the character and appearance of the Conservation Area
- Public safety

Impact on the character of the area, particularly on the character and appearance of the Conservation Area

PPS1 states that Planning Authorities should plan positively for the achievement of high quality and inclusive design. 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.

The application site lies within the boundary of the Town Centre Conservation Area. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation areas in the exercise of planning functions.

Policy B10 of the Local Plan states that an important consideration in ensuring that the character and appearance of a Conservation area is preserved or enhanced is the protection of important views within, into and out of the Area.

Policy B20 of the Local Plan states that illuminated signs should consist of individually lit letters fixed directly to a fascia or to an opaque panel. Where the letters form an integral part of the panel, they should stand proud by at least 25mm and should be edged in a material to distinguish them from the background panel. The light intensity should not exceed 300 metres per square metre.

The Conservation Advisory Working Party has not objected to the proposal. Fascia sign number 9 shown on the submitted drawings is shown to feature continuous external illumination above the proposed text rather than individually lit letters. This particular element of the proposal fails to comply with policy B20 of the Local Plan and would cause harm to the character and appearance of the Conservation Area.

Apart from fascia sign number 9 subject to conditions it is not considered that the proposed development would have a significant adverse impact upon any significant views into or within the Conservation Area.

Public safety

Due to the location and nature of the signs it is considered that they would not have an adverse impact on public safety.

Recommendation

Split decision – Part approval part refusal.

Grant consent for signs 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15 as shown on plan drawing number 1003B-10 Revision B subject to the standard advertisement conditions and the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing numbers 1003 B-10 Revision B and 1003 SLP-30.
- R1. For the avoidance of doubt and in the interests of proper planning.
2. The maximum luminance of any of the signage shall not exceed 300 candelas per square metre.
- R2. In the interests of visual amenity and to protect the character and appearance of the Town Centre Conservation Area in accordance with Policy B20 of the Newcastle under Lyme Local Plan.

Refuse consent for sign number 9 as shown on plan drawing number 1003B-10 Revision B for the following reason;

1. The advertisement by virtue of its method of external illumination, siting and appearance would be detrimental to the character and appearance of the Town Centre Conservation Area contrary to Policy B9, B10, B20 of the Newcastle-Under-Lyme Local Plan 2011, Policy D2 of the Staffordshire and Stoke on Trent Structure Plan 2011, and national planning guidance PPG19.

Performance Checks	Date		Date
Consultee/ Publicity Period	9.4.10	Decision Sent Out	
Case Officer Recommendation	6.5.10	8 Week Determination	7.5.10
Management check	6.5.10 RK		

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr Clive Hope **Application No:** 10/00143/FUL

Location: 8 Victoria Road Newcastle

Description: Rear conservatory

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 2011

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

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026 adopted 2009

Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle Under Lyme Local Plan 2011

Policy H18: Design of residential extensions.
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (February 2005)
PPS5: Planning for the Historic Environment (March 2010)
Companion Guide to PPS1: The Planning System: General Principles.

Planning History

None considered relevant.

Views of Consultees

Conservation Advisory Working Party – No objections.

Representations

None received.

Applicants/Agents Submission

A Design and Access Statement has been submitted which raises some of the following points:-

- The conservatory is to be constructed from wooden framing painted white

Key Issues

The application is for a rear conservatory measuring 3.6m by 7.9m by 3.8m in maximum width, length and roof height. The application site lies within the boundary of a Conservation Area. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation areas in the exercise of planning functions.

The key issues in the determination of the development are:

- the design of the proposal and in particular its impact on the character and appearance of the Conservation Area
- impact on residential amenity

The design of the proposal and in particular its impact on the character and appearance of the Conservation Area

Policy H18 relates specifically to the design of residential extensions and considers that materials and design should fit in with those of the dwelling to be extended and not detract from the character of the original dwelling. In achieving this, the form, size and location of the extension should be subordinate in design to the original dwelling.

The proposed extension is a subordinate addition given its modest scale and single storey nature. The view taken is that there would be no material harm to the character of dwelling house should planning permission be granted.

Policy B10 of the Local Plan states that an important consideration in ensuring that the character and appearance of a Conservation area is preserved or enhanced is the protection of important views within, into and out of the Area.

The extension is to be built at the rear of the property where there are very limited (if any) public views of the structure can be obtained. The view taken is that no harm to the character and appearance of the Conservation Area would arise.

The applicant has stated that the wall of the conservatory would be constructed in concrete blocks, however, given that the property is within a Conservation Area, this is considered unacceptable. A condition is considered necessary stating that the wall of the conservatory should be constructed of either brickwork to match the house or concrete blocks rendered and painted.

Subject to conditions, the design of the proposal and its impact on the character and appearance of the Conservation Area is acceptable.

The impact on residential amenity

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on new dwellings including the need for privacy, daylight standards, and environmental considerations. Overall the proposal accords with the relevant advice of the SPG and the view taken is that the proposal should not be resisted on amenity grounds.

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 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;
 - Scale 1:50 Elevations, Floor Plans and Site Plan received on the 26th February 2010.
- R2: For the avoidance of doubt and in the interests of proper planning.
3. The external facing materials to be used in the construction of the base walls of the development shall either match as closely as possible in all respects (size, texture and colour) those of the main dwelling house or shall make use of concrete blocks with a rendered external finish.
- R3 In the interests of amenity to comply with the requirements of policy CSP1 of the Staffordshire and Stoke-on-Trent Core Spatial Strategy 2006 – 2026, policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policy H18 of the Newcastle-under-Lyme Local Plan 2011.

Performance Checks	Date		Date
Consultee/ Publicity Period	9.4.10	Decision Sent Out	
Case Officer Recommendation	21.4.10	8 Week Determination	4.5.10
Management check	RK amended 21.4.10		

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr. & Mrs Pearce **Application No:** 10/00147/FUL

Location: 6 Betley Hall Gardens, Betley

Description: Ground floor side extension

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 Development
Policy D2: The Design and Environmental Quality of Development
Policy N13: Protection of Trees, Hedgerows and Woodlands
Policy NC19: Conservation Areas

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009)

Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle Under Lyme Local Plan 1996 - 2011

Policy H7: Protection of Areas of Special Character
Policy H18: Design of Residential Extensions, where subject to planning control
Policy N12: Development and the protection of trees
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

Circular 11/95 – Conditions
Circular 36/78 Trees and Development
BS 5837:2005 – Trees in relation to construction

Relevant National Policy Guidance

PPS1: Delivering Sustainable Development
Companion Guide to PPS1 “The Planning System: General Principles”
PPS5: Planning for the Historic Environment

Supplementary Documents

Betley Conservation Area Character Appraisal adopted December 2008.
Betley Conservation Area Management Proposals (CAMP) adopted December 2008.
Space Around Dwellings (July 2004).

Planning History

None relevant in the determination of the planning application

Views of Consultees

Conservation Advisory Working Party raises no objections.

Betley, Balterley & Wrinehill Parish Council raises no objections.

Landscape & Development Section subject to the applicant agreeing a number of points and subject to conditions, no objection is raised.

Representations

The occupiers of 7 neighbouring properties have been notified with no representations being received.

Applicant/Agents Submission

A design and access statement has been submitted to support the application because the site lies within the conservation area. Its contents can be viewed on the application file or by visiting Public Access on the Councils website.

Key Issues

The application is for a minor extension to the side of the property but the property lies within the village envelope of Betley and within Betley Conservation Area, as indicated on the Local Development Framework Proposals Map. Therefore the key issues in the determination of the development are:

- the design of the proposals and the impact of the proposed development on the Conservation Area
- the impact on trees protected by Tree Preservation Orders
- the impact upon neighbouring occupiers in terms of amenity

The design of the proposals and the impact of the proposed development on the Conservation Area

PPS1 (para. 33) states *“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 H18 relates specifically to the design of residential extensions and considers that materials and design should fit in with those of the dwelling to be extended and not detract from the character of the original dwelling. In achieving this, the form, size and location of the extension should be subordinate in design to the original dwelling.

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 located within the Betley Conservation Area and in particular, policy B10 is of importance in this instance.

The proposed extension is a small addition to an existing extension at the side of the property. Therefore it would be visible within the street scene. However, the existing extension has a very limited impact on the character of the original dwelling, street scene and conservation area in terms of its scale and appearance. The proposal would increase the length of this extension and although it would be larger it would not result in an adverse impact.

The front elevation of the proposed extension would have no window, whereas the existing extension does. Although a window would have been desirable it is not considered that it would adversely affect the rhythm of the front elevation of the property to the detriment of the visual amenity of the street

scene and conservation area.

The proposal is therefore considered acceptable and in accordance with the policies of the development plan in terms of the design of residential extensions and the impact on the conservation area.

Impact on trees covered by tree preservation orders

The proposed extension would be close to a tree (T12) covered by tree preservation order no. 16 which is located within the side garden of the neighbouring property. The applicant has submitted a drawing showing the tree in relation to the proposal and indicates that the root protection area is less than prescribed by BS 5837:2005 but is outside of the crown spread of both trees.

The landscape section requested further information to be submitted which, as indicated above, has now been received. In consideration of this information the landscape section have now requested that the footings should be carried out by hand and a barrier should be installed to protect the ground between the proposed building and the dotted line throughout the construction phase. The applicant has confirmed that this will be done in accordance with BS5837:2005. Conditions were also requested for tree protection fencing, submission and approval of a full arboricultural method statement and arboricultural implications assessment.

The trees in the area add to the character and appearance of the conservation area and so there protection is important. Therefore, subject to the above conditions the proposal is considered acceptable and in accordance with Policy N12 and B15 of the Newcastle-under-Lyme Local Plan.

Impact upon neighbouring occupiers in terms of amenity

PPS 1 paragraph 3 states that;

“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.’”

Supplementary Planning Guidance provides further advice regarding residential extensions.

The extension is only a small scale extension and would not lead to any loss in amenity to neighbouring occupiers or residential amenity of the area in general due to the size of the proposal and the relationship with the nearest residential property.

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 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 development hereby permitted shall be carried out in accordance with the following approved plans and supporting information;

- Drawing no. 2010/RP/BHG/01, date stamped received by the LPA on 12 April 2010.

- Drawing no. 2010/RP/BHG/02 & 2010/RP/BHG/03, date stamped received by the LPA on 01 March 2010
- Letter from Kevin Dean Construction Design Services, date stamped received by the LPA on 26 April 2010
- Design and Access Statement prepared by Kevin Dean Construction Design Services

R2: For the avoidance of doubt and in the interests of proper planning.

3. The external facing materials to be used in the construction of the development hereby permitted shall match as closely as possible in all respects (size, texture and colour) those of the existing building.

R3: In the interests of amenity to comply with the requirements of policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policy H18 of the Newcastle-under-Lyme Local Plan 2011.

4. No development shall take place until barriers have been erected and ground protection installed around all trees on/or overhanging the site, as indicated by the dotted line and area marked yellow on submitted drawing 2010/RP/BHG/01, date stamped received by the Local Planning Authority on 12 April 2010. The protection measures shall be maintained until the development is completed. No materials shall be stored, buildings erected, plant or vehicles parked or fires lit within the fenced areas. Tree protection measures shall be implemented as per BS5837: 2005.

R4: To protect the existing trees on the site and in the interests of visual amenity in compliance with Policy N12 of the Newcastle under Lyme Local Plan 2011.

5. No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details for the installation of any paving (in accordance with the standard) and shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. Tree protection measures shall be implemented as per BS5837: 2005.

R5: To protect the existing trees on the site and in the interests of visual amenity in compliance with Policy N12 of the Newcastle under Lyme Local Plan 2011.

6. No development shall take place until an Arboricultural Implications Assessment (AIA) to BS5837:2005 has been submitted to and approved in writing by the Local Planning Department. Development shall be carried out in accordance with the approved AIA.

R6: To protect the existing trees on the site and in the interests of visual amenity in compliance with Policy N12 of the Newcastle under Lyme Local Plan 2011.

7. All excavations of footings shall be carried out by hand in accordance with BS5837:2005, unless an alternative method is submitted to and approved in writing by the Local Planning Department. The development shall be carried out in accordance with the approved method.

R7: To protect the existing trees on the site and in the interests of visual amenity in compliance with Policy N12 of the Newcastle under Lyme Local Plan 2011.

Note to the applicant

1. You are reminded of the need to comply with the conditions attached to the planning permission, failure to do so could lead to enforcement action against the owners of the property.

Performance Checks	Date		Date
Consultee/ Publicity Period	16.04.2010	Decision Sent Out	
Case Officer Recommendation	28.04.2010	8 Week Determination	22.06.2010
Management check	30/4/10 GM NV		

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr F Boon **Application No:** 10/00164/FUL

Location: 50-54 Church Street, Audley, Newcastle

Description: Change of Use from Shop Premises (A1) to (A3) Restaurant with Manager's Accommodation over and Alterations to Shop Front.

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

West Midlands Regional Spatial Strategy

Policy QE3: Creating a high quality built environment.

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable forms of Development;
Policy D2: The Design and Environmental Quality of Development;
Policy D5A: Green Belts;
Policy T3: Rural Areas – retention and improvement of rural services;
Policy T13: Local Roads;
Policy TC4: Local Shops.

Newcastle Under Lyme Local Plan 2011

Policy R15: Non-retail uses in District Centres and other Groups of Shops;
Policy T16: Development – General Parking Requirements;
Policy B 9: Prevention of Harm to Conservation Areas.

Appendix 3 Transport Assessment and Parking.

Newcastle under Lyme and Stoke on Trent Core Strategy 2006-26 (adopted 2009)

Strategic Aim 5: To foster and diversify the employment base;
Strategic Aim 11: To focus development within the communities of...Audley Parish;
Strategic Aim 16: To eliminate poor quality development;
Policy CSP1: Design Quality;
Policy CSP2: Preserve and enhance the character of appearance of the historic heritage.

Other Material Considerations

PPS1: Delivering Sustainable Development
Companion Guide to PPS1 "The Planning System: General Principles".

Relevant Planning History

06/00373/FUL	PER	13.6.2006	Change of Use of part of shop premises to a dwelling house and associated external works.
08/00431/FUL	PER	8.8.2008	Change of Use of part of shop to two dwelling houses with new vehicle access.
08/00821/FUL	PER	12.11.2008	Change of Use from shop to Dwelling House Renewal of 06/00373/FUL with amendments.

Views of Consultees

Environmental Health:

Potential for nuisance could:

- during construction work;
- potential for cooking odours and noise from fume extraction systems in the proposed restaurant to arise and cause nuisance to nearby residents.

Recommendations:

Limitation of Hours of Construction

Considerate Contractors Scheme

Hours of Use Condition

Fume extraction system – details to be approved in writing by the Local Planning Authority

Air Cooling/air extraction system - details to be approved in writing by the L. P. Authority

Living Accommodation – only to be occupied by persons connected with the operation of the restaurant and their family

Grease Trap

Refuse Storage – details to be approved in writing by the Local Planning Authority

Waste Collections and deliveries to be limited between 9 00 and 18.00 hours

Use shall not be permitted until provision for litter disposal and collection has been made in vicinity of the site– details to be approved in writing by the Local Planning Authority.

. In view of the above there are no objections to the proposal.

Audley Parish Council - supported.

Highway Authority - no objections.

Conservation Advisory Working Party - no objections and welcome frontage design and its attempt to maintain the architectural rhythm of the building.

Representations:

Three letters of representation:-

- (1) Concerns about extraction and ventilation;
- (2) Noise from parking.

An additional concern has been raised regarding the accuracy of the red edged plan.

Applicants/Agent's submission:

Design and access statement

Owner of business is seeking to retire, the authorised Change of Use to domestic dwellings has not attracted interest so an alternative use is required. There have been enquiries for use of the premises as a restaurant. Church Street has mixed use with small supermarkets, shops, hairdresser restaurants and hot food takeaways, the change of use of the present premises will help maintain the vibrancy of the area.

The ground floor would become a restaurant with ancillary kitchen and toilet areas with the first floor being partly converted to living accommodation for the manager with some storage area retained. The existing self contained rear yard/servicing area will be retained to allow deliveries and some staff parking to the rear.

Key Issues

The shop unit forming the application site is in the Audley Village Envelope within the Rural Area; it is on the southern boundary of the Audley Conservation Area. The site is on the main shopping street which is a mix of shops and houses. Almost opposite is the public library set in open land. The shop is made up from the amalgamation of three properties nos 50, 52, 54; Planning Permission 06/00373/FUL and 08/00431 permitted them to be changed to 3 dwelling houses. The present application is to convert them from Planning Use A1 to Planning Use A3 being a restaurant with

managers accommodation over, retaining the rear service area and alterations to the shop front. The main issues to be addressed are whether such a conversion complies with policies on retail, traffic and parking, and amenity.

Compliance of Conversion with Retail Policy

Structure Plan policy TC4 indicates that redevelopment proposals which would involve the loss of existing retail facilities in villages will not be permitted unless it can be shown that there is no longer any need for such facilities in that location or that they can be provided in another appropriate and sustainable manner. Local Plan Policy R15 states that in determining applications for changes of use from retail (Class A1) to non-retail uses in groups of 3 or more shop units the Council will consider the effect of the proposal on the range of goods and services offered in the Locality. Material Considerations will include the cumulative effect of the development and any others that have already taken place.

The Design and Access Statement advises that the business has struggled to survive; oral advice has been given that the business is losing money. Church Street has a number of former shop units either lying empty or which have been converted to residential use.

The loss of the retail use of the premise has already been accepted when planning permission was given for the conversion of the units to residential. There have been no material changes in planning circumstances to reach a different conclusion on this matter at this time.

Traffic and parking

Church Street is busy and winding and Dean Hollow is a narrow lane with traffic restrictions so provision of off highway parking is a key issue. There is presently no on site customer parking. Table 3.2 of the Local Plan sets the maximum number of car parking spaces for the current Planning Use (A1 non-food) as 1 per 20m² whereas the proposed use (A3 Restaurants and Cafes) is as 1 per 10m². The potential number of required parking spaces is therefore higher. There is however public off street parking in Audley, and it is considered that the increase in the number of parking spaces required should not be critical, especially given that the parking standards are maximums levels of car parking spaces permissible and are not levels of parking that must be achieved.

The design and access statement reads that the existing service area is to be retained. In practice the narrow width of Dean Hollow means that the rear yard is not useable for deliveries. The number of deliveries is unlikely to be materially more than the existing use so this is not a reason to resist the application particularly when it is noted that the Highway Authority do not object to the proposal.

Amenity

Policy D2 of the Structure Plan holds that in determining planning applications for any type of development, the Council will have regard to the conservation and where possible improvement of the quality of life. This includes (a) the development being informed by, or sympathetic to the character and qualities of its surroundings, in its location, scale and design; and (d) avoiding hazards to health and safety.

The change in the external appearance of the building will involve the closure of the existing shop front door, provision of glazed panel and a new front entrance. The Conservation Area Advisory Group are happy with the proposal, there is no apparent reason to disagree.

The Environmental Health Division in its recommendation concludes that there are no objections to the proposal in principle. The kitchen is adjacent to Deans Hollow where it is situated away from any adjoining housing and provision of extraction and ventilation equipment should be possible without being intrusive. Provided the conditions requested are made there should be no material nuisance caused by the proposal.

There being no on site customer parking or notable additional delivery nuisance no material loss of neighbour amenity should result.

Other matter raised in representation

Representations indicate that a part of the application site is not in the applicant's ownership or control despite what is indicated within the planning application. The representation provides a map extract from a land registry document and the objector's interpretation of that document, which is not considered to be conclusive proof that the land shown is in separate ownership. Whilst it may be the case that the applicant does not own the red edged site in totality it remains the case that the development is acceptable in land use planning terms. This may be a matter, however, that the applicant/developer has to address outside of the planning process.

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

It is recommended that the application be approved subject to the following conditions:

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 development hereby permitted shall be carried out in accordance with the following approved plans and supporting information;
 - Drawing no. 21464_01 – Plan as Existing.
 - Drawing no. 21464_02 – Plan as Proposed.
R2: For the avoidance of doubt and in the interests of proper planning.
3. The use hereby permitted shall not be open to customers outside of the following times:

0900 to 2300 hours on Mondays to Saturdays; and
0900 to 2230 hours on Sundays and Bank Holidays.

R3: To protect amenity and prevent nuisance in accordance with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.
4. Before works to convert the premises to a restaurant (Class A3) use commence, details of suitable fume extraction system shall be submitted to the Local Planning Authority and approved in writing by that Authority. The system shall be designed to operate in full accordance with the approved details before the restaurant opens and shall thereafter be maintained in accordance with the approved details.

R4: To safeguard the amenity of the area in accordance with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.
5. No mechanical ventilation or refrigeration/air conditioning plant shall be installed on any part of the building until full and precise details have been submitted to and approved in writing by the Local Planning Authority. Such aforesaid approved scheme shall be constructed and installed in accordance with the approved scheme and shall thereafter be maintained in accordance with the approved scheme.

R5: To safeguard the amenity of the area in accordance with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.

6. Prior to the restaurant (Class A3) use is brought into use, details of means to prevent grease, fat and food debris from entering the foul drainage system serving the premises shall be submitted to the Local Planning Authority and approved in writing. The approved scheme shall be installed prior to the premises opening and shall thereafter be maintained in accordance with the approved details.
- R6: To prevent grease, fat and food debris from entering the foul drainage system.
7. The living accommodation and first floor, hereby permitted, shall only be occupied by persons connected with the operation of the restaurant and their immediate family.
- R7: In the interests of amenity to comply with the requirements of policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.
8. The materials to be used in the external alterations to the building hereby permitted shall match in all respects (size, texture and colour) those of the existing building.
- R8: In the interests of amenity to comply with the requirements of policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.
9. The refuse storage and collection arrangements including provision for the recycling of waste for both the residential and commercial elements of the developments shall be submitted to the Local Authority and approval in writing. The approved scheme shall be installed prior to the premises opening and shall thereafter be maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- R9: In the interests of amenity to comply with the requirements of policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.
10. Neither waste collections or any deliveries shall take place before 0900 hours or after 1800 hours on any day.
- R10: In the interests of amenity to comply with the requirements of policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.
11. The restaurant (Class A3) use hereby permitted shall not commence until provision has been made in the Vicinity of the site for the proper collection and disposal of litter resulting from the use, and such provision shall be in accordance with details agreed in writing beforehand with the Local Planning Authority.
- R11: To protect amenity and prevent nuisance in accordance with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.

Notes to 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. For the purposes of Condition 4 the details of the extraction system to be submitted to the Local Authority shall include

- Efflux velocity of extraction system
 - Type of flue terminal
 - Location of discharge point
 - Method of odour control
 - Noise specification including sound power levels (SWL) and frequency analysis for the equipment to be installed
 - Method of attaching the ventilation system to the building fabric (if an existing chimney is not used) and the external appearance of any ducting
3. It is suggested that documentary evidence including receipts, invoices and copies of any contracts in connection with the maintenance of the extraction equipment, is kept, preferably at the premises and is made available to officers of the Local Planning Authority to facilitate monitoring of compliance with condition No.4.
4. With respect to condition No.5 to allow the proposals to be properly assessed, the following information would be expected to be submitted to the Local Planning Authority
- Full noise specification including sound power levels and frequency analysis for the equipment to be installed
 - Details of noise mitigation measures to be utilised to prevent the proposed system from causing disturbance to adjoining residents
 - A scale plan showing the positioning and orientation of the equipment in relation to surrounding premises.
5. You are advised that compliance with planning conditions does not necessarily prevent action being taken by the Local Authority or members of the public to secure the abatement restriction or prohibition of statutory nuisance, actionable under the Environmental Protection Act 1990 or any statutory provision

Performance Checks	Date		Date
Consultee/Publicity Period	8.4.2010	Decision Sent Out	
Case Officer Recommendation	4.5.2010	8 Week Determination	06.05.2010
Management check	Varied ESM	5/5	

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr & Mrs Pointon **Application No:** 10/00183/LBC

Location: 8, Church Street, Audley

Description: Demolition of outbuilding

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

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

Policy CSP2: Historic Environment

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy NC18: Listed Buildings
Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

Policy B4: Demolition of Listed Buildings
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: Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
PPS5: Planning for the Historic Environment (2010)

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

Planning History

None

Views of Consultees

The **Conservation Advisory Working Party** has no objections subject to conditions that ensure the restoration of the wall.

English Heritage does not wish to make any comments and recommends that this application should be determined in accordance with national and local policy guidance, and on the basis of the Council's expert conservation advice.

Audley Rural Parish Council supports this application subject to the retention of the retaining wall.

No comments have been received from the **Twentieth Century Society**, 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 Access Statement has been submitted. A summary of the comments made is as follows:

- The building is a store/garden shed and is in an advanced state of dilapidation with a number of defects.
- Demolition is seen as the only option to ensure safety to all parties. This will permit urgent structural repairs to the car park wall.

The Council is also in receipt of a Structural Engineer's Report.

Key Issues

Listed building consent is sought for the demolition of an outbuilding to the rear of No.8 Church Street, Audley. The dwelling is a Grade II Listed building and the outbuilding is a curtilage listed building. The property is also within Audley Conservation Area.

The proposal involves the demolition of a single-storey outbuilding of brick and tile construction that was originally a store. The northern wall of the building forms part of a large retaining wall to the adjacent pub car park.

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.

PPS5 states that in considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. It is stated that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Loss affecting any designated heritage asset should require clear and convincing justification.

The building has been much altered with various different types and ages of brickwork and altered openings. The submitted Structural Engineer's Report states that the outbuilding is not stable and should it collapse, it is also stated that in view of the small area of the building and the required works, it would not appear economically viable to repair the building. The Borough Conservation Officer is satisfied that the demolition of this curtilage listed building would not harm the overall setting of the listed building. The loss of the outbuilding is not considered so significant to justify a refusal.

The northern wall of the outbuilding forms part of a very substantial retaining wall to the adjacent pub car park. The wall is significant and therefore, a condition is considered necessary requiring a method statement for the reconstruction of the wall.

Reason for the grant of listed building consent:

The outbuilding is currently unstable and there is potential for materials to fall onto users of the adjacent land. The building has been substantially altered and it is not considered that its demolition would have any significant detrimental impact on the setting of the principal listed building or on the character and appearance of the Conservation Area. 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. 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 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

1:500 Site Plan
Plans and elevations received on 17 March 2010o. X1 – X2
- R2. For the avoidance of doubt and in the interests of proper planning.
3. The reconstruction of the retaining boundary wall as referred to in the Design & Access Statement shall be carried out in accordance with details specified within a Method Statement to be first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full accordance with the approved details.
- R3. To ensure the retention and restoration of the boundary walls in the interests of the setting of the listed building and the conservation area and in accordance with Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026; Policies NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011; Policies B4, B5, B9, and B10 of the Newcastle-under-Lyme Local Plan 2011; and PPS5.

Performance Checks	Date		Date
Consultee/ Publicity Period	23.4.10	Decision Sent Out	
Case Officer Recommendation	4.5.10	8 Week Determination	12.5.10
Management Check	Varied ESM	5/5	

**SUPPLEMENTARY REPORT TO THE
CONSERVATION ADVISORY WORKING PARTY**

Tuesday 25 May 2010

Reference	Location and Applicant	Development	Remarks	Ward Councillors
10/291/CPO	Betley CE Primary School, Church Lane, Betley. Staffordshire County Council.	Demolition of existing entrance and toilet block extension. Replacement extension building to comprise of main entrance, reception, offices, toilet facilities and internal alterations.	Within the Betley Conservation Area.	Councillor D Becket Councillor A Wemyss