

To the Chair and Members
of the
CONSERVATION ADVISORY
WORKING PARTY

Mr G Durham
742222
GD/ED – R82/48

15 February 2008

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, 26 FEBRUARY 2008** at **7.00pm**.

AGENDA

1. Minutes of meeting held on 5 February 2008 (copy attached for non-Council Members information).
2. To consider the attached reports at Appendix A and B (blue and salmon paper).
3. To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the Officer.
4. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Yours faithfully

A CAMPBELL

Democratic Services Manager

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

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

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
06/620/FUL	Brassingtons, 115 High Street, Newcastle Brassingtons	Variation of Condition 1 of Planning Permission 00/378/FUL and Condition 6 of Planning Permission 01/483/COU to allow opening until 0200 hours on Wednesday nights	No objections in principle but concerns were raised about the impact on the Conservation Area	Application Withdrawn
06/621/COU	Brassingtons, 115 High Street, Newcastle Brassingtons	Change of use from bar (Use Class A4) to discotheque (Use Class D2) with daytime bar (Use Class A4)	No objections subject to clear indication that the discotheque would only be in operation for the night-time economy	Application Withdrawn
07/950/ADV	Co-op Bank, 31 High Street, Newcastle, Staffs C WS Retail Financial Services	Two internally illuminated fascia signs	No comments	Split decision. Decided under delegated powers 12/11/07
07/965/LBC	Old Hall, Poolside, Madeley Mr G White	Internal and external alterations	No objections subject to careful control over materials, detailing and finishes that are worthy of this very interesting and historic Madeley building	Permitted by Committee 20/11/07
07/01009/OUT	T K Phillips Workshop, Moss Lane, Madeley Chamberlain Developments Ltd	Erection of one detached cottage and a pair of semi – detached cottages	The Working Party accepts that the scheme, as modified, is sympathetic to other nearby dwellings in this part of the Conservation Area and notes the Parish Council's support of the scheme.	Permitted by Committee 14/12/07
07/1015/FUL	Newcastle-u-Lyme Girls School, Victoria Road, Newcastle Newcastle-u-Lyme Girls School	Removal of conditions 5 and 6 on planning permission 03/330/FUL	No objections.	Permitted by Committee 12/12/07

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
07/1025/FUL	Revolution. 7 Hassell Street, Newcastle Inventive Leisure	Erection of retractable awning to front of Revolutions	The Working Party had no objections to the design of the awning but expressed concern at the likely increase in litter in this part of the Conservation Area, particularly cigarette stubs deposited in the vicinity of the awning by patrons of the public house.	Permitted under Delegated Powers 19/12/07
07/1044/FUL	21 Crown Bank, Talke Mr G Bunn	Installation of front and rear dormer windows	No objections from this Working Party.	Permitted under Delegated Powers 24/01/08
07/1069/FUL	Holy Trinity Community Centre, London Road, Newcastle Holy Trinity Community Centre	Proposed smoking shelter	Members agreed with the officers recommendation to have the shelter reduced and improved in materials and design,	Refused under Delegated Powers 18/01/08

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
08/56/FUL	Poolside Cottage, Poolside, Madeley Mr J Walley	Single storey rear extension	Affects the Madeley Conservation Area	Councillor A Howells Councillor Mrs H Morris
08/62/COU	Former Hubanks, 43-45 Merrial Street, Newcastle Aspire Housing	Change of use from retail (Use Class A1) to office accommodation (Use Class A2)	Within the Newcastle Town Centre Conservation Area	Councillor D Clarke Councillor Mrs E Shenton
08/70/LBC 08/72/FUL	& 31 Ironmarket, Newcastle Mrs B Fitzgerald	Conversion of first and second floors to six apartments with associated internal and external alterations.	Within the Newcastle Town Centre Conservation Area and Listed Building	Councillor D Clarke Councillor Mrs E Shenton
08/78/FUL	4 Smithy Lane, Knighton, Market Drayton Mr A Sanderson	Two storey side extension, single storey side and rear extension, incorporating garage and front porch	Proposal may affect the setting of a Listed Building	Councillor B Tomkins Councillor Mrs F Myatt Councillor P Maskery
08/85/FUL	New House, Maer, Newcastle Mrs Kenyon	Two storey side extension and single storey rear extension	Affects the Maer Conservation Area	Councillor B Tomkins Councillor Mrs F Myatt Councillor P Maskery
08/99/COU	8-14 York Place, Newcastle Mr R Swift	Change of use of existing retail unit to café/ bar premises.	Affects the Newcastle Town Centre Conservation Area	Councillor D Clarke Councillor Mrs E Shenton

OFFICER REPORT ON DELEGATED ITEMS

Applicant -CWS Retail Financial Services

Application No - 07/00950/ADV

Location - Co Op Bank, 31 High Street, Newcastle

Description - Two internally illuminated fascia signs

Policies and proposals in the Development Plan relevant to this decision:

West Midlands Regional Spatial Strategy

QE3: Creating a High Quality Built Environment for All.

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

D1: Sustainable Forms of Development.

D2: The Design & Environmental Quality of Development.

NC19: Conservation Areas

Newcastle under Lyme Local Plan 2011

Policy B9: Prevention of harm to Conservation Areas

Policy B19: Illuminated signs 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

Relevant Planning History

See history sheet on file for property history.

Views of Consultees

Conservation Officer – No objections to the main fascia sign, however the letters on the smaller fascia sign should be reduced to 150mm.

Conservation Advisory Working Party 6th November 2007 – No comments

Representations

Nil

Key Issues

Permission is sought to replace the two existing fascia signs with internally illuminated fascia signs. The front fascia sign facing onto High Street (Sign A) will display lettering 250mm in height, showing “The co-operative” in black lettering and “bank” in white lettering.

The fascia sign on the side elevation (Sign B) would also feature lettering of 250mm in height. Amendments were requested to reduce this lettering on the side elevation to a maximum of 150mm in height, however no amended plans were forthcoming.

Number 31 High Street is one of a number of modern shops in the York Place Development built in the 1980s in Red Lion Square, and is situated within Newcastle under Lyme's Town Centre Conservation Area. The proposed signs form a part of a national replacement signage programme currently being undertaken by the co-operative organisation for all of its commercial properties throughout the country.

The fascia boards would be opaque, non reflective and non illuminated. The letters would also be opaque, with the letters only being illuminated by "halo" back lighting.

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:

- The impact of the Proposed fascia signs upon the Town Centre Conservation Area
- The impact of the proposed fascia signs on the amenity of the property it relates to and the surrounding area, and
- The impact upon public safety.

The impact of the proposed fascia sign on the Town Centre Conservation Area.

Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan states that there will be a presumption in favour of retaining and enhancing buildings, groups of buildings, or other features, including open spaces and views through, into or out of the areas which contribute to their special character, appearance or interest.

Policy B20 'Illuminated fascia and other signs on Conservation Areas' states that illuminated signs should consist of individually lit letters fixed either 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 25 millimetres and should be edged in a material to distinguish them from the background panel. The light intensity should not exceed 300 candelas per square metre.

Paragraph 8.31 states that advertisement signs need not run the whole length of a fascia. Paragraph 8.32 goes on to state that the design of advertisement signs, their position, size, projection and materials, should complement the proportions and architectural detailing of the whole building façade on which they are displayed. They should also preserve and enhance the character and appearance of the Conservation Area in which they are located.

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

The premises to which the application relates is the co-operative bank premises, which occupies number 31 High Street in Newcastle town centre, a corner premises on the north-eastern side of High Street. The present fascia signs are not illuminated, however many illuminated and internally illuminated signs have been permitted on High Street, at numbers 41, 51, 60-62, 70, and 82-86.

Amendments were requested, as it was felt by the Council's Conservation Officer that the lettering to the proposed side fascia sign would be too high/ large in proportion with the width and length of the fascia and should be reduced to 150mm. As the property is within the Town Centre Conservation Area, the design of the fascia signs is very important to conserve both the character and appearance of the Conservation Area. However, no amendments were forthcoming by the deadline given.

It is considered that, given that the front fascia would be an acceptable fascia sign in the Town Centre Conservation Area, a split decision is recommended to approve the front fascia sign and refuse the side facing fascia sign.

Public safety

It is considered that the proposed fascia signs would not cause any undue harm to public safety.

In conclusion, one of the signs would be acceptable, and one unacceptable, therefore a split decision has been recommended.

Recommendation

Split decision – Part approval part refusal.

Approval of the sign marked 'A' subject to the following conditions:

1. No direct light source shall be visible to drivers on the highway.
- R1: In the interest of Highway Safety and in accordance with Policies D2 and T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.
2. The illumination levels of the illuminated signs hereby permitted shall not exceed 300 candelas.
- R2: In the interest of highway safety and visual amenity, in accordance with Policies D2 and T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.

Refusal of the sign marked 'B' for the following reason:

1. The fascia sign by virtue of its design and size would be detrimental to the visual amenities and character of the property and the surrounding Newcastle Town Centre Conservation Area, contrary to Policies B9 and B20 of the Newcastle under Lyme Local Plan 2011 and Policies NC19 and D2 of the Staffordshire and Stoke-on-Trent Structure Plan 2011, and national planning guidance PPG19.

Note to the applicant

The lighting scheme shall be installed and retained strictly in accordance with the submitted design/ specification and the Institution of Light Engineers "Guidance for the Reduction of Light Pollution, 2000" for Environmental Zone E3.

Performance Checks	Date		Date
Consultee/ Publicity Period	9/11/07	Decision Sent Out	
Case Officer Recommendation	12/11/07	8 Week Determination	10/12/07
Report checked by Back Office			
Management check	Amended 19/11/07 AK		

Applicant - Inventive Leisure

Application No 07/01025/FUL

Location Revolution Bar, 7 Hassell St, Newcastle

Description Erection of retractable awning to front

Policies and proposals in the Development Plan relevant to this decision:

West Midlands Regional Spatial Strategy

QE1: Conserving and Enhancing the Environment
QE3: Creating a high quality built environment for all

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

D2: The Design and Environmental Quality of Development
T18A: Transport and development
NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

B9: Prevention of Harm to Conservation Areas
B10: The requirement to Preserve or enhance the character or appearance of a Conservation Area
B17: Awnings, Canopies and Blinds in Conservation Areas

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
PPG15: Planning and the Historic Environment (1994)

Relevant Planning History

0700409/ADV – erection of canopy sign, refused 14/6/07
See Planning History sheet on file for all history

Views of Consultees

Highway Authority – No objections, subject to a condition requiring a minimum vertical clearance of 2.2m between the canopy and the footway. They have also commented that the canopy structure proposed would overhang the highway and the applicant has been made aware that he would be responsible for the fixture, fittings and any future maintenance/ claims made relating to the canopy.

Conservation Advisory Working Party – No objections to the design, but expressed concern at the likely increase in litter in this part of the Conservation Area, particularly cigarette stubbs deposited.

Representations

None received.

Applicants/agents submission

The applicants design & access statement makes a case for the proposed scheme. The canopy will accommodate a shelter for smokers. The appearance has been sensitively designed to compliment the appearance of the building and will be fully retractable. It's the applicants intention to only use the facility in poor weather and the material and colour will minimise the appearance on the street scene.

Key Issues

The proposal is for the erection of a retractable canopy on the front elevation of this public house and is a resubmitted scheme following the refusal of a similar proposal to the located on the rear elevation. The proposal would project 1.5m outwards and be 3.9m in length, black in colour with white 'Revolution' lettering on the end. The canopy will be fully retractable the submission shows the canopy will be positioned below the existing fascia sign and when closed will be flush and will not project beyond the fascia sign.

The main determining issues such planning application is the potential effect on visual character and amenity of the Town Centre Conservation Area and whether the proposal would affect public safety.

The principle of a canopy on this elevation is acceptable given that the quality, black colour and style of the fully retractable canopy is appropriate to the appearance of the front elevation of this public house. Even though the elevation is the most prominent in the Town Centre Conservation Area, the design, and mixed appearance of other canopy structures on the shopping parade suggests the suitability of a sensitively designed canopy to be placed on this building.

Local Plan Policy B9 & B10 states the aim requiring new proposals to respect the architectural and historic qualities of the Conservation Area. In this case, the design, colour and quality of the proposed retractable canopy is considered to comply with this policy.

Local Plan Policy B17 is more specific to awning and canopy proposals and recommends that the any proposals should take account of the architectural qualities of the building. In this case the proposal is considered acceptable on this building and the surrounding street scene is mixed in style and character of predominately retailing uses.

No objections have been received from the Conservation Advisory Working Party or the Conservation Officer. However, the Conservation Officer suggests that the canopy mechanism be incorporated as part of the main fascia which projects approximately 300mm. This can be satisfactory achieved by condition requiring the installation method and details of fittings of the canopy mechanism.

The comments received from the Conservation Advisory Working Party on the potential for cigarette litter is a matter for the licensing division.

In terms of Highway safety, the Highways Authority have raised no objectionson the basis that a minimum of 2.2m height distance is kept for pedestrian clearance. However, this is not an issue as the proposal is shown to be attached to the base of the main fascia of this public house, which is approximately 3.5m high.

The proposals are considered appropriately designed and in harmony with existing surroundings within the Conservation Area. The conclusion reached is that the proposals should not be resisted on design grounds.

Recommendation

Permit subject to conditions:

1. No development shall be carried out until details of the proposed retractable canopy mechanism and installation on the base of the fascia of the building has been submitted to and approved in writing by the Local Planning Authority. The scheme shall blend the ends of the canopy mechanism into the style, appearance and colour of the main fascia of the building.
- R. In the interests of visual amenity to comply with the requirements of policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policy B17 of the Newcastle-under-Lyme Local Plan 2011.

Performance Checks	Date		Date
Consultee/ Publicity Period	15.12.07	Decision Sent Out	
Case Recommendation Officer	19.12.07	8 Week Determination	11.1.08
Management check			

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr G Bunn

Application No 07/01044/FUL

Location 21 Crown Bank, Talke

Description Installation of front and rear dormer windows

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 2011

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

Policy H18: Design of Residential Extensions, where subject to planning control

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

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

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

Planning History

See planning history sheet on file

Views of Consultees

Kidsgrove Parish Council – No response received

Conservation Officer – No objections in principle to the proposed development. The Conservation officer has recommended that the front and cheeks of the front dormers be constructed in timber.

The Conservation Advisory Working Party – No objections

Representations

A site notice was displayed – No comments received

Applicants/agents submission

None

Key Issues

The applicant seeks planning permission to increase the ridge height of the roof and insert front and rear dormer windows on the 1980's built bungalow. The front of the property is on the boundary of the Talke conservation area as detailed on the Proposals map of the Local Plan. It is proposed that there will be two front dormer windows that face the conservation area and a large flat roof dormer at the rear of the property. External

facing materials are to match those of the existing dwelling. The key issues in the determination of the development are: I

- the design of the proposals
- the impact of the proposed development on the Conservation Area
- the impact upon neighbouring occupiers in terms of amenity
- Impact on highway safety

Design of the proposals

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 refers to the design of residential extensions, where subject to planning control. The policy states:

“Proposals to extend dwellings will be favourably considered, subject to other policies in the Plan, so long as the following requirements are satisfied:

- i) The form, size and location of each extension should be subordinate to the design of the original dwellings.*
- ii) The materials and design of each extension should fit in with those of the dwelling to be extended.*
- iii) The extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene or setting.”*

The application property is a 1980's bungalow in the residential area of Talke. There are a mixture of properties in the area, these being detached, semi detached and bungalows within the surrounding area.

The proposed development seeks permission for alterations to the roof of the property. The increase in height of the roof and the alterations to the plane of the roof would not, on their own, have a significant impact on the appearance of the dwelling. Of more significance, visually, are the two front dormer windows and a large flat roof dormer on the rear of the dwelling. The two dormer windows on the front of the property are considered to be of a form, size and scale that respect the appearance of the original dwelling and the integrity of the original design of the group of dwellings that form the street scene. Therefore, the front dormer windows are considered acceptable.

The rear dormer window is considered to be large, this occupying a large area of roof space. The large dormer will have a slightly sloping roof and the materials to be used will match the original dwelling. The location at the rear of the property will minimise its impact on the appearance of the original dwellings and on the integrity and setting of the street scene. However, the proposal will still be visible from Rectory View.

A material consideration to be considered is the likely fall back position should planning permission be refused here. The residential property will have the benefit of permitted development rights to install a rear dormer window without the need for planning permission. Therefore, although the proposed rear dormer is considered large and would detract from the original dwelling, there is limited control that the Local Planning Authority can exercise should the applicant wish to exercise their permitted development rights. Therefore, with this taken into consideration it is considered that the proposal is acceptable.

The impact of the proposed development on the Conservation Area

Policy B9, B10 and B13 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 front of the property is located on the boundary of the Talke Conservation Area. Therefore, it is considered that the front dormer windows will need to be assessed against policy B9 and B10. The rear dormer window being located at the rear of the property would not affect the appearance of the Conservation area in this instance.

The front dormer windows are considered to represent a sympathetic design, form and scale that would not cause harm to the character and appearance of the Conservation area. The views out of the Conservation Area will be protected with the proposed two dormer windows not causing harm to these views, thus preserving the appearance of the Conservation Area.

It is not considered that the two front dormer windows would have any detrimental impact on the character or appearance of the Conservation Area.

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.

Supplementary Planning Guidance provides advice regarding residential extensions. The proposals would not materially impinge upon or cause detriment to any neighbouring principal window. Adequate private space would remain to the rear of the property.

The proposals adhere to the guidance contained within SPG and accord with PPS1 with the overall impact to neighbouring occupiers is considered acceptable.

Impact on highway safety

Policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on street parking problem.

The dwelling house here has two bedrooms and the property currently has sufficient space towards the rear of the property with a garage and driveway whereby two cars can be parked easily without causing an on street parking issue. The property will be increased to a 5 bedroom property, therefore there would be a requirement to provide three car parking spaces. The garage and existing driveway would provide sufficient car parking for two cars and may be three should the gate be left open. There does not seem to be an existing on street parking problem in the area.

It is considered that the proposed development would not generate an on street parking problem in this instance.

Reasons for the grant of planning permission

The proposal accords with provisions of the approved 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 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.
- R1** 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.
2. The front and cheeks of the two front dormer windows should have a timber finish.
- R2.** In the interests of protecting the character of the Conservation Area in accordance with policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policy B9, B10 & B13 of the Newcastle-under-Lyme Local Plan 2011.

Performance Checks	Date		Date
Consultee/ Publicity Period	18.01.08	Decision Sent Out	
Case Recommendation	Officer 24.01.08	8 Week Determination	01.02.08
Management check	Amended 25.1.08 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Rev P Griffin **Application No** 07/01069/FUL

Location The Holy Trinity Community Centre, London Road, Newcastle.

Description Smoking shelter.

Policies and proposals in the approved Development Plan relevant to this decision:

West Midlands Regional Spatial Strategy

Policy UR3: Enhancing the Role of City, Town and District Centres
Policy QE3: Creating a High Quality Built Environment for all

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable Forms of Development
Policy D2: The Design and Environmental Quality of Development
Policy NC18: Listed Buildings, their settings and historic context
Policy NC19: Conservation Areas

Newcastle Under Lyme Local Plan 2011

Policy B1: Historic Heritage
Policy B5: Control of Development affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B14: Development in or adjoining the boundary of Conservation Areas.

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)

Companion Guide to PPS1 "The Planning System: General Principles"
PPG24 Planning and Noise

Relevant Planning History

None relevant to this application - see also Planning History on file.

Views of Consultees

Environmental Health Division: The proposed shelter complies with requirements. Potential impact from noise, light and smoke nuisance, conditions to deal with this suggested.

Conservation Advisory Working Party:

the shelter should be reduced and improved in materials and design.

Representations

Nil.

Applicants/agents submission

Design and Access statement has been submitted with the application.

The shelter has been sited to make it close enough to encourage its use, and the size has been calculated to meet the optimum needs taking into account the use of the Community Centre.

Key Issues

The application is for a free-standing canopy in the car-park to the rear of the community centre. The car-park adjoins the Listed Holy Trinity Church and is adjacent to but not within the Town Centre Conservation Area.

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

- visual amenity, and in particular the impact of the proposal upon the setting of the adjacent Listed building and the appearance and character of the adjoining Conservation Area;
- public amenity.

Visual Amenity

The proposed shelter is a very basic timber structure with a slightly sloping monopitch roof supported by tubular steel uprights.

The smoking shelter will be 5m long X 3.2m deep x 2.5m maximum height. Being in the middle of a car park with open access from the street (Grosvenor) the shelter would be on public view although at a distance.

The proposal location is in an area used for vehicle parking which by its nature is utilitarian in appearance. However the shelter also adjoins a Listed Building and Conservation Area. Accordingly to comply with policy it should therefore preserve or enhance the appearance of the adjoining Conservation Area and the Council should resist development proposals which would adversely affect the setting of a listed building. The form, scale bulk, height, materials, colour, vertical or horizontal emphasis and detailing should respect the characteristics of the buildings in the area. Albeit that the smoking shelter is located within the rear car parking area the very basic and crude appearance of the shelter would detract from the character of the area. The comparatively large size of the proposal will make it more noticeable. A smoking shelter of a more appropriate design and smaller size could be secured which would be less obtrusive.

The present proposal is accordingly an unacceptable design adjacent to a listed building and conservation area and should be resisted.

Public Amenity

The outdoor smoking shelter is only seven metres from the rear of the existing community centre, but (excluding the applicant's house) is over 50 metres from the nearest residential properties.

The Environmental Health Division's view is that in providing an area for smoking there will be a significant increase in the number of people using this outside area, and that this intensification will inevitably cause an increase in noise levels and potentially cause noise nuisance/disturbance to the occupiers of adjacent houses. However the some or all of the suggested conditions could be imposed to limit the use of the shelter and given the distance of the nearest residences from the shelter no material disturbance should be suffered by nearby occupiers.

Subject to such limitation it would not be reasonable to resist the application on grounds of public amenity.

Recommendation

Refuse:

The proposed smoking shelter by virtue of its form, scale, design, and location would be harmful to the character and appearance of the adjoining Listed building and Conservation Area, contrary to Policies D2 and NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B1, B5, B9, and B10 of the Newcastle under Lyme Local Plan 2011 and

Performance Checks	Date		Date
Consultee/ Publicity Period	28.12.07	Decision Sent Out	
Case Officer Recommendation	18.01.08	8 Week Determination	25.01.08
Management check	Amended 24.1.08 ESM		