

When calling or telephoning please ask for

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My ref

GD/EVB – R82/48

15 July 2011

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, 26 JULY 2011** at **7pm**.

AGENDA

1. To receive Declarations of Interest from Members on items included in this agenda.
2. Minutes of meeting held on 14 June 2011 (copy attached for non-Council Members information).
3. To receive a presentation on the 'Conservation' process.
4. To consider the attached reports at Appendix A and B (blue and salmon paper).
5. To consider the report on the Local Register Assessors Panel.
6. To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the Officer.
7. 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 Allport, Becket, Burnett, Miss Cooper and Holland

Outside Representatives: Messrs Chatterton, Mrs C Henshaw, Manning, Tribbeck and Worgan

The appropriate Parish Council representative(s) and Ward Members

“Members of the Council: If you identify any personal training/development requirements from the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Committee Clerk at the close of the meeting.

**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
11/63/FUL	Lake House. Heath Road, Whitmore. Mr D Wilkinson.	Erection of greenhouse.	No objections subject to a condition controlling the type of bricks used.	Permitted by Planning Committee 1 June, 2011.
11/133/LBC	The Old School House, Woore Road, Madeley CW3 9PH. Mr & Mrs Francis.	Demolition of existing conservatory, construction of orangery, new opening from kitchen and internal alterations.	The Working Party considered that the proposals were unsympathetic and alien to the architectural and historical quality of the building and strongly objected to the removal of the window and chimney breast. There were no details of how the chimney would be supported and this would likely be very invasive to a historic building.	Permitted under Delegated powers 30 June, 2011.
11/157/LBC	Home Farm, Balterley Hall, Balterley, CW2 5QG. Mr D Beecroft.	Erection of a new Shippon.	Members had no objections to the proposal but highlighted the potential for archaeological remains on the site and suggested the need for an archaeological watching brief.	Application withdrawn 21 April, 2011
11/168/FUL & 11/169/LBC	27 Marsh Parade, Newcastle. Mr R Manning.	Change of use to include beauty therapy and hairdressing and alterations to side elevation to rear of premises.	The Working Party were unable to consider this application without the required information that is expected on the statement of significance to and understanding of the rear outrigger.	Permitted under Delegated powers 13 June, 2011.
11/215/FUL & 11/217/LBC	13 Ironmarket, Newcastle. Lloyds Banking Group.	Alterations to shop front including replacement fascia and projecting sign. Internal changes to the branch involving the removal and installation of stud partitions.	No objections.	Permitted under delegated powers 17 June, 2011.

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision
11/216/ADV	13 Ironmarket, Newcastle Lloyds Banking Group.	Replacement internally illuminated Facia and projecting sign.	No objections subject to careful control over the brightness of the signs.	Permitted under Delegated powers 21 June, 2011.
11/243/FUL	Mellards Warehouse, Market Lane, Newcastle. Mr W Mercer.	Conversion of former warehouse to ground floor café and first floor office and masonry and roof repairs and re-instatement of windows and doors to side elevation.	Members strongly supported this application.	Permitted under Delegated powers 30 June, 2011.

CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
11/176/LBC	Newcastle Congregational Church, King Street, Newcastle. Mr John Turner.	Removal of one 2 seater side pew.	Grade II listed building in Newcastle Town Centre Conservation Area.	Cllr D Clarke Cllr Mrs E Shenton
11/303/FUL	Grindley Cottage, Church Lane, Betley. Mr & Mrs Cox.	Two storey side and rear extensions and first floor balconies.	Within the Betley Conservation Area and locally listed building.	Cllr D Becket Cllr A Wemyss
11/334/FUL & 11/335/ADV	McDonalds. 84 High Street, Newcastle. McDonalds.	Alterations to shop front and two new internally illuminated fascia signs and projecting sign.	Within the Newcastle Town Centre Conservation area.	Cllr D Clarke Cllr Mrs E Shenton
11/347/FUL	Shalimar. 7 Church Street, Newcastle. Mr Parvais.	Retention of security shutter to main entrance.	Within the Newcastle Town Centre Conservation area.	Cllr D Clarke Cllr Mrs E Shenton
11/348/ADV	Newcastle-under-Lyme School Mount Pleasant Newcastle. Newcastle-under-Lyme School.	Two non-illuminated signs.	Within the Stubbs Walk Conservation Area.	Cllr D Clarke Cllr Mrs E Shenton
11/360/DEEM3	Jubilee 2, Brunswick Street, Newcastle. Newcastle-under-Lyme Borough Council.	Advertisement signs.	Adjacent to Newcastle Town Centre Conservation Area	Cllr D Clarke Cllr Mrs E Shenton
11/365/FUL & 11/367/LBC	Ravenshall Farm, Main Road, Betley. Mr R. Blades.	Conversion of farm buildings to 3 residential units.	Listed Building.	Cllr D Becket Cllr A Wemyss

**REPORT OF THE EXECUTIVE MANAGEMENT TEAM
TO THE CONSERVATION ADVISORY WORKING PARTY
LOCAL REGISTER ASSESSORS PANEL**

26 July 2011

Purpose of the Report

To approve the Assessors Panel that will consider new nominations for the Register of Locally Important Buildings and Structures in Newcastle-under-Lyme.

Recommendation

- 1. That the Conservation Advisory Working Party agrees that the membership of the Assessors Panel should be as follows: Design and Heritage Champion, Chair of the Conservation Advisory Working Party, County Archaeologist, Conservation Officer, Representative from Newcastle-under-Lyme Civic Society and an architectural historian.**

Reasons

As resolved by Strategic Planning Committee in October 2010.

Background

Members of the Conservation Advisory Working Party will recall that a report was considered by Strategic Planning Committee in October 2010 to compile a list of locally important buildings and structures in the Borough. Members of that Committee resolved to accept that list and call it a Register of Locally Important Buildings and Structures. Members also resolved to review the Register annually and agreed that the membership of the Assessor's Panel that would consider all future nominations should be determined by the Conservation Advisory Working Party (CAWP). The previous Panel included, the Council's Design and Heritage Champion, Chair of CAWP, a locally respected architectural historian, the County Archaeologist and the Council's Conservation Officer.

Officers now consider that the Register of Locally Important Buildings and Structures and its process should be adopted as a Supplementary Planning Document (SPD) to the Core Spatial Strategy to give it more weight in the determination of planning applications where a local historic asset is affected. This is in line with Planning Policy Statement 5 'Planning for the Historic Environment' (PPS 5) which endorses protecting non-statutory heritage assets which are considered to have heritage significance and therefore merit consideration in planning matters. A draft SPD for consultation purposes has been prepared and is being considered by Planning Committee on 19 July 2011 for consideration. CAWP will be consulted during the formal consultation process.

Current Position

The current yearly review of the Register is being undertaken now and the deadline for nominations is 1 August. The Assessor's Panel membership is required to be decided by CAWP for this year's current nominations.

In drawing up the Register of buildings of local interest, the Assessors Panel will use the following criteria to assess their importance and suitability for inclusion. The criteria are based on the published criteria for national statutory listing. For inclusion on the Register a building or structure should have some architectural or historic special interest. This would include a combination of the following criteria:

- Authenticity (2 marks).

- Architectural Interest: This includes buildings that are of interest on account of their design, decoration and craftsmanship. Architectural interest includes examples of local vernacular buildings, examples of particular building types and the work of important architects (3 marks).
- Historical interest. This includes buildings that illustrate important aspects of social, economic, or cultural history or are associated with notable people or events (2 marks).
- Visual Importance. This includes particularly prominent buildings in a locality street or landscape or which contribute to local landscape character (2 marks).
- Community value: (1 mark).

In all of the above, particular consideration should be given to the completeness and integrity of the building or structure and a scoring system will be used to ensure that an asset is considered suitable. A score of 7 out of 10 will ensure the historic asset will be put forward for inclusion on the Register.

Ideally the Panel should be made up of those with a particular interest and/or expertise in the local Historic Environment.

The Panel's recommendations will be submitted to the Planning Committee for consideration and approval for addition to the Register. Objections will also be considered by Planning Committee. Once selected, the Register will be submitted for public consultation. Owners will be informed of the decision.

Conclusion

That once CAWP decides on the membership of the Local Register Assessors Panel the Conservation Officer will invite those recommended by this group to take part in the decision making. The process will probably take up about half a day and will be scheduled for the end of August.

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr and Mrs Francis **Application No:** 11/00133/LBC

Location: The Old School House Madeley

Description: Listed Building Consent for the demolition of the existing conservatory, construction of an orangery, new opening from the kitchen and internal alterations.

Policies and Proposals in the Approved 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
Policy QE5: Protection and enhancement of the Historic Environment

Staffordshire and Stoke-on-Trent Structure Plan 1996 – 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 B5: Control of development affecting the setting of a Listed building
Policy B6: Extension or Alteration of Listed Buildings
Policy B9: Prevention of harm to Conservation Areas
Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or adjoining the boundary of Conservation Areas

Other Material Considerations include:

National Planning Policy

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

Supplementary Planning Guidance

N/A

Planning History

No relevant planning history.

Views of Consultees

The **Conservation Advisory Working Party** considered the proposals were unsympathetic and alien to the architectural and historical quality of the building and strongly objected to the removal of the windows and the chimney breast. No details had been provided how the chimney breast was to be supported and how invasive this would be on the historic fabric of the building.

The Victorian Society objects to the proposal. Stating the proposal is out of keeping and would damage the interesting and coherent historic plan form. The removal of the sandstone window, section of wall and the chimney breast would be damaging.
Representations.

The Ancient Monuments Society objects to the proposal as it would be damaging to listed building advising amendments should be sought.

Representations

No representations received.

Applicants/Agents Submission

The requisite application forms and plans were submitted as well as a design and access statement. A statement of significance to support the application was also submitted.

The proposals have been amended on two occasions following a meeting with Officers and further telephone conversations

Details of the proposed supporting steel work have submitted.

Key Issues

The application is for Listed Building Consent for a removal of the existing conservatory to be replaced by a sun lounge and side utility. The proposal also seeks consent for the removal a section of wall and a chimney breast at ground floor level, including the provision of support steel work.

The property is located within the village envelope of Madeley, within Madeley Conservation Area as indicated on the Local Development Framework Proposals Map.

The property is a Grade II listed building.

Planning permission is not required for the works proposed.

The local planning authority when dealing with listed building consent in conservation areas have to pay special attention to the desirability of preserving or enhancing the character or appearance of that area (S. 72 of P(L.B. & C.A.) Act 1990).

The key issue in the determination of the proposed works is:

- The design of the proposals and their impact upon the listed building and Madeley Conservation Area

The design of the proposals and their impact upon the listed building and Madeley 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.”*

PPS5 indicates that;

“HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.”

Policy B6 of the Local Plan indicates that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features. Policy CSP2 of the Core Spatial Strategy also seeks to preserve and enhance the character and appearance of the historic heritage of the Borough.

Following concerns raised by CAWP, officers and external consultees, the applicants and agent have had a meeting with officers, where these concerns were addressed and a potential way forward was agreed.

Following the meeting amended plans were received. The amendments are as follows:-

- Retention of the existing historic window between the kitchen and sun lounge.
- Reduction of the height of the skylights serving the sun lounge and the utility.
- The provision of a set back in utility to line up with existing two storey gable.
- Provision of an additional window in the rear elevation.
- The provision of simpler/cleaner design to the proposed windows in the sun lounge.
- Details of the proposed structural steel work to support the remainder of the upper chimney breast.

Given the sun lounge would replace an existing conservatory, it is considered, subject to careful control of the details, this is acceptable and would not adversely harm the character and appearance of the either the listed building or the conservation area.

The style of the proposed utility would continue the style/design of the proposed sun lounge and with the amendment indicated above and again careful control of the details, this is considered acceptable and would not adversely harm the character and appearance of the either the listed building or the conservation area.

Moving to the proposed internal alteration, the scheme has been amended and now retains the historic window between the proposed sun lounge and the kitchen, the adjacent wall would be opened out and the adjacent chimney breast would be removed. Whilst the preference would be to retain this feature it is considered its removal would not adversely harm the character of the listed building. Details have been provided relating to the proposed steelwork and other associated works that would need to be installed to support and maintain the upper portions of the chimney breast and upper walls. These details indicate that whilst there would be some further intrusion into the historic fabric of the building this would be minimal and subject to careful control of the details, this is considered acceptable and would not adversely harm the character and appearance of the listed building.

Reasons for the Grant of Listed Building Consent

The proposed demolition, extensions and alterations to the building would not adversely harm or impact upon the appearance of the Grade II listed building as well as the Madeley Conservation Area. The proposal therefore accords with Policy NC18 and NC19 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, Policy CSP2 of Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026, Policies B5, B6, B10, B13 and B14 of the Newcastle under Lyme Local Plan 2011 and the aims and objectives of PPS1 and PPS 5.

Recommendation

Grant consent subject to the following conditions;

1. The works hereby granted 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 works hereby permitted shall be carried out in accordance with the following approved plans;
 - David Bostock Drawing no DB/SF/01/B sheet 2 date stamped received by the local planning authority 22 June 2011.
 - David Bostock Drawing no DB/SF/01 sheet 1
 - ABA Consulting drawing project no. 11733 drawing no 01 dated 14.06.2011
- R2: For the avoidance of doubt and in the interests of proper planning.
3. The works hereby permitted shall not commence until full and precise details of the type, texture, colour and bond of the stonework to be used in the construction of the external walls have been submitted to and approved in writing by the local planning authority. Such materials shall, unless agreed in writing by the local

planning authority, closely match in types, colour and bond those of the existing building. The works shall proceed in accordance with the approved details.

- R3: To safeguard the architectural and historic appearance of the listed building and to preserve the character and appearance of the Conservation Area in compliance with Policies NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B5, B6, B9 and B10 of the Newcastle-under-Lyme Local Plan 2011, Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of PPS5.
4. Prior to the commencement of works the following shall be submitted to and approved in writing by the local planning authority, and then implemented as approved prior to the occupation.
- (a) Architectural drawings, to a scale of not less than 1:5, of all new windows and doors, including drawings of sections and profiles of jambs, heads, cills and glazing bars together with their relationship to masonry apertures, and materials.
 - (b) Details, including materials, of the proposed rooflights.
- R4: To safeguard the architectural and historic appearance of the listed building and to preserve the character and appearance of the Conservation Area in compliance with Policies NC18 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B5, B6, B9 and B10 of the Newcastle-under-Lyme Local Plan 2011, Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of PPS5.
5. Prior to the commencement of development a full and precise method statement of the means of installation of the supporting steel works including details of the demolition of the internal wall and chimney breast, the protection of historic features during demolition and construction, details of the retention and underpinning of the supporting piers shall have been submitted to and approved in writing by the local planning authority. The works shall proceed wholly in accordance with the approved details.
- R5: To safeguard the architectural and historic appearance of the listed structure in accordance with Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B5 and B6 of the Newcastle-under-Lyme Local Plan 2011, Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of PPS5.
6. The works hereby permitted shall not commence until a full photographic record of the areas of the building which are being disturbed by the works, hereby permitted, are stored and retained. Further photographic records shall be stored and retained during the construction period of works. The complete photographic record to be submitted to local planning authority prior to occupation of the extension.
- R6: To ensure an architectural and historic record of the listed structure is stored in accordance with Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B5 and B6 of the Newcastle-under-Lyme Local Plan 2011, Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of PPS5.

Performance Checks	Date		Date
Consultee/ Publicity Period	06.05.2011	Decision Sent Out	
Case Officer Recommendation	30.06.2011	8 Week Determination	24.05.2011
Management check	6/7 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant:- Mr R Manning **Application No:** 11/00168/FUL

Location: 27 Marsh Parade, Newcastle

Description: Change of use to include beauty therapy and hairdressing and alterations to side elevation to rear of premises.

Policies and Proposals in the Approved 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
Policy UR3: Enhancing the role of City, Town and District Centres

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 T1A: Sustainable Location
Policy NC18: Listed Buildings

Newcastle-under-Lyme Local Plan 2011

Policy B5: Control of development affecting the setting of a Listed building
Policy B6: Extension or Alteration of Listed Buildings
Policy B9: Prevention of harm to Conservation Areas
Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or adjoining the boundary of Conservation Areas
Policy T16: Development – General Parking Requirements

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

Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement & Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Other Material Considerations include:

National Planning Policy

PPS1: Delivering Sustainable Development (2005)
Companion Guide to PPS1 “The Planning System: General Principles”
PPS4: Planning for Sustainable Economic Growth
PPS5: Planning for the Historic Environment
PPG13: Transport

Supplementary Planning Guidance

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Newcastle under Lyme Town Centre Supplementary Planning Document (2009)

Planning History

A Listed Building Consent (11/169/LBC) is currently awaiting determination for the same development proposed as this planning application.

Views of Consultees

The **Highway Authority** have no objections on Highway Grounds to the proposal. Notes were included specifying the following;

No on site parking is proposed to serve this development however given the close proximity of town centre car parks and public transport provision along with the availability of limited parking outside the property no objection on highway grounds is raised.

This application has been assessed against the requirement to pay a financial contribution to the Newcastle Transport and Development Strategy (NTADS). Consideration has been given to the existing use (B1) and the proposed use (A1) and the specific condition to be imposed by the LPA in restricting the proposed use to a hair and beauty salon. It has been judged that when comparing the existing and proposed traffic generation from the site during 17.00 and 18.00 Mon to Fri (NTADS calculation hours) there will not be any intensification of traffic to/from the site during this period and accordingly a contribution towards the NTADS strategy is not sought on this occasion.

Environmental Health have no objections to the proposal subject to conditions relating to the prior approval of the following;

- Air Cooling/Extraction Equipment
- Recyclable Materials and Refuse Storage and Disposal Arrangements

The **Conservation Advisory Working Party** stated that they could not consider the application without the required information that is expected on the statement of significance to aid understanding of the rear outrigger.

Representations

One representation was received in relation to the proposal and the comments can be summarised as follows:

- Plans and proposals seem to indicate an improvement to the building which is much needed.
- Potential parking issues if the rear access from Princess Street is utilised. Consideration be given to the principal access being that on Marsh Parade.

Applicants/ Agents Submission

The requisite application forms and plans were submitted as well as a design and access statement. A report to support the application was also submitted.

Key Issues

Full planning permission is sought for a change of use to include beauty therapy and hairdressing and alterations to side elevation to the rear of the premises.

The property is located within the urban area of Newcastle as indicated on the Local Development Framework Proposals Map.

The key issue in the determination of the development is:

- The principle of the development
- The design of the proposals and their impact upon the listed building and Stubbs Walk Conservation Area

The principle of the development

The property is an existing vacant unit that was previously used as an office. The Newcastle Town Centre SPD specifies that this area is part of the 'Live Work Office Quarter' and should be complimentary to the Town Centre Housing Area which lies around it. It also states that while the Town Centre Housing Areas are expected to remain

little changed as relatively tranquil areas, albeit within an urban context, the live work quarter is expected to continue as a mixed use area where the main focus is offices with any housing development likely to be marketed for those who wish to live within a bustling business community.

Although a hairdressing practice falls within A1 of the use class order it is considered that due to the scale, nature and operation of this type of business that it would not have an adverse impact upon the town centre retail environment as it has very different characteristics to other A1 uses. The potential tenant for the premises has also specified that it is intended to be operated as an appointment based premises with part of the premises also falling within beauty therapy which again includes customers pre-booking appointments. The tenant also has stated that she intends to provide a training service for part of the week imparting her beauty skills to students or as a demonstration centre for new cosmetics. In the strictest sense, if not ancillary to other uses, this use would be likely to fall within D1 of the use class order again which is similar to an office type use and would not conflict with the aims and objectives of PPS 4.

The proposed use of the premises would also bring back into use a listed building that has been vacant for a number of years and this is to be welcomed and is also supported in broad planning policy terms with PPS 5 recognising that vacant or underused premises are more likely to fall into disrepair. The proposal would also add to the vitality of the surrounding area which is currently lacking within the immediate vicinity with a high proportion of vacant units. The loss of this unit to office use would also have no material detrimental impact upon office space within this area due to its scale and the level of office space already available in this area as well as the town centre (illustrated by the primary shopping area).

The development would also have no adverse impact upon the vitality or viability of the nearby town centre due to the nature of the uses proposed in conjunction with the operation of the premises by the proposed tenant. To ensure that this remains the case conditions will be attached to the permission preventing the unrestricted use of the premises for other A1 uses. The development is also located in a sustainable location and would meet the overarching aims and objectives of PPS 1 and PPS 4.

The design of the proposals and their impact upon the listed building and Stubbs Walk 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.”*

PPS5 indicates that;

“HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.”

Policy B6 of the Local Plan indicates that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features. Policy CSP2 of the Core Spatial Strategy also seeks to preserve and enhance the character and appearance of the historic heritage of the Borough.

The change of use of the property that will ensure the property is brought back into use after a period of vacancy is to be welcomed along with the internal modifications which are deemed acceptable however particular consideration needs to be given to the external proposals. Initially the application was not submitted with a statement of significance in line with PPS5 and therefore one was requested during the course of the application. This was provided and although it was not felt to cover the issues in sufficient detail to understand the history of the building it is felt that a judgement can be made on the building taking into account its current appearance and the alterations proposed. It is clear from the current situation that the building has been altered during the course of its history and this has resulted in a mixture of window types and sizes present on the building some of which have an adverse impact upon the appearance of the structure. The proposed alterations aim to remove these elements and replace them with windows to match those that appear original to the structure taking into account of the scales and locations of those existing. This would have a positive impact upon the building itself as well as the surrounding Conservation Area although it is accepted that the elevation to be altered is not the most prominent within the streetscene.

Although the principle of the materials to be used appears acceptable no specific details have been submitted to illustrate this. To ensure this is the case a condition will be included specifying that samples are submitted to and approved in writing by the LPA prior to commencement of the development.

Other Matters

The notes specified by the Highway Authority in terms of possible NTADS contributions will be dealt with in this permission through a condition preventing the use of the first and second floors for beauty therapy and hairdressing and associated training activities only. As specified above, this is to ensure the development is acceptable from a planning policy perspective however it will also mean that no NTADS payment will be required.

The issue raised by the adjacent neighbours in terms of the use of the access is not felt to be a particular issue in this instance. The proposed change of use is for the first and second floors and the main and most noticeable entrance is located off Marsh Parade and this is the most attractive frontage to the building. It is therefore in the interests of the owners to encourage applicants to use this access. It is also felt that due to the location of the property within a sustainable location and the lack of issues raised by the highway authority, that it would not be fair or justifiable to condition this on highway grounds.

The condition raised by Environmental Health in relation to waste and refuse and recyclable storage is felt to be fair and justifiable however the condition relating to air cooling/ extraction equipment is not felt to be required or justified. Due to the type of business proposed it is unlikely that this will be required and due to the nature of the building being listed, this is unlikely to be supported in planning policy terms.

Reasons for the Grant of Planning Permission

The proposed change of use, subject to a condition that prevents it being changed to other uses within Class A1 of the Use Classes Order, would not have an adverse impact upon the principles of the live work office quarter or the vitality and viability of Newcastle under Lyme and due to the location of the unit in a sustainable location well served by several methods of transport, the proposal would also have no adverse impact upon highway safety. The proposed alterations to the building would also have a beneficial impact upon the appearance of the Grade II listed building as well as the Stubbs Walk Conservation Area. The proposal therefore accords with Policy D1 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, policies B5, B6 and T16 of the Newcastle under Lyme Local Plan 2011 and the overarching aims and objectives of PPS1 and PPS 4.

Recommendation

Permit subject to the following conditions;

1. **BA01** - 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. **BESPOKE** - The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Scheme Proposals Sheet 1 Drawing no. 03B
 - Scheme Proposals Sheet 2 Drawing no. 04B
- R2: For the avoidance of doubt and in the interests of proper planning.
3. **BESPOKE** - The first and second floor of the premises shall be used for beauty therapy and hairdressing and training in these activities and for no other purpose, including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.
- R3: To ensure that the development will not harm the vitality and viability of the Town Centre and will not result in additional vehicular movements at pm peak hours to comply with Policy SP3, ASP5 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy, and Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of PPS4.
4. **BESPOKE** - Development shall not commence until details of the type, texture, colour and bond of the brickwork to be used in the reconstruction of the external walls and the window lintels/cills and glazing details have been submitted to and approved in writing by the local planning authority. Such materials shall, unless

agreed in writing by the local planning authority, closely match in types, texture, colour and bond those of the existing building. The development shall proceed in accordance with the approved details.

- R4: To ensure the quality and visual appearance of the development and Conservation Area and to comply with Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011, Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of PPS5.
5. **BESPOKE** - Notwithstanding the approved plans, prior to the commencement of any development, details of the proposed floorplans indicating the areas associated with the uses specified shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt these details shall be in accordance with the letter dated 1st May 2011 provided by the potential tenant and attached as an appendix to a 'Report to Support a Planning Application' prepared by WillardWillard dated 26th May 2011.
- R5: For the avoidance of doubt and in the interests of proper planning.
6. **BESPOKE** - Notwithstanding the approved plans, the proposed use shall relate to the first and second floors of the building only and the use shall be restricted to beauty therapy and hairdressing and associated training activities.
- R6: For the avoidance of doubt and to ensure the development does not have an adverse impact upon the aims and objectives of PPS4 in terms of main town centre uses.
7. AC06I Refuse & Recyclable Storage
Prior to first occupation of the development hereby approved, full and precise details of the recyclable materials and refuse storage, including designated areas to accommodate sufficient recyclable materials and refuse receptacles to service the **commercial** development and the collection arrangements for commercial/residential waste arising from the same shall be forwarded to the Local Planning Authority for approval. Thereafter the collection arrangements for commercial/residential waste shall be carried out in accordance with the approved scheme.

In accordance with the principles of PPS1

Performance Checks	Date		Date
Consultee/ Publicity Period	13/5/11	Decision Sent Out	
Case Officer Recommendation	13/6/11	8 Week Determination	13/6/11
Report checked by Back Office			
Management check	13.6 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr R Manning **Application No.** 11/00169/LBC

Location: 27 Marsh Parade, Newcastle

Description: Listed Building Consent for change of use to include beauty therapy and hairdressing and alterations to side elevation to rear of premises.

Policies and Proposals in the Approved 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 D2: The Design and Environmental Quality of Development
Policy NC18: Listed Buildings

Newcastle-under-Lyme Local Plan 2011

Policy B5: Control of development affecting the setting of a Listed building
Policy B6: Extension or Alteration of Listed Buildings
Policy B9: Prevention of harm to Conservation Areas
Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or adjoining the boundary of Conservation Areas

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

Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Other Material Considerations include:

National Planning Policy

PPS1: Delivering Sustainable Development (2005)
Companion Guide to PPS1 “The Planning System: General Principles”
PPS5: Planning for the Historic Environment

Supplementary Planning Guidance

N/A

Planning History

A planning application (11/168/FUL) is currently awaiting determination for the same development proposed as this Listed Building Consent.

Views of Consultees

The **Conservation Advisory Working Party** stated that they could not consider the application without the required information that is expected on the statement of significance to aid understanding of the rear outrigger.

Representations

No representations received.

Applicants/Agents Submission

The requisite application forms and plans were submitted as well as a design and access statement. A statement of significance to support the application was also submitted.

Key Issues

The application is for Listed Building Consent for a change of use to include beauty therapy and hairdressing and alterations to side elevation to the rear of the premises. The property is located within the urban area of Newcastle as indicated on the Local Development Framework Proposals Map.

The key issue in the determination of the development is:

- The design of the proposals and their impact upon the listed building and Stubbs Walk Conservation Area

The design of the proposals and their impact upon the listed building and Stubbs Walk 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.”*

PPS5 indicates that;

“HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.”

Policy B6 of the Local Plan indicates that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features. Policy CSP2 of the Core Spatial Strategy also seeks to preserve and enhance the character and appearance of the historic heritage of the Borough.

The change of use of the property that will ensure the property is brought back into use after a period of vacancy is to be welcomed along with the internal modifications which are deemed acceptable however particular consideration needs to be given to the external proposals. Initially the application was not submitted with a statement of significance in line with PPS5 and therefore one was requested during the course of the application. This was provided and although it was not felt to cover the issues in sufficient detail to understand the history of the building it is felt that a judgement can be made on the building taking into account its current appearance and the alterations proposed. It is clear from the current situation that the building has been altered during the course of its history and this has resulted in a mixture of window types and sizes present on the building some of which have an adverse impact upon the appearance of the structure. The proposed alterations aim to remove these elements and replace them with windows to match those that appear original to the structure taking into account of the scales and locations of those existing. This would have a positive impact upon the building itself as well as the surrounding Conservation Area although it is accepted that the elevation to be altered is not the most prominent within the streetscene.

Although the principle of the materials to be used appears acceptable no specific details have been submitted to illustrate this. To ensure this is the case a condition will be included specifying that samples are submitted to and approved in writing by the LPA prior to commencement of the development.

Reasons for the grant of planning permission

The proposed alterations to the building would have a beneficial impact upon the appearance of the Grade II listed building as well as the Stubbs Walk Conservation Area. The proposal therefore accords with Policy D1 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, policies B5, B6 and T16 of the Newcastle under Lyme Local Plan 2011 and the overarching aims and objectives of PPS1 and PPS 4.

Recommendation

Permit subject to the following conditions;

1. **BA01** - 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. **BESPOKE** - The development hereby permitted shall be carried out in accordance with the following approved plans;

- Scheme Proposals Sheet 1 Drawing no. 03B
- Scheme Proposals Sheet 2 Drawing no. 04B

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

3. **BESPOKE**

Development shall not commence until details of the type, texture, colour and bond of the brickwork to be used in the construction of the external walls and the window lintels/cills and glazing details have been submitted to and approved in writing by the local planning authority. Such materials shall, unless agreed in writing by the local planning authority, closely match in types, texture, colour and bond those of the existing building. The development shall proceed in accordance with the approved details.

R3: To ensure the quality and visual appearance of the development and Conservation Area and to comply with Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011, Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of PPS5.

Performance Checks	Date		Date
Consultee/ Publicity Period	13/5/11	Decision Sent Out	
Case Officer Recommendation	13/6/11	8 Week Determination	13/6/11
Report checked by Back Office			
Management check	13/6 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant:- Lloyds Banking Group **Application No:** 11/00215/FUL

Location: 13 The Ironmarket, Newcastle

Description: Alterations to shop front

Policies and Proposals in the Approved 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
Policy UR3: Enhancing the role of City, Town and District Centres

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
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 B6: Extension or Alteration of Listed Buildings
Policy B9: Prevention of harm to Conservation Areas
Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or adjoining the boundary of Conservation Areas

Other Material Considerations include:

National Planning Policy

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

Supplementary Planning Guidance

Newcastle under Lyme Town Centre Supplementary Planning Document (2009)

Planning History

Two other applications have been submitted for determination.

11/216/ADV – Replacement of internally illuminated fascia and projecting sign
11/217/LBC – Alterations to the shop front including replacement illuminated fascia sign and projecting sign. Internal alterations to the branch including removal and installation of stud partitions.

In 1981 Planning permission and listed building consent were granted for the conversion of part of the ground floor shop to buildings society including alterations to the front elevation (N9723 and NLB105). In 1998 alterations to the shop front were permitted (98/00228/FUL).

Views of Consultees

Environmental Health have no comments to make on the proposal.

The **Conservation Advisory Working Party** had no objections to the proposal.

Representations

One representation was received from Greater Town Centre Locality Area Partnership providing the following comments;

“It has already been pointed out that details for the renovation of the frontage of Halifax bank are lacking. Perhaps permission should not be granted until this is forthcoming.

This is a listed building and therefore we did not know if permission had also to be granted re any interior alterations. If this is the case then the same point would apply as above re detail and materials etc..

What is being suggested appears to present a missed opportunity in that attempting to make the new alterations fit in with the rest of the Ironmarket shop fronts rather than linking the new shop front to the upper storey of the building in which the Halifax inhabits, is not necessarily enhancing the character and general appearance of the of the Ironmarket – given some of the shop frontages. It would be preferable for the shop front to fit in with the its upper storey rather than match the shop front next door. In this respect the past mistakes with regard to the alterations to shop fronts in the Ironmarket are likely to be perpetuated rather than turned around. Halifax is probably big enough in all respects to do this. Modern materials could be used but perhaps it needs to be pointed out that the front should perhaps ‘fit’ its upper storey. This is particularly important given that this is a Listed Building. Why List if the integrity of the building is going to be compromised (yet again!)”

Applicants/ Agents submission

The requisite application forms and plans were submitted as well as a design and access statement.

Key Issues

Full planning permission is sought for alterations to the shop front. The property is a Grade II Listed building. The property is located within the urban area of Newcastle as indicated on the Local Development Framework Proposals Map as well as being located within the Town Centre Conservation Area.

The key issue in the determination of the development is:

- The design of the proposals and their impact upon the listed building and Town Centre Conservation Area

The design of the proposals and their impact upon the listed building and Town Centre 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.”*

PPS5 indicates that;

“HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.”

Policy B6 of the Local Plan indicates that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features. Policy CSP2 of the Core Spatial Strategy also seeks to preserve and enhance the character and appearance of the historic heritage of the Borough.

The current shop frontage was approved originally in 1981 although some relatively minor alterations to the glazing and the ATMs were then approved in the late nineties. The appearance of the shop frontage as existing is not considered to respect either the character of the listed building or the visual amenity of the Conservation Area paying no respect to the historical context of the building or its surroundings. The proposed alterations although not restoring the building to its previous appearance would result in a minor improvement overall that would then at least assimilate

with the adjacent property that has also previously been altered to a more modern frontage. The development would therefore have a positive impact, albeit a small one, upon the character of the listed building as well as the visual amenity of the surrounding Conservation Area. This accords with the principles of policies D2 and NC18 of the Staffordshire and Stoke on Trent Structure Plan, policies B6, B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan as well as policies CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy.

The issues raised by the LAP in relation to the upper floors of the listed building were considered by officers during pre-application discussions with the applicant, however it was felt that unless the adjoining property owner was also willing to alter the shop front no sensible improvement could be made. The scheme for consideration now, (as already stated above) does improve the aesthetics of the building and the surrounding Conservation Area and there is not therefore any justifiable reasons for refusal. It also accords with the principles of PPS 5.

The submission indicates that red brick and brushed stainless steel window frame will be used. In principle such materials are acceptable however it is considered that the precise details of such materials should be approved and as such a condition requiring this is recommended.

Reasons for the Grant of Planning Permission

The proposed alterations to the building would have a beneficial impact upon the appearance of the Grade II listed building as well as the Town Centre Conservation Area. The proposal therefore accords with Policy D1 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, policies B6, B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan 2011 and the overarching aims and objectives of PPS 5.

Recommendation

Permit subject to the following conditions;

1. **BA01** - 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. **BESPOKE** - The development hereby permitted shall be carried out in accordance with the following approved plans;
 - External Elevation Drawing Number A15 Revision B date stamped received by the Local Planning Authority on 20 April 2011.
- R2: For the avoidance of doubt and in the interests of proper planning.
3. **BESPOKE**
Development shall not commence until specific details of the external materials to be used in the redevelopment have been submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved details.
- R3: To ensure the quality and visual appearance of the development and Conservation Area and to comply with Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B6, B9, B10, B13 and B14 of the Newcastle-under-Lyme Local Plan 2011, Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of PPS5.

Performance Checks	Date		Date
Consultee/ Publicity Period	3/6/11	Decision Sent Out	
Case Officer Recommendation	17/6/11	8 Week Determination	23/6/11

Report checked by Back Office			
Management check	20/6 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant 13 The Ironmarket, Newcastle **Application No:** 11/216/ADV

Location 13 The Ironmarket, Newcastle

Description Replacement of internally illuminated fascia and projecting sign

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 NC19: Conservation Areas

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

Policy CSP1: Design Quality

Policy CSP2: Historic Environment

Newcastle under Lyme Local Plan 2011

Policy B19: Illuminated signs in Conservation Areas

Policy B20: Illuminated fascia and other signs in Conservation Areas

Other Material Considerations:

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)

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

PPG19: Outdoor Advertisement Control (1992)

Circular 03/07 Town and Country Planning (Control of Advertisement) Regulations 2007

PPS5: Planning for the Historic Environment

Supplementary Planning Guidance

Staffordshire County Council – Highways Standing Advice 2004

Newcastle Town Centre SPD– site is part of the Town Centre Historic core referred to in the Spatial Framework. Elements of Good Design include "respect the setting", use "relevant and durable materials", and "address all issues of external appearance"

Relevant Planning History

Two applications are also being considered:

11/215/FUL – Alterations to the shop front

11/217/LBC – Alterations to the shop front including replacement illuminated fascia sign and projecting sign. Internal alterations to the branch including removal and installation of stud partitions.

Views of Consultees

Conservation Advisory Working Party – No objections subject to careful controls over the brightness of the signs.

Highway Authority – No objections on highway grounds to this proposal.

Environmental Health – No objections.

Representations

No written representations received.

Applicants/Agents Submission

The requisite application forms and drawings were submitted.

Key Issues

The application is for advertisement consent for one fascia and one projecting sign. Both signs would be illuminated with the fascia sign being internally illuminated and the hanging sign illuminated by means of a slimline white LED light trough. The application forms state that the fascia sign and the projecting sign will have luminance levels of 600cd/m² and 630cd/m² respectively.

PPG 19 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 issues to address are therefore:

- The impact of the advertisements on the amenity of the property it relates to and the surrounding Conservation Area.
- The impact upon public and highway safety.

The impact of the advertisements on the amenity of the property it relates to and the surrounding Conservation Area

The signage does not have an adverse impact upon the character of the area due to the acceptable design of the proposal taking into account of the fact that the new signage is very similar in all respects to the existing signage. The proposals are suitable in scale and size and would not create a cluttered appearance to the shop frontage. The proposed signs, given the context of the building and its frontage, will not harm the overall character of the area. The proposal would therefore adhere with the principles of policy D2 of the Staffordshire and Stoke on Trent Structure Plan.

Within the application there appears to be a small conflict in terms of whether the projecting sign will be attached directly to the building or attached using a hanging bracket. The agent has confirmed that it will be by means of a hanging bracket however as yet it is not known if the existing one is capable of being used. It is therefore felt pertinent to include a condition specifying that these details are submitted to and approved in writing by the LPA prior to the installation of the sign.

In terms of the illumination of the signage, indication has been given that both lights will be between 600-630cd/m². Policy B20 of the Newcastle-under-Lyme Local Plan states that a maximum luminance of 300cd/m² should be adhered to within Conservation Areas. To ensure the proposal therefore does not have an adverse impact upon the Conservation Area, a condition would be included specifying that the maximum luminance for the signs should not exceed 300cd/m². The proposed development would therefore adhere with the principles of policy B20 of the Newcastle under Lyme Local Plan.

The impact upon public and highway safety

Due to the proposed scale and location of the advertisements and the condition to be included in relation to luminance levels, it is not felt that the advertisements would have an adverse impact upon public and highway safety.

Recommendation

Approve subject to the standard conditions as well as the following conditions:

1. BG09I Maximum luminance - Conservation

The maximum luminance of any portion of the sign hereby approved shall not exceed **300** candelas m²

R1: To protect the visual amenities of the area and comply with policy B20 of the Newcastle under Lyme Local Plan 2011.

2. BESPOKE – Details of hanging bracket and projecting sign

Notwithstanding the plans hereby approved, the projecting sign shall not be installed until full and precise details of the sign in conjunction with its method of attachment to the building has been submitted to and approved in writing by the Local Planning Authority.

R2: To protect the visual amenity of the area in accordance with policy B20 of the Newcastle under Lyme Local Plan 2011.

Informative

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

- Planning Application Forms
- External Elevation Drawing Number A15 Revision B date stamped received by the Local Planning Authority on 20 April 2011
- Halifax – Planning Thumb Specs for MWW Revision B date stamped received by the Local Planning Authority on 20 April 2011.

Performance Checks	Date		Date
Consultee/Publicity Period	3/6/11	Decision Sent Out	
Case Officer Recommendation	21/6/11	8 Week Determination	23/6/11
Management check	22/6 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant: Mr W Mercer **Application Nos** 11/00243/FUL

Location: Former Mellards Warehouse, Market Lane, Newcastle

Description: Conversion of existing former warehouse building to create new ground floor cafe (Class A3) and new first floor office space (Class A2 & Class B1), including proposed masonry repairs, re-instatement of windows and doors and roof repairs

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

West Midlands Regional Spatial Strategy

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
Policy QE5: Protection and enhancement of the historic environment

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

Policy D1: Sustainable Development
Policy D2: The Design and Environmental Quality of Development
Policy D4: Urban Regeneration
Policy T2: Urban Area
Policy T18A: Transport and Development
Policy NC19: Conservation Areas
Policy TC1: Ensuring the Future of Town Centre

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

Policy ASP4: Newcastle Town Centre Area Spatial Policy
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle Under Lyme Local Plan 2011

Policy T16: Development – general parking requirements
Policy T17: Parking in Town and District Centres
Policy T18: Development – Servicing Requirements
Policy B8: Other buildings of Historic or Architectural Interest
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development In Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

Other Material Considerations

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

Relevant National Policy Guidance:

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

PPS4: Planning for Sustainable Economic Growth (2009)
PPS5: Planning for the Historic Environment
PPG13: Transport (March 2001)
PPG24: Planning and noise

Supplementary Planning Documents

Supplementary Planning Document for Newcastle Town Centre (January 2009).
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Relevant Planning History

94/00238/COU Change of use from warehouse to restaurant - Permit

99/00367/COU Renewal of planning consent 94/238/COU for change of use to restaurant - Permit

Views of Consultees

Conservation Advisory Working Party strongly support the application.

The **Highways Authority** raises no objections.

Environmental Health Division raise no objections subject to conditions for the submission of details for recyclable materials, refuse, storage and disposal arrangements, grease trap details, air cooling/ air extraction equipment details. A standard condition of unexpected land contaminated land is also recommended in addition to one controlling works of demolition and construction.

Representations

Nil.

Applicants/Agents Submission

A Conservation Design and Access Statement has been submitted in support of the application. This document is available to view at the Guildhall and on www.newcastle-staffs.gov.uk

Key Issues

The application is for full planning permission for the conversion of the existing derelict building (previously a warehouse) to a café (use class A3) at ground floor and office accommodation (use class A2 & B1) which including external works and repairs to the building.

The property is a late 19th Century former industrial warehouse located on Market Lane in Newcastle Town Centre which is a Primary Shopping Area and a Conservation Area, as indicated on the Local Development Framework proposals map.

Key issues in the determination of the development therefore are:

- the principle of the change of use to a café and office accommodation
- the design of the proposals and the impact on the character of the building and conservation area
- parking provision and sustainability matters

The principle of the change of use to a café and office accommodation

The property is located within Newcastle town centre which is identified as a primary shopping area with policy ASP4 of the Core Spatial Strategy being of importance in the determination of the application. The Council also has an adopted Town Centre SPD and the property is located within the primary shopping area but not a primary shopping frontage. Within these areas the primary activity should be retail uses but other main town centre uses such as

cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres; and offices, can contribute to the vitality and viability of town centres.

The proposal is to bring back into use a derelict building which is located on a well used thorough fare. The ground floor of the building would be used as an A3 café with a kitchen and toilets within the basement. The first floor would be available as office accommodation with the applicant indicating either an A2 or B1 use.

The internal floor area of the building is detailed as being 250 square metres with the café proposed to occupy 142 sqm and the office accommodation being either an A2 use or a B1 office use with approximately 108 sqm.

The building has been derelict for a number of years and the refurbishment of the building brings its own benefits to the town centre. However, office accommodation albeit only 108 sqm, would contribute to the 60,000 sqm of additional gross office floorspace indicated in policy ASP4 of the CSS and is therefore considered an appropriate use for the building. Furthermore a café is also considered an acceptable use within the town centre particularly in this location because it is not a primary frontage and it would hopefully be a catalyst for further regeneration of Market Lane.

In consideration of the above it is considered that local and national planning policy supports the change of use of the building to a café and office accommodation.

The design of the proposals and the impact on the character of the building and conservation area

The building has been in a state of disrepair for a number of years and is a primary building within the street scene of Market Lane which also has a number of other buildings that have been neglected. The Town Centre SPD indicates the area as being within the Town Centre Historic Core whilst also being in the town centre conservation area.

The building is a late 19th Century former industrial warehouse and the applicant has indicated that the *“general conservation aim of the proposed repairs, re-instatement of windows & doors and internal alterations to the former warehouse building is to secure the retention and reinforce the hierarchy and character of the existing building as much as possible; and to maintain and enhance its heritage value and long-term sustainability.”*

The façade of the building, particularly the front elevation, is reasonably in tact but many of the existing openings are bricked/ boarded up. However, the existing openings are clearly distinguishable with arched headers. These openings will be re-instated with treated timber frames/ doors and double glazing with the larger windows/ French doors being fixed with galvanized steel balustrade balconies. This would result in the front elevation of the building being predominantly glazed. The openings on the side elevation that has an outlook of an existing parking area would also be reinstated but significantly improved so that the existing large opening with a steel shutter would be removed. This was a later addition to the building and was presumably used as a servicing entrance for the old warehouse. There is evidence that this replaced a pedestrian door with an arched header still visible on the external appearance of the building. A pedestrian door would be reinstated and a large glazed focal window would be created with an arched header and blue bullnosed bricks around the edging.

Further refurbishment works will consist of re-roofing with plain clay tiles including replacement of existing timber rafters; cleaning and re-pointing of existing brickwork & stone elevations; brickwork and stone masonry repairs/replacements; replacement windows and doors including repairing existing where possible & new cast iron rainwater goods.

In general the works will improve the appearance of the building substantially and this would significantly improve the appearance of Market Lane with the Council identifying it as a key building in the PSiCA grant area. Therefore it is hoped that the repairs and change of use will help to regenerate this part of the conservation area.

The Environmental Health Division has raised no objections subject to conditions regarding details of fume extraction and air cooling equipment being submitted. No information has been provided within the application about the likely location for this equipment and this may be a future problem due to the kitchen being located within the basement. However, it may be possible to locate any equipment on the rear elevation to avoid any equipment having an adverse impact on appearance of the building and the character of the area.

In consideration of the above the proposed refurbishment works are considered enhance the building, conservation area and historic core of the town centre, this being in accordance with policies B8, B9, B10, B13 and B14 of the Local Plan, policies CSP 1 and CSP 2 of the CSS, along with PPS5.

Highway matters including parking provision and sustainability matters

As indicated the building is located within the Primary Shopping Area of the town centre. The applicant has indicated that the building has 4 existing car parking spaces and these will be maintained. It has not been detailed how these will be allocated between the café and office uses. However, policy T17 of the local plan indicates that within these areas new development will not be permitted to provide new private parking area's but may be required to contribute to improvements to travel to the development. This policy therefore acknowledges the sustainable location of the town centre whereby links to public transport is good and there are a number of public car parks within the vicinity.

The Highways Authority has raised no objections to the application and has indicated that a contribution towards NTADS is not required because the proposed development will not generate sufficient additional trips onto the highway network within the PM peak period.

In consideration of the above it is considered that the proposal is acceptable in terms of its compliance with policy T17 and PPG13.

Reasons for the Grant of Planning Permission

The proposed development is considered to significantly improve the character and appearance of the building which would help to preserve and enhance this part of the town centre historic core and conservation area. The change of use would represent an acceptable use of the building within this town centre location and would contribute to the vitality and viability of the town centre. The proposed development therefore accords with Policies N17, B8, B9, B10, B13 & B14 of the Newcastle under Lyme Local Plan 2010, Policies D1, D2, D4, TC1 & NC19 of the Stoke on Trent Structure Plan 1996-2011 and policies ASP4, ASP5, CSP1 & CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and Planning Policy Statements 4 and 5.

Recommendation

Permit with the following conditions:

1. **BA01** - 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 documents:
 - Conservation Design & Access Statement, date stamped received by the Local Planning Authority on the 5th May 2011.
 - Drawing no. AL01, date stamped received by the Local Planning Authority on the 5th May 2011.
 - Drawing no's AL 03; AL04; AL05; AL06 (all revision B); AL07 (revision A); AL22; AL23; AL24; AL25; AL26;AL27;AL30; AL31 & AL32, all date stamped received by the Local Planning Authority on the 5th May 2011.
 - Planning Application form, date stamped received by the Local Planning Authority on the 5th May 2011.
- R2: For the avoidance of doubt and in the interests of proper planning.
3. No materials other than those indicated on the approved plans (listed in condition 2) shall be used without the prior approval in writing of the local planning authority.
- R3: To safeguard the character and appearance of the building and the town centre conservation area to comply with the requirements of policies B8, B9, B10, B13 & B14 of the Newcastle under Lyme Local Plan 2010, Policy NC19 of the Stoke on Trent Structure Plan 1996-2011 and policy CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and PPS5.
4. **AC06I** - Prior to first occupation of the development hereby approved, full and precise details of the recyclable materials and refuse storage, including designated areas to accommodate sufficient recyclable materials and

refuse receptacles to service the commercial development and the collection arrangements for commercial waste arising from the same shall be forwarded to the Local Planning Authority for approval. Thereafter the collection arrangements for commercial waste shall be carried out in accordance with the approved scheme.

- R4: In accordance with the principles of PPS1
5. Prior to the commencement of the Class A3 café use the details of any fume extraction system to be installed shall be submitted to the Local Planning Authority for approval. The system shall be installed and operated in full accordance with the approved details before the premises first commences cooking and shall thereafter be maintained in accordance with the approved details. The flue outlet shall terminate no less than 1 metre above the apex to the main roof of the premises unless otherwise agreed in writing by the Local Planning Authority.
- R5: In the interests of amenity and to ensure the visual appearance of the equipment is acceptable, in accordance with Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 and the aims of objectives of PPS1.
6. No mechanical ventilation or refrigeration /air conditioning plant shall be installed on any part of the building structure 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.
- R6: In the interests of residential amenity and to prevent nuisance in accordance with Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.
7. Prior to the commencement of the Class A3 café use details of a suitable grease trap designed to prevent grease, fat and food debris from entering the foul drainage system shall be submitted to the Local Planning Authority for prior approval. The approved scheme shall be installed prior to the premises opening and shall thereafter be maintained in accordance with the approved details.
- R7: In the interests of the environment and to prevent pollution in accordance with Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.
8. **AC04I** - In the event that contamination is found or is suspected to be present, at the site when carrying out the approved development then development shall be halted (unless otherwise agreed in writing with the Local Planning Authority), and it must be reported in writing to the Local planning authority. An investigation and risk assessment must be undertaken, in accordance with the requirements of BS10175 (2001) – Investigation Of Potentially Contaminated Sites Code of Practice, BS8485 (2007) Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments, and CLR 11 Model Procedures For The Management Of Land Contamination, issued by The Environment Agency, and any remedial proposals submitted and agreed in writing prior to the recommencement of the development.
- Prior to commencement of the proposed use of the site written confirmation that no contamination was found or suspected or if remedial actions were required independent validation that proposed remedial measures have been carried out in accordance with the agreed scheme. The validation report shall contain:
- (i) A full description of the works undertaken in accordance with the Remediation Proposals.
 - (ii) Results of any additional monitoring or testing carried out between the submission of the Remediation Proposals and the completion of remediation works.
 - (iii) Movement permits of all materials taken to and from the site
 - (iv) A statement signed by the developer or the approved agent, confirming that all the works specified in the Remediation Proposals have been completed.”
- R8: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with PPS23.

Note to the applicant

1. You are reminded of the need to comply with the conditions attached to the planning permission.
2. 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 surrounding noise sensitive premises.
 - A scale plan showing the positioning and orientation of the equipment in relation to the surrounding premises.

The application is also advised to contact the Institute of Acoustics for further information and/or advice.

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Performance Checks	Date		Date
Consultee/ Publicity Period	10.06.2011	Decision Sent Out	
Case Officer Recommendation	30.06.2011	8 Week Determination	30.06.2011
Management check	30.6 ESM		