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Date of meeting Tuesday, 5th February, 2013
Time 7.00 pm
Venue Council Chamber. Civic Offices, Merrial Street,
Newcastle Under Lyme, Staffordshire ST5 2AG
Contact Peter Whalan

Supplementary Report to the Planning Committee

AGENDA

PART 1– OPEN AGENDA

- 13 Application for Other Development - Exchange House, Cross Heath, Newcastle. Mr Kulvinder Kandola. 12/00788/FUL (Pages 1 - 2)**
- 14 Application for Financial Assistance (Historic Buildings Grants) From the Conservation and Heritage Fund - Mow House Farmhouse, Church Lane, Mow Cop (Pages 3 - 4)**
- a Disclosure of Exempt Information

To resolve that the public be excluded from this meeting because it is likely that there will be disclosure of exempt information as defined in paragraphs 1, 2 and 6 in Part 1 of Schedule 12A of the Local Government Act 1972.

- 15 Updates on Enforcement Cases Where Enforcement Has Been Authorised (Pages 5 - 10)**

Members: Councillors Miss Baker, Boden, Cairns, Clarke (Vice-Chair), Fear (Chair), Hambleton, Mrs Hambleton, Howells, Jones, Matthews, Miss Reddish, Stringer, Studd, Sweeney, Williams and Mrs Williams

<p>'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'</p>
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Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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EXCHANGE HOUSE, CROSS HEATH, NEWCASTLE
MR KULVINDER KANDOLA. 12/00788/FUL (item 5 – main agenda)

Since the report was prepared the views of the **Police Architectural Liaison Officer** has been received and the comments are summarised as follows:-

- Object to the hours of opening stated within the application, which are wholly inappropriate for such a residential location and could generate problems in the form of a seriously negative impact upon the residential amenity of local residents in terms of noise and anti-social behaviour.
- The site is considered to be in a category C1 area as defined in the SPG on Hot Food Takeaways, as there is a significant continuity of predominantly residential uses within 100m of the site. If permission is granted a condition should be imposed limiting opening hours in line with this guidance.
- The local policing Inspector has indicated that should permission be granted he would wish to see the store operate on a delivery only basis after 2000hours as a means of reducing the potential for problems to arise.
- The application does not indicate any measures the applicant intends to put in place to mitigate the possible likelihood of anti-social behaviour. The provision of CCTV covering the internal public area and the external public spaces under the ownership of the applicant would seem an obvious measure to incorporate. A condition should be imposed to secure this.
- It would seem difficult to see how the Exchange House location differs to a sufficient degree to warrant a different outcome to 123 Liverpool Road and as such it is considered that the application should be refused.

Officer Comments

Notwithstanding the comments of the Police Architectural Liaison Officer it is considered that the site is in a category C2 area as there are commercial uses in both directions along the A34. As stated within the report in such locations changes of use to hot food takeaways are acceptable subject to the imposition of hours of use which are set out in the recommendation section of the report (which are not the hours of opening that have been applied for).

The site is close to 123 Liverpool Road which was recently refused planning permission for a change of use to hot food takeaway for three reasons (reference 12/00475/FUL) as referred to in the consultation response. This site differs, however, in that it has on site parking. In addition it is not within a group commercial properties and as such there is no policy which addresses this type of use. In any event the building was last used for offices and not retail as such it could not be argued, as was the case with 123 Liverpool Road, that the cumulative effect of a further hot food takeaway would have an adverse impact on the range of goods and services offered in the locality given that it does not at present contribute to such a range.

The other reason for refusal of 123 Liverpool Road, relates to the increase in the possibility of anti-social behaviour and the fear of anti-social behaviour arising from the use. A similar reason for refusal was not sustained in a recent appeal against the refusal of planning permission for the use of 43 London Road, Chesterton as a hot food takeaway. In the absence of any substantive evidence that indicated that an additional takeaway would lead to any material increase in anti-social behaviour the Inspector in that case considered that the issue could be dealt with by condition. In this particular case there is no substantive evidence that could be advanced to sustain such a reason. It would be reasonable, however, to impose a condition requiring CCTV coverage of the area outside of the building so that any lingering of customers could be suitably managed.

The recommendation therefore remains one of approval with an additional condition requiring the provision off CCTV in accordance with details to be agreed.

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APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDING GRANTS) FROM THE CONSERVATION AND HERITAGE FUND – MOW HOUSE FARMHOUSE, CHURCH LANE, MOW COP. REF 12/12004/HBG) (item 8 – main agenda)

The **Conservation Advisory Working Party** has requested that Planning Committee defers its decision until a full Heritage Asset Statement or building recording exercise is completed and submitted to inform repairs and alteration to this Grade II Listed farmhouse. The Working Party has made similar comments on an application for Listed building consent for other works to this property.

Whilst the NPPF does indicate that Local Planning Authorities should require an applicant for planning permission and listed building consent to describe the significance of a heritage asset affected by development proposals, this guidance refers to applications for consent not to applications for financial assistance. What is being considered here is an application for financial assistance – for works that furthermore do not require listed building consent. The Council's Historic Buildings Grant scheme does not require applicants (for grants) to provide this type of information – information which there would be a not inconsiderable cost (to the applicant) in providing. Rather the operation of the scheme relies upon the professional judgement of the Council's Conservation Officer (which is of course informed by their knowledge and understanding of the building), and the Committee's consideration of that advice.

The grant application in this particular case is for a number of minor works to the property as follows:-

- (1) The replacement of the plastic rainwater goods with cast iron. This is a relatively minor alteration which is an improvement which will undoubtedly enhance the character and appearance of the heritage asset.
- (2) Woodworm treatment to the second floor timbers. This is a minor alteration which will help to secure the future of the timbers in the property.
- (3) The repair of the second floor attic windows, which are probably original. This is required as some of the bottom rails require replacing. This is the correct approach, where repair is possible prior to 'like for like' replacement.
- (4) A replacement staircase. This is proposed as the balustrade and finials have been lost completely at ground floor and many finials are missing at upper floor and the timber has woodworm. The design it should be noted is however informed by the surviving elements at the upper floor level. The staircase is proposed to be replaced on a like for like basis. This may not be to the original design, in that the current staircase may be a later feature, but that simply reflects the evolution of the property.

Whilst the comments of the **Conservation Advisory Working Party** are noted, given the above, it is not considered that it is proportionate or appropriate to defer a decision for a Heritage Asset Statement or building recording report to be submitted. The works are relatively minor changes, repairs or like for like replacements which are unlikely to affect the significance of the asset rather than significant alterations to the fabric of the building. It is considered that the Council has sufficient information for members to decide whether or not the eligible works are worthy of support through the Historic Building Grant Fund.

Your Officer's recommendation remains that the Committee approve a grant of £2,100 subject to the appropriate standard conditions.

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By virtue of paragraph(s) 1, 2, 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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