

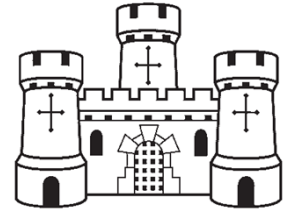
# Public Document Pack

**Date of meeting** Wednesday, 24th April, 2019

**Time** 6.30 pm

**Venue** Astley Room - Castle House

**Contact** Geoff Durham



**NEWCASTLE  
UNDER LYME**  
**BOROUGH COUNCIL**

Castle House  
Barracks Road  
Newcastle-under-Lyme  
Staffordshire  
ST5 1BL

## Conservation Advisory Working Party

### SUPPLEMENTARY AGENDA

#### PART 1 – OPEN AGENDA

#### 7 URGENT BUSINESS - CONSIDERATION OF A CONSERVATION AREA AT ASHLEY HEATH, LOGGERHEADS (Pages 3 - 22)

The item is considered urgent as it needs to be taken to the Planning Committee on 21<sup>st</sup> May, 2019. The agenda for that meeting must be published before the next meeting of CAWP.

**Members:** Councillors Miss J Cooper (Vice-Chair), A. Gardner (Chair), T. Johnson, S. Moffat and I. Wilkes

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

**Meeting Quorums :-** 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

**NOTE:** THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

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## CONSIDERATION OF A CONSERVATION AREA AT ASHLEY HEATH, LOGGERHEADS

### **Purpose of the Report**

That the Working Party considers the report going to the Planning Committee on 21<sup>st</sup> May and the appended document which addresses a request from Loggerheads Parish Council to designate Ashley Heath as a Conservation Area.

### **Recommendation**

- 1. That the Working Party considers the information and gives a view to the Planning Committee on whether it supports the Council's recommendation not to designate or whether to initiate a consultation exercise with the local community on the matter.**

- 1.1 The Council has a statutory obligation to review its Conservation Areas from time to time and to consider new areas. In July 2018, Loggerheads Parish Council asked that consideration be given to 'Ashley Heath' being designated as a Conservation Area due to its character and appearance and evolution during the first part of the 20th Century.
- 1.2 Officers visited the 'Ashley Heath' area and felt that whilst attractive in its appearance it was not of sufficient architectural or historic interest to warrant designation as a Conservation Area given the limited information provided for the case. The Parish Council was given further time to develop their case and they have written a review of the area with additional information that sets out the character of the area and how the request for designation has been considered. A suggested boundary is shown on a map.
- 1.3 The Conservation Officer does not support the designation of Ashley Heath as a Conservation Area. It is suggested that if the Parish Council consider that the area warrants further protection above and beyond those provided by existing policies they should consider bringing forward an early review of their Neighbourhood Plan to address this issue and that they should also consider making a submission with respect to the emerging Joint Local Plan that it both includes a development management policy that seek to protect the character of this area, in a similar manner it that currently achieved for other areas by saved policy H7.

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## **CONSIDERATION OF A CONSERVATION AREA AT ASHLEY HEATH, LOGGERHEADS**

### **Purpose of the Report**

1. To seek the Planning Committee's views on a request by Loggerheads Parish Council to give consideration to the area known as Ashley Heath for designation as a Conservation Area.

### **Recommendation**

1. That the designation of a Conservation Area for Ashley Heath be not agreed; and
2. That the Borough Council does not carry out a consultation in respect of such a proposed designation; and
3. That Loggerheads Parish Council be informed of the above decision

### **Reasons for recommendation**

This report addresses a request received from Loggerheads Parish Council that consideration be given to the designation of Ashley Heath as a Conservation Area. It is considered that this area does not have enough special or architectural interest to justify its designation as a Conservation Area and accordingly the carrying out of such a consultation would serve no useful purpose. The report has been prepared in the context of the Council's statutory duty to review its areas from time to time and to designate areas, which it thinks have special architectural or historic interest, as Conservation Areas.

### **1.0 Background**

- 1.1 Members may recall that a report was considered in February 2011 for a programme of Conservation Area appraisals and Management Plans. Local Authorities have a duty to review their areas from time to time and to designate new areas which are considered to have a special character. The Conservation Officer is in the process of reviewing all of the Borough's existing Conservation Areas and the most recent reviews were Keele in 2018 and Maer in 2019. The Borough also designated a new Conservation Area at Watlands Park, Wolstanton in 2016 as a result of a request from a local residents group and consideration was given and accepted that this area was worthy of being recognised as an area of special architectural and historic interest. There are currently 21 Conservation Areas in Newcastle-under-Lyme Borough and they are found within the Newcastle and Kidsgrove town centres, the edge of the Newcastle town centre, residential areas, rural villages, country estates and industrial areas including linear canal corridors.
- 1.2 In July 2018, Loggerheads Parish Council contacted the Council and asked that consideration be given to 'Ashley Heath' being designated as a Conservation Area due to its character and appearance and evolution during the first part of the 20<sup>th</sup> Century. This had been suggested to the Parish Council by some members of the public in the consultation that was undertaken as part of the Neighbourhood Plan. As a "non-neighbourhood plan issue" which was not subject of the independent examination and subsequent referendum, the initiative of developing a case for a Conservation Area on Ashley Heath had been agreed by the Parish Council. Officers visited the 'Ashley Heath' area and felt that whilst attractive in its appearance it was not of sufficient architectural or historic interest to warrant designation as a Conservation Area given the limited information provided for the case. The Parish Council were given further time to develop their case and they have written a review of the area with additional information included and they propose that a Conservation Area is designated (and they have suggested a proposed boundary).

A copy of their review is provided as Appendix 1 to this report, and the proposed boundary is shown on a map on page 11 of that review.

## **2.0 Ashley Heath: the case for designation**

- 2.1 Conservation Areas are defined as “areas of special architectural or historic interest the character and appearance of which it is desirable to preserve or enhance”. A key purpose of designation of a Conservation Area Appraisal is to define an area’s special interest; any review of the area will identify the issues which threaten these special qualities. Following this recommendations and guidance to manage change and suggest potential enhancements may be provided. The case sets out a proposed boundary for the Conservation Area.
- 2.2 The Parish Council proposal highlights the key characteristics and issues which are relevant in the proposed Conservation Area, namely what the Parish Council considers makes it special by the combination of its history and development, its buildings, materials, landscape setting and important views. The Parish Council describes the area as a residential area set within a largely sylvan environment. The former heathland remained largely undeveloped until the early part of the 20<sup>th</sup> Century. The northern area was a heavily wooded plantation and the southern area had a few gravel pits and quarries and was open in character. Evidence showed that this area gradually evolved as weekend escape to the countryside to provide housing in a semi-woodland setting.
- 2.3 The early plot layout began in the southern section of the Heath. Development began on this area in the first two decades of the 20<sup>th</sup> century with temporary shacks and small holiday homes accessed by informal pathways and tracks. The plots were originally generous and many remain relatively so. The Parish Council also asserts that the Second World War saw many people using the sites as safer accommodation away from bombing within the towns. Gradually the shacks have been replaced, first with bungalows and later with larger more permanent homes. There has been much alteration and sub-division and larger houses built and the ratio of building to plot has increased. There are some modified original bungalows and one known as The Crescent on Pinewood Drive appears to be of its original construction. Within the first two decades of the 20<sup>th</sup> Century, map analysis shows what appears as a large Victorian style villa called Hillcrest. This was within a very large plot which is now much reduced. The house is barely visible given the tree coverage. The other properties are unremarkable houses and garages of varying degrees of size, style and taste, many of which are recently built on sub-divided plots. Very few homes could be said to have any particular architectural merit. The informal narrow road and pathway layouts relating to the early development of the area are still in existence and do enhance the character of the area.
- 2.4 Ashley Heath has an ‘area’ Tree Preservation Order made in 1966, that affects most of the Heath and the proposed Conservation Area boundary follows a similar line to this. It also has other ‘group’ Orders as well as ‘individual tree’ Orders which have been made recently on plots. The larger Area Order from 1966 does not protect the trees that were not in existence at the time the Order was made. Conservation Area status gives some protection to trees that not the subject of a Tree Preservation Order insofar as it requires 6 weeks notification of any works to trees, to enable consideration to be given by the Council as to whether the work is acceptable and it provides an opportunity for the Council to make the tree subject to a Tree Preservation Order.
- 2.5 The Parish Council draw attention to the fact that in the 1995 Newcastle Local Plan, Ashley Heath was one of a limited number of areas within the Borough whose character as low density well landscaped areas justified inclusion within a policy (R2) where additional dwellings were only to be granted planning permission if amongst other things the development would not require the loss of healthy, and visually significant trees, and the development would be of the density and character prevailing within in the area. In the later 2005 Newcastle Local Plan a policy that referred to Areas of Special Character (H7) does not refer to the Ashley Heath area, but it does refer to some, but not all, of the other areas referred to in policy R2.

- 2.6 Neither the Newcastle Local Plan 2005 Local Plan nor the Loggerheads Neighbourhood Plan 2019 contain any express area specific policies on the safeguarding of the character of the area. Both place the area beyond the village envelope of Loggerheads, to which saved policies H1 and LNPG1 apply respectively.

### 3.0 Discussion

- 3.1 Conservation Areas are normally designated by the Local Planning Authority – the Borough Council. The NPPF, in paragraph 186, states that when considering the designation of Conservation Areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest. The Planning Practice Guidance repeats this.
- 3.2 Historic England in its Advice Note No.1 on ‘Conservation Area Appraisal, Designation and Management’ (2nd Edition) recommends a staged approach to appraisal, designation and management, and it recognizes (in paragraph 11) that prior to the “appraisal” stage there is likely to be a stage when a decision will need to be taken as to the significance of an area and the likelihood of conservation area designation addressing relevant problems within the area. The purpose of this stage being to consider whether an area has
- a) sufficient architectural or historic interest for the area to be considered ‘special’?
  - b) whether this is experienced through its character or appearance? and
  - c) whether it is desirable for that character or appearance to be preserved, and what problems designation (as a Conservation Area) could help solve
- 3.3 The Advice Note goes on to indicate in a Section headed ‘Identifying potential conservation areas’ that new conservation areas may be identified in a number of ways, including local communities working on neighbourhood plans identifying areas which have a special interest and character or appearance possibly meriting consideration for designation by the local planning authority. The Note repeats the statement in the NPPF. It goes on to suggest that in those situations *where it has been determined that an area may meet the definition in the Act* (i.e. that the area is one of special architectural or historic interest the character or appearance of which it is desirable to enhance) it is good practice to prepare designation assessment to formally assess the special architectural or architectural interest the area may have and whether it is desirable to preserve or enhance is character or appearance
- 3.4 Full consideration has been given to the information provided at Appendix 1 along with further research and map analysis. Conservation Area designation gives control over demolition and works to trees but not over minor external alterations to residential properties. Such minor developments are unlikely to impact on the character of the area given many of the properties are not visible through the trees and are not of any architectural merit.
- 3.5 Consideration has also been given to the benefits of protection of the trees in the area through Conservation Area status and it would help to stop the loss of smaller and younger trees. However the Council’s Landscape Development Section who are responsible for Tree Preservation Orders and trees in Conservation Areas consider that the general character and appearance of the area can be maintained with the existing Orders which are in place and the ability to make new Orders when the need arises.
- 3.6 Your Conservation Officer’s view is that the designation of a Conservation Area is a built environment designation and the fact that there is no “special interest” in the built environment here makes it a difficult case to support. Inevitably Conservation Areas have multi-faceted and complex environments and should have local interest, but the general premise is that they are

historical sites and that the historical development of the place is reflected in the land use and the built environment. Conservation Areas can help to protect the unique character and historic interest of an area. Understanding the development of the place is essential and helps to define the significance of the area. The historic and the recent development of Ashley Heath is certainly of some interest, and it is worthy of documenting as a piece of local social history. The pathways and trackways which have evolved and some of the plots are retained but none of the shacks and temporary accommodation exist anymore. The special interest in the area has been lost to a large degree given the ad-hoc temporary building types have been replaced and the plots are also altered and reduced in size over the years. The level of change may be too much to justify Conservation Area status.

#### **4.0 Conclusion**

- 4.1 As already indicated the NPPF cautions local planning authorities to ensure that an area justifies designation as a conservation area because of its special architectural or historic interest, so that the concept of conservation is not devalued through the designation of areas that lack special interest. The Council has to ensure that the value of its Conservation Areas is not diluted by ones of lesser quality and that each one is 'has special architectural or historic interest'. If a number of the original shacks and buildings had remained on the Heath, the area would have more interest that relates to its historical evolution and the resulting land use pattern. Your Officer therefore does not support the designation of Ashley Heath as a Conservation Area. It is suggested that if the Parish Council consider that the area warrants further protection above and beyond those provided by existing policies they should consider bringing forward an early review of their Neighbourhood Plan to address this issue and that they should also consider making a submission with respect to the emerging Joint Local Plan that it both includes a development management policy that seek to protect the character of this area, in a similar manner to that currently achieved for other areas by saved policy H7. This would give some recognition and protection to the fundamental character of the area without having to rely on a particular part of the built environment, which does not exist anymore.
- 4.2 The social development of this area is interesting and could be developed and it is recommended that consideration is given to asking the National Lottery Heritage Fund for support in such a project.

#### **5.0 Background Papers**

Historic England - Advice Note No.1 on 'Conservation Area Appraisal, Designation and Management' (2nd Edition)

**Date report prepared 17th April 2019**

## **Ashley Heath Proposed Conservation Area**

### **1 Introduction**

Conservation Areas are defined as “areas of special architectural or historic interest the character and appearance of which it is desirable to preserve or enhance”. Local planning authorities are required to formulate and publish proposals for the preservation and enhancement of Conservation Areas and must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The purpose of this report is to provide a basis for considering the merits of designating Ashley Heath as a Conservation Area.

### **2 Summary of Significance of Ashley Heath**

Ashley Heath enjoys the highly unusual characteristic of comprising an area of housing containing a wide variety of architectural styles in large plots set in a largely sylvan environment. The Heath is served by narrow tree-lined un-adopted tracks with few streetlights and a network of long established public rights of way and for many limited mains services. However, this unusual character area is under severe threat from new development that is resulting in increased densification of development, the loss of trees, threatening the diverse wildlife and overloading the existing tracks which are unsuitable for handling more traffic. The increased densification of development will, if left unchecked, result in the loss of this highly unusual and attractive environment.

### **3 Location and setting**

Ashley Heath adjoins the village of Loggerheads on its northern boundary and the village of Ashley to the immediate south west. Much of Ashley Heath is situated at an average of 220m (720 feet) above sea level, which combined with the local geology of underlying Triassic sands and gravels, overlain by thin mainly acidic soils, has helped to create a locally unique environment with a rich and diverse ecology. The “Heath” so named because of its situation and environment has for long been characterised by its heathland habitat that has gradually evolved to provide housing

in a semi woodland setting.

Its elevated situation gives rise to distant views to all points of the compass including Cannock Chase to the south east, The Wrekin and Long Mynd to the south, and Maer Hills to the north east. Views towards Ashley Heath reveal a prominent landform dominated by a mainly woodland landscape interspersed with detached housing. The local landmark feature is the water tower and telecoms mast.

Ashley Heath has a large number of trees, particularly within but also on the edges of the defined Area. A large part of the area is subject to an Area Tree Preservation Order (No.9) that was set in 1966. The combined effect of the trees, shrubs, gardens contribute towards the character of the Area. These features are cherished by the local community and are well cared for including private gardens and the public open spaces.

Conservation of the biodiversity afforded by the low density development and treed habitat is in keeping with the adjoining Turner Hodgkiss Nature Reserve and adjacent SSSI within the Burntwood.

It represents a highly unusual area of residential development in a rural situation comprising individually designed homes in large plots in a largely woodland setting.

Map A shows the boundary that is proposed for conservation.

#### 4 Historic development

Ashley Heath was enclosed under an act passed in 1812.

In the early 1900s Ashley became a place of weekend pilgrimage for the people of the Potteries, to escape the smoke and the grime, known as “Switzerland in England”. In those days Switzerland was well beyond the pocket of the working class, they had to look to local places in the countryside to visit. Ashley was well placed for the tourist boom, set on high ground with many walks and vistas, it soon became a popular weekend location. The clear air of the pine woods would have

seemed like heaven after the smoke and dirt of the potteries. They came by pony and trap, later by charabanc to the Meynell Arms or the Loggerheads Hotel for ham and egg teas. The close proximity to Pipe Gate railway station ensured no one could be excluded from a visit here. Many visitors walked from Pipe Gate to Ashley such was the appeal of the area. As the area became popular more and more visitors wanted somewhere of their own to stay.

On nearby Ashley Heath, tucked away among the pines and birches, a certain pattern of permanent accommodation to suit all weathers better than the tent, resulted in sheds and similar units being erected along with old caravans and railway carriages being brought onto any suitable site, including old single deck buses. Water to the individual sites was provided from rainwater storage tanks and in suitable cases wells were constructed. Some were retreats for those suffering from the dreaded chest diseases contracted in the pot-banks or mines. They came for the pure clean air of the pinewoods. Later the sanatorium was built at Loggerheads to treat these diseases.

The temporary structures gave way to the weekend bungalow, many just simple wooden framed building on a brick foundation. A flat pack house was a cheap way of providing the family with a suitable residence in Ashley. The Heath was a particular popular spot for such bungalows. Pinewood Road had quite a few such dwellings offering outstanding views across Staffordshire. New tracks were cut across the once devoid heath land to provide even more living space. Tower Road, Pinewood Road and Birks Drive being good examples of this extended living space.

From 1939 and the beginning of the 1939/1945 War, some of the units on such sites provided permanent residential accommodation, providing a safer element than the towns because of potential bombing.

With the arrival of the Various Planning Circulars and preliminary Planning Items and the 1947 Planning Act permanent Planning permissions were obtained for existing and established "houses" and in the 1960's the replacement of holiday homes with permanent dwellings was advanced, being supported by the Local Authority because of the income received provided by good Rateable Values. Ashley Heath was a

perfect example, having noted that water supplies had been provided and all services were available, thus rendering such suitable development a most practicable proposition to the small Authorities. The houses were built within the large historic plots, generally large plots varying from 0.1ha to 0.8 - 1.2ha (0.25 to 2 – 3 acres) in size and containing individually designed houses, often single storey.

From the 1970's Loggerheads became the desired location for the greater residential development having regard to other matters that then existed being the Sanatorium, rather than cluttering Ashley Village proper.

Maps B to X show the development of the Heath from 1889.

## 5. Access & footpaths

The Heath is accessed via a series of narrow un-adopted roads or tracks with passing places many of which are un-metalled with no street lighting. A number of public footpaths traverse the Heath and they, along with the existing tracks, are considered to be an important part of the local recreation and amenity by residents and visitors including walkers and cyclists.

## 6 Quality and Character of Buildings

The quality and character of the buildings on the Heath has changed over time from what were once temporary structures scattered over the area that provided holiday single storey homes for the well off. Gradually these were replaced by more substantial and permanent homes found there today. There is no singular architectural style save for a common theme that each dwelling is situated in its own often large plot invariably nestling within a grassy glades surrounded by mature trees. Together these combine to create an unusual and attractive area of low density housing. The dwellings found here today are all detached and comprise a mixture of single storey 2/3 bedroomed bungalows with a significant proportion of two storey 4/5 bedroomed homes. Many also have garaging for 2-3 cars with ample "off street" parking.

## 7 Biodiversity

XXXXXXXXXX

## 8 Newcastle under Lyme Borough Council Policies

Much of the Heath has long been subject to Area and individual Tree Preservation Orders because of its woodland and in recognition the need to safeguard the habitat that has evolved. TPO 9 made in 1966 covers most of the Heath.

The Newcastle under Lyme Local Plan 2011 (adopted October 2003) Policy H7, "Protection of Areas of Special Character" states: In areas shown on the Proposals Map at Porthill Bank, Sandy Lane/Brampton, and Seabridge Lane, Betley (North) and Wolstanton, the Council will seek to preserve the unique character of the areas, consisting mainly of large houses in extensive plots, and will not permit development that would be detrimental to the overall character of the area or that would result in the further sub-division of plots or the loss of, or adverse effect on, visually significant trees.

Back in the 1995 version of the Local Plan policy R2 "Windfalls and retention of character of specified areas" included Ashley Heath in the areas of "special character". It is not known why Ashley Heath was left out of the areas covered by the later plan.

R2 stated: Planning permission will only be granted for additional dwellings in Porthill Bank; Seabridge Lane; Betley (North); Bryn Wood; Whitmore Heath; Ashley Heath; Madeley park Wood (all as defined on the proposals map) if amongst other things:

- (i) The development would not require the loss of healthy and visually significant trees; and
- (ii) The development would be of the density and character prevailing in the area.

There are currently 19 Conservation Areas throughout the Borough, the majority of which are confined to the urban area.

## 9 Proposed Boundary of a Conservation Area

The proposed boundary follows a similar line to TPO 9 and can be viewed on map A.

This can be described as A53 on north side; up the side of the housing development at Burntwood View and Hugo Way, along the school boundary, up Eccleshall Road on west as far as back of gardens on properties on Tower Road, cutting out Birch Rise and re-joining Pinewood Road after Heathcote Avenue as the southern boundary, along Pinewood Road, as far as the public right of way at the junction with Tower Road and following the line of the public right of way across to the A53 as the eastern boundary.

This proposal suggests that the key issues in the area are:

- Protection of the woodland scape and existing built features which would collectively form the Conservation Area including the trees, landscape and existing access tracks.
- Conservation of the low density of residential development that has given rise to the existing character and environment.
- Protection of significant trees.

The pressure for development in Ashley Heath is mainly for extensions to existing buildings and the subdivision of plots to create more housing. There is now limited potential for infill and back land development (usually in the gardens of existing buildings) some of which sit in spacious plots which will intensify and may harm the character of the Conservation Area and will increase pressure on the existing fragile infrastructure.



Ashley Heath in the 1960s



The Crescent, Pinewood Drive, circa 1910, before trees

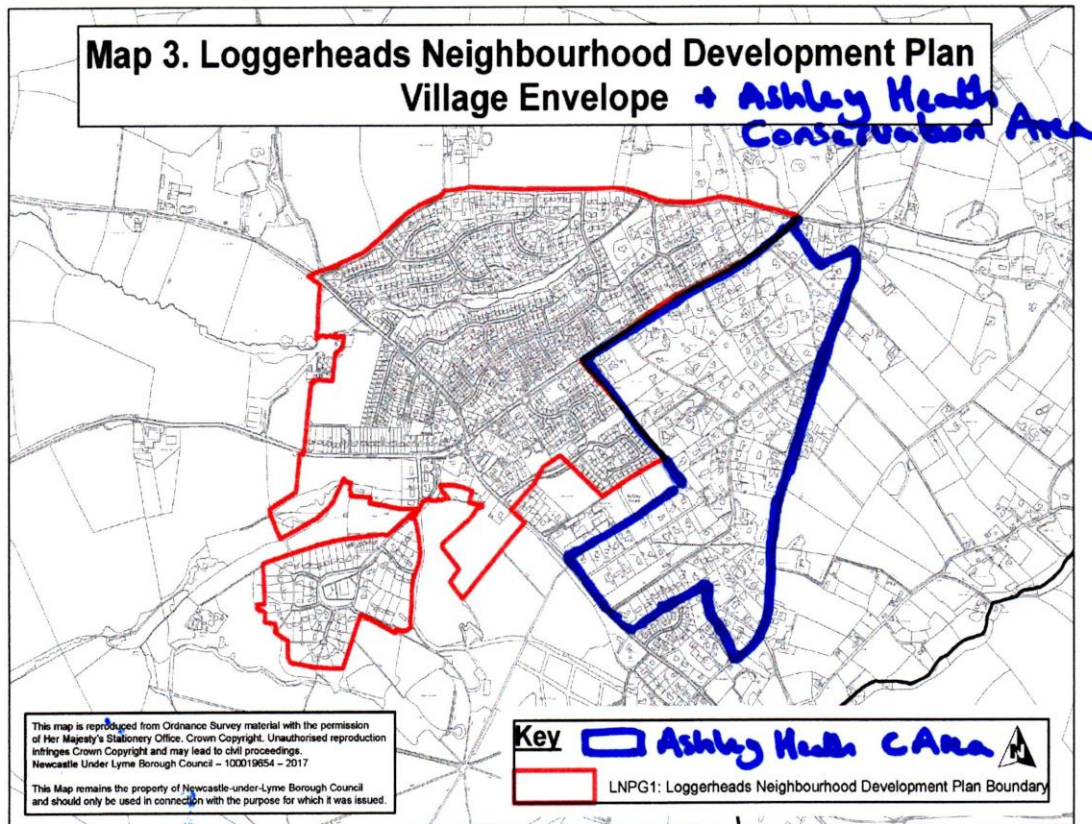


The Crescent, Pinewood Drive, 2019, with trees

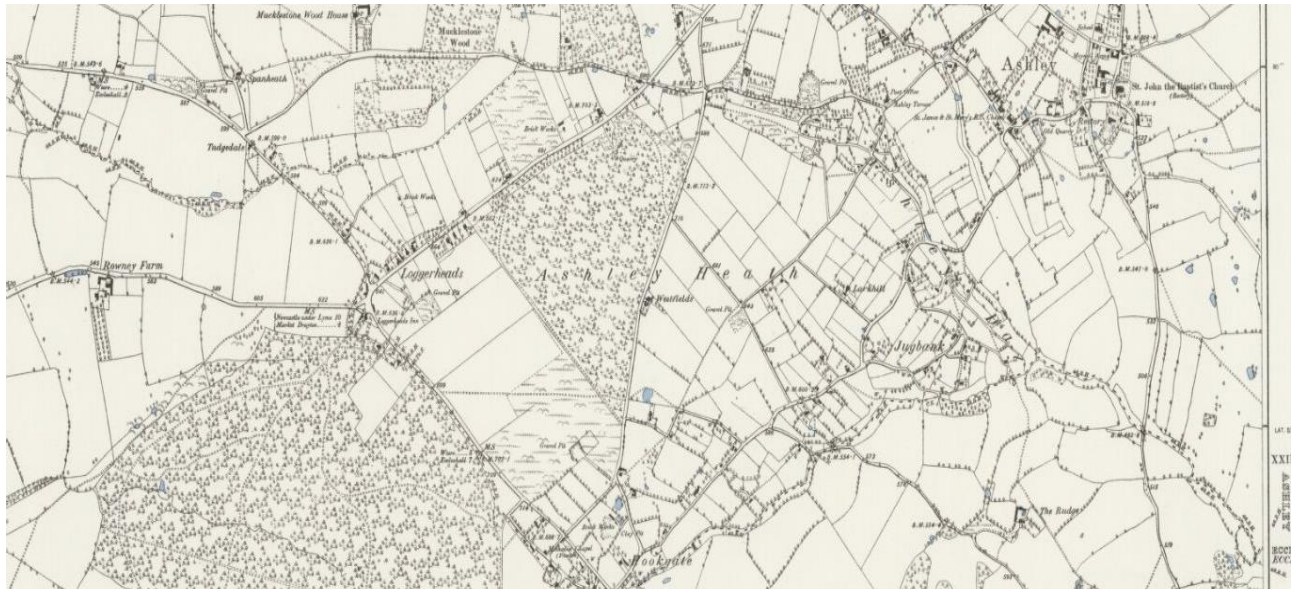
# Proposed Ashley Heath Conservation Area

## Photographs of setting

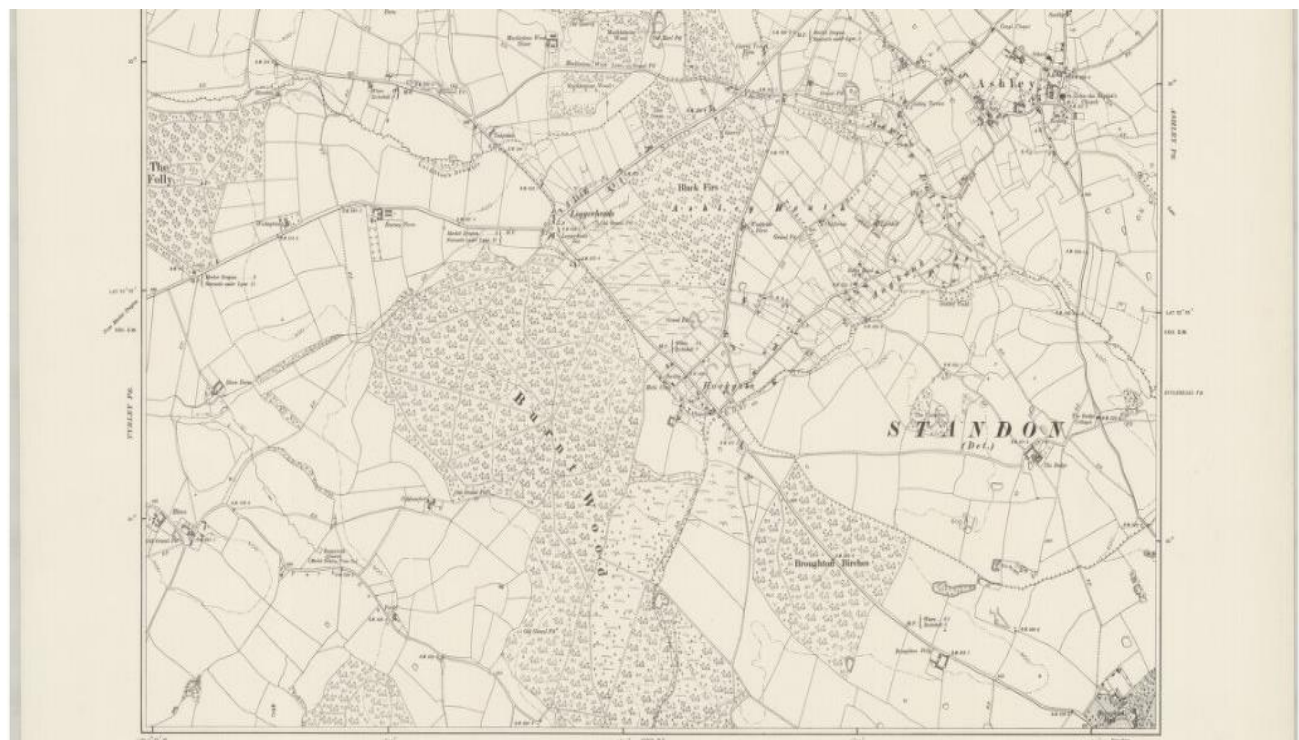




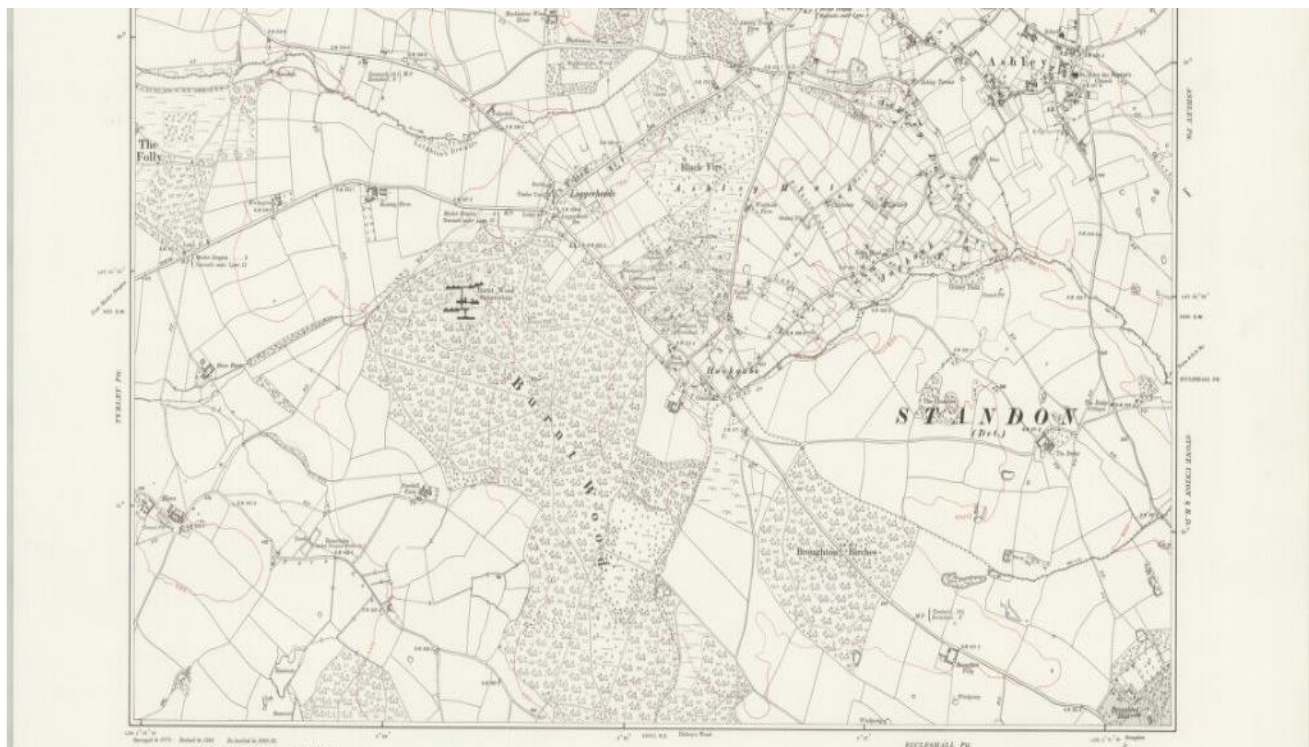
Map B: Ashley Heath 1889



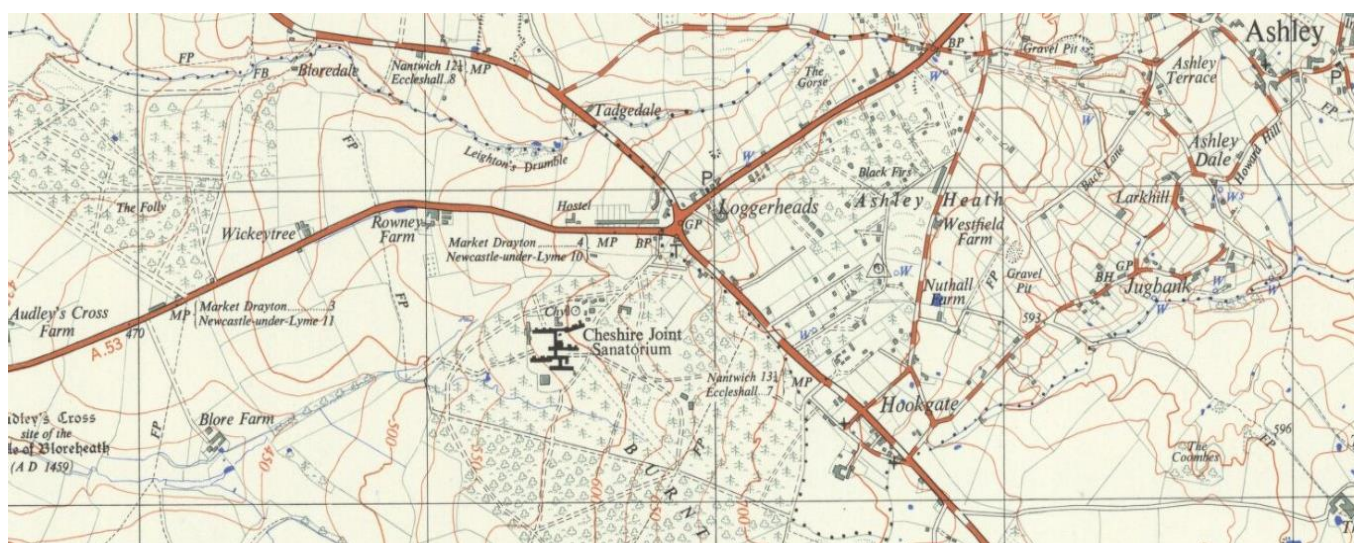
Map C: Ashley Heath 1901



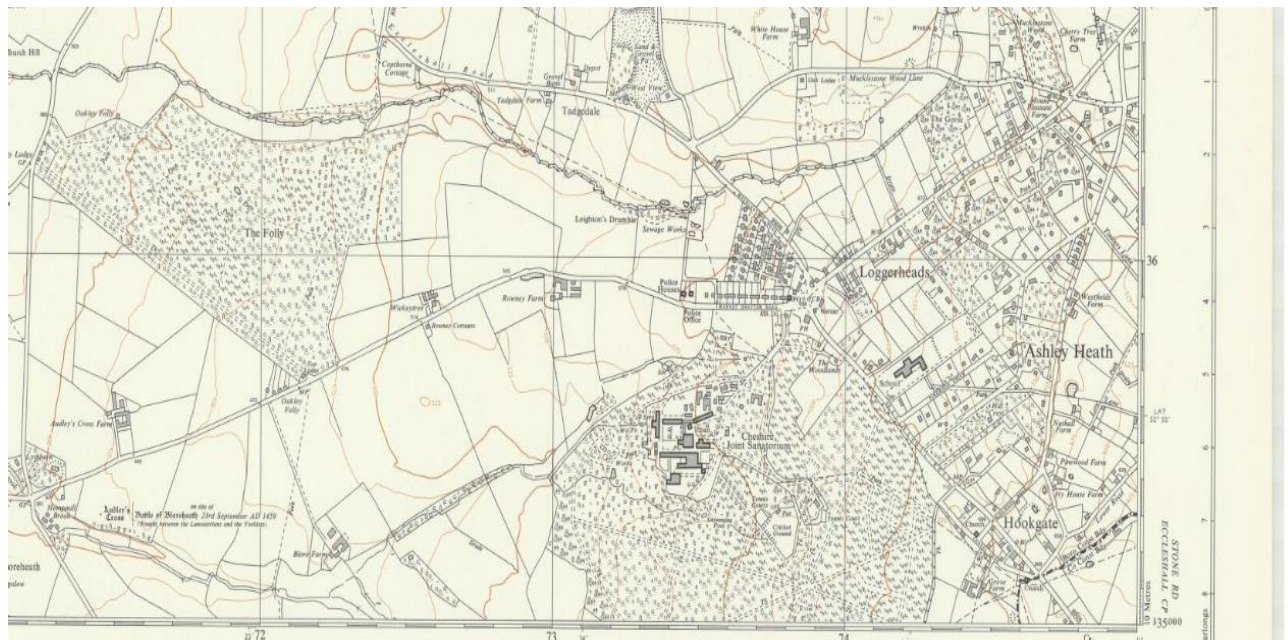
Map D: Ashley Heath 1925



Map E: Ashley Heath 1960



Map F: Ashley Heath 1968



Map G: Ashley Heath 2000