

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

CONSERVATION ADVISORY WORKING PARTY

Tuesday, 15th May, 2012

Present:- Councillor Julie Cooper – in the Chair

Councillor Holland

Also in attendance: Mr P Chatterton – Newcastle Civic Society
Mr R Manning – North Staffs Society of Architects
Mr J Worgan – Newcastle Civic Society

1. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

2. **MINUTES OF PREVIOUS MEETINGS**

Resolved:- That the minutes of the previous meeting held on 24 April 2012 be agreed as a correct record with amendments to add Roy Manning to the list of attendees and to note that Claire Henshaw represents the Staffordshire Historic Buildings Trust and not the Civic Society.

3. **PLANNING APPLICATIONS**

Resolved:- (a) That the decisions on applications previously considered by this Working Party be received.

(b) That the following observations be made on the applications listed below:-

<u>App No</u>	<u>Proposed development and name of applicant</u>	<u>Comments</u>
12/00175/FUL	Ravens Crest, Main Road, Wrinehill. Mr & Mrs Peddle. Replacement dwelling.	The Working Party has concerns with the design of the building and does not think it will harm the setting of the adjacent listed buildings if the new dwelling is not visible and is no higher than the existing bungalow.
12/00181/FUL	Newcastle-under-Lyme School, Mount Pleasant, Newcastle. Newcastle-under-Lyme School. Extension and alterations to sports block.	No objections.
12/00183/FUL & 12/00184/LBC	Former Methodist Church, Chapel Lane, Knighton, Market Drayton.	Not considered, likely to be withdrawn.

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	Mr Jonathan Woodcock. Conversion of Methodist Church to two storey residential dwelling and a single storey rear extension.	
12/00192/FUL	Stone Cottage, Maer. Mrs Vera Pellington. Single storey rear extension.	No objections.
12/00194/COU & 12/00196/ADV	Former Kwik Save, 9 Liverpool road, Newcastle. Jumbo Fun and Play Ltd. Advertisement signs.	No objections.
12/00206/FUL	Central Campus, Keele University, Keele. Keele University Estates. Public art sculpture.	No objections.
12/00215/ADV	Cornwalls Chemist, 11 High Street, Newcastle. Mrs Waterfall. Illuminated sign with timber surround.	No objections.
12/00236/TDET	Site in Brunswick Street, Newcastle. WHP (Wilkinson Helsby Projects) Ltd. Telecommunications cabinet.	No objections but colour of boxes should be in an appropriate colour, for example, grey.
12/00238/TDET	Footpath, Mount Pleasant , Newcastle. WHP (Wilkinson Helsby Projects) Ltd. Telecommunications cabinet.	No objections but colour of boxes should be in an appropriate colour, for example, grey.

4. MADELEY CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN CONSULTATION

The Working Party commends and supports the document.

5. ANY OTHER BUSINESS

- (i) The Working Party notes the contents of the report for the Partnership Scheme in Conservation Areas for Newcastle Town Centre.
- (ii) The Working Party thanked the Chair, Councillor Miss Cooper for her work during the last year.

COUNCILLOR JULIE COOPER

Chair

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**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.

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision
11/504/FUL	Whitmore Riding School, Shut Lane Head, Whitmore Mr G Richards	Change of use of existing brick and tile barn into a single dwelling and the erection of brick and tile outbuilding in the style of a hay barn in the same location as an existing stable/store which is to be demolished	The repair and refurbishment of the barn would improve the setting of the listed barn	Permitted under delegated powers 17 May, 2012
11/674/FUL	36 High Street, Newcastle Butters John Bee	Conversion of existing 2 bed apartment to 2 one bed apartments	No objections	Permitted under delegated powers 16 May, 2012
12/142/FUL	Grass Verge, Clayton Road, Newcastle Vodafone Ltd	Installation of a 15m high telecommunications slim line street pole, shrouded antennas, associated cabinets and ancillary development	The Working Party objected strongly to the proposal in terms of its visual amenity and impact on the conservation area. The mast and boxes should be relocated to another site or on an adjacent building.	Permitted by Planning Committee 23 April, 2012
12/150/LBC	36 High Street, Newcastle Butters John Bee.	Proposed bar & 2 one bed apartments	No objections	Permitted under delegated powers 16 May, 2012
12/155/ADV	41 High Street Newcastle Royal Bank of Scotland Group	3 Illuminated fascia signs, 2 illuminated projecting signs and 1 replacement ATM header panel	The Conservation Advisory working Party objects to the horizontal wrap around fascia strips which are unnecessary and to the externally illuminated trough lights which are contrary to planning policy. This building is now a building on the Local Register and we should be seeking to preserve its architectural features.	Permitted under delegated powers 21 May, 2012

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OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr G Richards **Application No** 11/000504/FUL

Location Barn at Whitmore Riding School, Shut Lane Head, Whitmore

Description Change of use of existing barn into a single dwelling and the erection of a brick and tile outbuilding in the style of a haybarn in the same location as an existing stable/store which is to be demolished.

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

West Midland Regional Spatial Strategy 2008

Policy QE1: Conserving and Enhancing the Environment
Policy QE3: Creating a High Quality Built Environment for all
Policy QE6: The Conservation, Enhancement and Restoration of the Region's Landscape
Policy T2: Reducing the need to travel

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

Strategic Aim 14: To protect and enhance the historic heritage
Strategic Aim 15: To protect and improve the countryside
Policy SP2: Spatial Principles of Economic Development
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP4: Natural Assets

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 D4: Managing Change in Rural Areas
Policy D5B: Development in the Green Belt
Policy T3: Rural Areas
Policy T12: The Strategic Highway Network
Policy T13: Local Roads
Policy NC1: Protection of the Countryside: General Considerations
Policy NC2: Landscape protection and restoration
Policy NC6: Important Semi-Natural Habitats

Newcastle under Lyme Local Plan 2011

Policy S3: Development in the Green Belt
Policy E12: The Conversion of Rural Buildings
Policy T16: Development – General Parking Requirements
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N17: Landscape Character – General Considerations
Policy N19: Landscape Maintenance Areas
Policy B5: Control of Development affecting the setting of a listed building

Other Material Considerations include:

Relevant National Planning Policy

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Circular 11/95 The use of conditions in planning permissions

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

The Secretary of State's announcement of his intention to abolish RSS

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

Relevant Planning History

In 2004 an application for planning permission and the associated application for listed building consent for the change of use and conversion of a barn to residential accommodation ancillary to the existing adjacent dwelling were permitted (04/00396/FUL and 04/00397/LBC). Two further applications for the relocation of existing indoor riding school and car park (04/00394/FUL) and the change of use and conversion of two existing former agricultural buildings to provide essential workers accommodation and office/storage (04/00395/FUL) were refused.

In 2009 planning permission was given for the formation of all weather horse riding surface (09/00222/FUL).

An application (11/00052/FUL) was previously submitted for the, 'Conversion of the brick and tile stable to commercial use to provide for a restaurant guest house and involving the erection of new accommodation to replace an existing building and to form car parking and guest storage space'

This application was refused for several reasons as specified below;

1. The development is inappropriate development in the North Staffordshire Green Belt, is harmful to the interests of the Green Belt and it conflicts with policies relating to the protection of the countryside and sustainable economic development. No other material considerations exist which clearly outweighs this harm and the applicant has failed to provide the very special circumstances which are required to justify approval of inappropriate development. Therefore, the development would be contrary to the guidance within PPG2, PPS4, Policies D2, D4, D5B, and NC1 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, and Policy S3 of the Newcastle-under-Lyme Local Plan 2011.

2. The access road, Shut Lane Head, is substandard in that;

- it is a narrow single track land of inadequate width to allow two vehicles to pass;
- it has a sinuous alignment which affords restricted forward visibility for drivers in sections of the lane;
- the road has insufficient capacity to accommodate the additional traffic which the proposed development would generate;

and the increased use of the road would result in an increase in the likelihood of danger to road users. The proposal is therefore contrary to Policy T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and the aims and objectives of PPS13.

3. The traffic generated by the proposed development would be likely to result in an

increase in highway danger owing to increased use of the existing junction of Shut Lane Head with the A53 (Whitmore Road) which affords restricted visibility for drivers and other road users emerging from this junction. The proposal is therefore contrary to Policy T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and the aims and objectives of PPS13.

4. The application is not supported by an up to date structural report that demonstrates that the superstructure of the building is of sound and permanent construction and that it does not require reconstruction, extension or substantial alteration and as such the proposal is contrary to Policy E12 of the Newcastle-under-Lyme Local Plan 2011 and guidance in PPG2.

5. The application contains insufficient mitigation information to demonstrate whether or not the development would have an adverse effect on legally protected species and as such the proposal is contrary to Policies NC6, and NC8 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies ASP6 and Policy CSP4 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policy N8 of the Newcastle-under-Lyme Local Plan 2012 and the aims and objectives of PPS9.

During the course of this application it was made invalid due to the lack of a design and access statement. When it was made valid once again following the submission of the required information, consultations were once again undertaken with certain consultees as well as members of the public.

Views of Consultees

Whitmore Parish Council objects to the proposal on the basis of it being inappropriate development within the Green Belt. They also specify that the application indicates the relocation of existing stables without any indication as to the form, number or siting of the proposed replacement stables. They then request that no consideration be given to the planning application until a complete site development is detailed.

The **Highway Authority** has no objection to the proposal subject to a condition relating to parking for two vehicles within the site curtilage.

Natural England initially indicated that they have no objection to the development provided that the information below is submitted and is adequate to inform a suitable planning condition as part of any planning consent (if approved);

- a) To seek a mitigation licence from Natural England
- b) To submit a detailed method statement to the Council setting out the work to be carried out

Natural England provided a second response following comments from the agent on this matter in terms of a potential condition. The response can be summarised as follows;

- Natural England welcomes the proposal to create a new bat loft above the cart shed as part of the project and to time works to the existing building in such a way that the risk of an offence taking place under the relevant legislation is avoided as far as possible.
- In view of the previous bat survey report findings and comments regarding the existing building's condition it would appear that this new roost will offer a valuable net gain for bats in the local area.
- Due to the ecologist indicating a mitigation licence is not required, Natural England advice aims to ensure that the proposed measures are carried out lawfully and with appropriate supervision. It is important to ensure that the proposed new roost is specified in sufficient detail to allow it the best possible chance of success.
- The agent's response is a good starting point for suitable planning conditions however such a condition needs to make reference to the preparation and submission of an adequately detailed method statement to inform the works. The information submitted so far is not adequate in this respect.

They then provide guidance on the way forward for this element.

The **Landscape Development Section** have no objection to the proposal subject to conditions relating to the following;

- Tree protection
- Agreement of a suitable landscaping scheme.

The **Environmental Heath Division** have no objections to the proposal subject to conditions relating to the following;

- Contaminated land conditions
- Hours of Construction
- Recyclable materials and refuse, storage and disposal arrangements

They then go on to state that they have no objections to the proposed development subject to the proposed dwelling being linked to the riding school business.

The **Environment Agency** have no comments to make on the proposal.

The **Conservation Advisory Working Party** believe the repair and refurbishment of the barn will improve the setting of the listed barn.

The **Building Control Partnership** were consulted with regards to the structural element of the proposal and provided a verbal response on the matter. They advised that although the skeletal frame is acceptable in principle, due to the state of the brickwork in places, there is a strong likelihood that elements may well need to be re-built. No indication of the amount of re-build is known.

Staffordshire Wildlife Trust having not provided a response within the requisite period must be assumed to have no comments to make on the scheme.

Representations

Five letters of representation expressing objections/concerns have been received as a result of the consultation process. The comments can be summarised as follows;

- Inaccuracies within the application
- No mention of the location of the re-located facilities
- Contrary to local policy and national policy on Green Belts
- The existing buildings are in use by the riding school and the proposal would lead to requests for further development
- The application would lead to highway safety implications
- Boundary still seems to be highlighted with a question mark when is clear on the land registry documents

Applicant/Agent's submission

A **Design and Access Statement** has been submitted with the application which details how the application meets the aims and objectives of local and national policy.

A follow up **structural report** to an initial one undertaken in 2004 was also submitted as part of the proposal. The initial 2004 report concluded that the barns are in a semi-derelict condition however there was no on-going settlement or subsidence as it stands. The same response was reflected in the July 2011 report with the following conclusions/recommendations stated,

"Therefore based on the observations made at this time our findings of the 28th April 2004 remain valid. The property is capable of the refurbishment and renovation that is proposed. However this can only be achieved as part of a costly and time consuming process with a proper ordered sequence of works being programmed"

Drawings of a **skeletal frame** and a method statement for the insertion of a steel frame within the existing structure have also been provided. This discusses in detail how the proposed development can be achieved without putting pressure on the existing built fabric of the barn.

A follow up report to a bat presence/absence survey report was also submitted as part of the proposal. The original report advised that the building was not in good condition and a bat roost was present. The bat roost can be improved through bat mitigation measures and a licence from Natural England would be required. The building was also being used for birds and mitigation measures for these were also recommended.

The more recent report indicated that the bat roost was no longer present although a conclusive survey was difficult to undertake due to the condition of this element of the barn. It was felt that due to the condition of the barn it would be more attractive as a feeding area than a roost location. Due to the condition of the barn it is felt that it would be more appropriate to create a habitat in another location which is proposed as part of the new outbuilding/garage.

Further comments were also received from the agents in regards to potential conditions and issues relating to the structural suitability of the barn and how any permission would not imply consent for re-building of the property should the building fall down as it is a change of use application.

Key Issues

The application is for the conversion of the existing barn into a single dwelling and the erection of a brick and tile outbuilding in the style of a hay barn in the same location as an existing stable/store which is to be demolished. Although not formally applied for as part of this scheme, the agent has specified that it is the intention of the applicant to relocate some of the existing stables to be re-sited in closer proximity to the manege. The indicative block plan illustrates that some stables are to remain at the site however no indication of their proposed use is detailed.

The application site is on land designated as Green Belt and an Area of Landscape Maintenance as detailed on the Newcastle under Lyme Local Development Framework Proposals Map. The site is also adjacent to a Grade II listed building.

The main issues in the determination of the planning application are;

- The appropriateness of the development in the Green Belt,
- Principle of the proposed use, including whether the proposal complies with policy on housing development
- Impact on the listed building,
- Impact on highway safety,
- Impact upon Protected Species
- The impact on the amenities of neighbouring occupiers,
- The impact on the visual amenities of the Green Belt and the wider landscape,

Is the principle of the development appropriate in Green Belt terms?

The NPPF indicates that the re-use of buildings is not inappropriate in Green Belt terms provided that the buildings are of permanent and substantial construction and do not conflict with the purposes of including land in the Green Belt.

With regard to new buildings the NPPF indicates that these should be considered as inappropriate unless it is for a limited number of purposes, none of which include new outbuildings unless the replacement of a building is in the same use and not materially larger than the one it replaces. The lawful use of the outbuilding to be replaced is unclear, it has the appearance of a stable and as such not agricultural although buildings such as this in close proximity to a farmhouse is likely to have had a dual residential/agricultural use. The

proposed outbuilding would have a smaller floor area than the buildings to be retained. As such it is considered that this would constitute appropriate development.

The structural survey update that was originally submitted by the applicant was not felt to be sufficient by planning officers and this was verified by building control who also questioned the structural suitability of the proposal. A further method statement and drawing illustrating a steel skeletal frame was later submitted for consideration. Following consideration of this by building control they have verbally stated that although acceptable in principle there are still elements of the building that could fall down during the installation of the frame. With the use of appropriate conditions to deal with the protection and conversion of the barn it is felt that the principle of this is met in this particular instance and it would adhere with the overarching aims and objectives of the NPPF as well as local policy. Having regard to the discussions above it is felt that the proposals constitute appropriate development within the Green Belt and as such no very special circumstances need to be demonstrated.

Principle of the proposed use

Policy S3 (v) of the Local Plan indicates that the re-use of an existing building may be acceptable providing it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it. Policy S3 does not have any specific reference to outbuildings however section iv talks about replacement dwellings which can be acceptable subject to them not being materially larger than the dwelling it replaces and the applicant demonstrating that replacement rather than alteration is justified. Although this relates to dwellings and not outbuildings it is felt that the general principles of the NPPF as the most recently adopted document be considered primarily.

Policy H9 of the Local Plan addresses the conversion of rural buildings where the proposal is for living accommodation. This indicates that before the conversion of rural buildings can be considered, evidence must be provided to show that the applicant has made every reasonable attempt to secure a suitable business use for the premises subject to policy E12 and the building is in a sustainable location. No evidence of this nature has been provided. However it is noted that an application was submitted for the conversion of the brick and tile stable to commercial use to provide for a restaurant and guest house and involving the erection of new accommodation to replace an existing building and to form car parking and guest storage space. This application was refused for numerous reasons including highway safety due to the sub-standard nature of Shutlanehead and the substandard junction of Shutlanehead with the A53. Although that proposal was for a use that would generate a large number of vehicle movements and other employment uses may not generate similar numbers it illustrates that any substantial intensification of this property would likely lead to highway safety concerns. As such it is felt that the use of the building for economic purposes is not viable in highway safety terms and policy H9 can now be considered.

Policy H9 sets out a number of requirements that must be met, and these are assessed below;

- (i) It would appear that the building was constructed in the late 1800's and there is no evidence that suggests that the building is unauthorised.
- (ii) In terms of the superstructure of the building, this element has already been considered in relation to the requirements of the NPPF in Green Belt terms as set out above. This element is felt to comply.
- (iii) The application has included details of the scheme proposed and where this requires further clarification it is felt that this can be done without prejudicing this element of the policy.
- (iv) No details of utility services have been proposed however it is likely that in this location, the property will be served by a septic tank and an oil storage tank. As the permitted development rights are likely to be removed as part of this proposal, the local authority would have control over the placement and location of this subject to environmental considerations.
- (v) The proposed dwelling would not be located within 400m of a livestock unit.

- (vi) A bat survey has been undertaken of the property and this issue is dealt with in more detail elsewhere in the report with appropriate measures identified.
- (vii) It is not felt that the proposal as a residential conversion would have an adverse impact upon the building itself.
- (viii) Although the principle of the proposal would afford the local planning authority the opportunity to support the conservation and enhancement of local countryside character and distinctiveness many of these elements would be conditioned as part of any permission.

Policies D4 and NC1 of the Structure Plan generally seek to protect the open countryside for its own sake, reflecting guidance within the NPPF on all forms of development within the countryside. Policy H1 of the Local Plan does refer to the acceptability of housing conversions that comply with Policy H9. Policy ASP6 of the recently adopted Core Spatial Strategy states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements. This site is not within a village envelope, it lies beyond the Major Urban Area of North Staffordshire and comprises greenfield land (rural conversions are considered as greenfield development). The proposed dwelling would not serve a local need and neither would they support local services.

The NPPF adopts a sequential and managed approach to the release of housing sites, giving priority to the development of previously developed land in sustainable locations.

The NPPF advises that housing development should be located, wherever possible, so as to promote sustainable means of travel to other facilities with it also seeking to promote more sustainable patterns of development and states that developments in rural areas should be located where it will enhance or maintain the vitality of rural communities.

The application site is in a location that is intrinsically unsustainable however as discussed elsewhere in this report there are circumstance that justify the proposal in line with the overarching aims and objectives of the NPPF. It must also be noted that the conversion of existing buildings are to some extent sustainable although this in itself would not be sufficient on its own. It is therefore felt that on balance of the discussions within this report an objection on housing policy grounds alone would not be appropriate and on balance it is considered that approval can be recommended.

Impact upon the listed building

The proposal does not involve a listed building, however the site and particularly the brick and tile building within the site, are located very close to a Grade II listed barn which has recently been converted to residential use as part of a permitted conversion (04/00396/FUL & 04/00397/LBC)

There is a statutory requirement on Local Planning Authorities to 'have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses'.

The site is currently detrimental to the appearance of the listed building due to its semi-derelict state. The proposed reuse of the building would therefore have a beneficial impact on the setting of the listed building as it would ensure its retention and consequently the historic benefit to the context of the listed building opposite (Shut Lane Head Farmhouse Grade II Listed). This would be in accordance with the overarching aims and objectives of section 12 of the NPPF as well as more specifically paragraph 55 of the NPPF which states that new isolated homes in the countryside should be avoided unless there are special circumstances of which heritage assets is on such circumstance.

There are concerns over the alterations proposed to the exterior of the building and although the use is acceptable in principle it is felt necessary that detailed conditions are included to

deal with this. This will include pre-commencement of the details of the openings as well as elevational details.

It must be noted that should the structural skeletal frame not be achievable and substantial re-build is required, a further planning permission would be required and this would not be acceptable in policy terms in this regard as it would not have the same benefits to the listed building.

Impact upon Highway Safety

The site is accessed via Shut Lane Head which is narrow in width, not allowing two vehicles to pass, and has restricted forward visibility in sections of the lane. In addition the junction of Shut Lane Head with the A53 is also substandard due to restricted visibility.

The previous proposal for guest accommodation was refused on several highways grounds due to the issues above however the current proposal for a three bedroom dwelling is not felt to lead to a significant impact upon highway safety due to the limited number of increase in trips that it would generate. This is illustrated by the highway authority response with a conditional approval response provided.

Impact upon Protected Species

A follow up report to Bat Presence/Absence Survey has been submitted with the application which identifies that the previous evidence of a bat roost appears to have gone and no other evidence was found of bat foraging although the condition of the barn made a thorough survey problematic. Evidence was found of bats elsewhere in the vicinity and it may be that bats are still present within the barn.

Bats are a European protected species and Local Planning Authorities, in exercising their planning and other functions, must have regard to the requirements of the European Community Habitats Directive when determining a planning application, as prescribed by Regulation 3(4) of the Conservation (Natural Habitats) Regulations 1994 (as amended). Circular 06/2005 states that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted, otherwise all relevant considerations may not have been addressed.

Natural England have stated that they have no objection to the development provided that the information below is submitted and is adequate to inform a suitable planning condition as part of any planning consent (if approved);

- a) To seek a mitigation licence from Natural England
- b) To submit a detailed method statement to the Council setting out the work to be carried out

The agent has provided further information on potential conditions and this information was forwarded to Natural England for their comments. They have advised that this information is a good starting point however further information needed to be provided on the preparation and submission of an adequately detailed method statement to inform the works. No further comments have been provided on this matter by the applicant.

No further information has been submitted to the local planning authority on this matter however based upon no presence of bats being found currently it is felt that this can be conditioned appropriately by a pre-commencement condition that would still ensure the proposal complies with the relevant law protecting species. This could be worded in such a way to ensure protection of the species. Based upon the above it is considered that this does not prohibit the proposed development.

Impact upon residential amenity

Although the separation distances between the proposed conversion and the existing listed building would be below those recommended within the SPG it is considered that due to the position of principle windows within the conversion which would not directly face one another in conjunction with the presence of a boundary wall (under construction) and a driveway that would be installed located between the two, no adverse impact upon residential amenity for occupiers of either property would ensue.

Impact on the visual amenities of the Green Belt and the wider landscape.

Given that the proposal primarily involves the reuse of an existing building with replacement of some buildings with one building of a smaller footprint, the proposal would not have a material impact upon the openness of the Greenbelt or the visual amenity of the surrounding landscape. Controls could be placed upon further development within the curtilage of the site in terms of permitted development right removal and it is felt that due to the size of the plot a condition would be attached relating to the residential curtilage of the site. The site is also of a scale that a robust landscaping scheme could be incorporated that would have aesthetic benefits on the site as well as the wider landscape. In terms of boundary treatments for the site, no specific details have been proposed however it is felt that a natural treatment utilising an indigenous species such as a hawthorn would be acceptable in this regard.

Other Matters

The proposed development would result in the removal of stables that are intrinsically linked to the adjacent riding school. This would require a separate planning application and at that stage consideration will be given as to whether the re-siting of these in a different location would be acceptable in principle.

On the proposed plans it shows that some of the stables are to be retained within the site ownership of the applicant however nothing has been specified on the use of these. In terms of planning policy it would not be acceptable for these to be used as further ancillary accommodation to the proposed dwelling house however the retention of these as personal stables for the dwelling would be supported in policy terms. A condition would therefore be included specifying that these are retained as personal stables relating to the development hereby approved.

The conditions recommended by Environmental Health are largely considered acceptable, however the condition relating to hours of construction is not felt to be justifiable in this instance. Although the adjacent property is in quite close proximity to the proposal, the situation is no worse than in most development situations and there are no special circumstances to justify the use of a condition in this instance. Should the proposal be undertaken at unsociable hours or create an unacceptable noise nuisance, there are other powers available and more suitable to deal with such issues. This condition is not therefore felt necessary on this permission.

The statement provided by Environmental Health relating to no objections to the above application providing the occupancy of the proposed development is linked to the riding stable business is not felt to be necessary due to the condition relating to the re-location of the stables. This has been confirmed verbally by Environmental Health who stated that if the stables were located in the vicinity of the manege this would not impact upon the amenity of the proposed dwelling.

Reasons for the grant of planning permission

The proposal insofar as it would involve a new dwelling in a location where most trips are likely to be by private motor car does not promote sustainable development. However it does involve the reuse of a building of architectural merit as well as providing an opportunity to retain a building that plays an important part in the setting of a statutorily protected heritage asset whilst also affording the opportunity to improve the landscape of the surrounding area. Due to the nature of the location and the previous refusal at the site in terms of highway issues, it is felt that the site is not viable for employment uses. Objection on housing policy

grounds alone would not be appropriate and on balance it is considered that approval can be granted with the proposals meeting the overarching aims and objectives of the NPPF as well as policies CSP1, CSP2 and CSP4 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy, policies D2 of the Staffordshire and Stoke on Trent Structure Plan as well as policies E12, N17, N19 and B5 of the Newcastle under Lyme Local Plan.

Recommendation

Permit subject to conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: 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 unless other conditions of this permission indicate otherwise;

- Block Plan Drawing No. 8074-8 date stamped received by the Local Planning Authority on 7th Oct. 2011
- Proposed Layout Drawing No. 8074-3 Rev. A date stamped received by the Local Planning Authority on 14th Oct. 2011
- Existing & Proposed Layouts Drawing No. 8074-5 Rev. B date stamped received by the Local Planning Authority on 28th Feb. 2012
- Masonry Restraint Details Drawing No. N7177 date stamped received by the Local Planning Authority on 1st Mar. 2011

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

3. Notwithstanding the plans hereby approved prior to the commencement of development, full and precise details of the elevations of the barn and outbuildings shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall include all the position of all openings and joinery specifications/profiles to one of the following scales 1:1, 1:2 or 1:5. The development shall then be built in accordance with the approved details.

Reason: To safeguard the architectural and historic integrity of the adjacent listed building to which this building relates in terms of its setting in accordance with policy B5 of the of the Newcastle under Lyme Local Plan 2011, policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 as well as the aims and objectives of the NPPF.

4. Development shall not commence until details of the type, texture, colour and bond of the brickwork, the roofing tiles and the stone window lintels/cills as required in any part of the development hereby permitted 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.

Reason: To ensure the quality and visual appearance of the development adjoining a listed building and to comply with Policy B5 of the Newcastle-under-Lyme Local Plan 2011, policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 as well as the aims and objectives of the NPPF.

5. The development hereby permitted is for the conversion of an existing barn. Prior to the commencement of development, details shall be submitted to and approved in writing by the local planning authority of the measures to be taken to secure the safety and structural stability of the barn to be retained. The details submitted must be informed by the advice of a qualified structural engineer. The development shall proceed in accordance with the agreed

details. The details to be submitted shall include measures to strengthen any or all vertical surface that is to be retained.

Reason: For the avoidance of doubt and to safeguard the architectural and historic integrity of the adjacent listed building to which this building relates in terms of its setting in accordance with policy B5 of the of the Newcastle under Lyme Local Plan 2011, policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 as well as the aims and objectives of the NPPF.

6. Prior to the commencement of development a schedule of works and/or repairs schedule shall be submitted to and approved in writing by the local planning authority. The development shall proceed in full accordance with the approved schedule unless agreed in writing by the local planning authority.

Reason: To safeguard the architectural and historic integrity of the adjacent listed building to which this building relates in terms of its setting in accordance with policy B5 of the of the Newcastle under Lyme Local Plan 2011, policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 as well as the aims and objectives of the NPPF.

7. No development hereby approved shall be commenced until details have been submitted to and approved in writing by the Local Planning Authority showing parking for two vehicles within the site curtilage. The approved parking shall be provided in accordance with the approved details before the development is brought into use and shall be retained for the approved use only for the life of the development.

Reason: In the interests of highway safety and to comply with policy T16 of the Newcastle under Lyme Local Plan.

8. Development should not commence until a further investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development. The report of the findings shall include;

(i) A survey of the extent, scale and nature of any contamination;

(ii) An assessment of the potential risks to:

- Human health;
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
- Adjoining land;
- Ground and surface waters;
- Ecological systems; and,
- Archaeological sites and ancient monuments.

(iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason: 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 the aims and objectives of the NPPF.

9. Development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site

will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: 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 the aims and objectives of the NPPF.

10. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required carrying out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: 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 the aims and objectives of the NPPF.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.

Reason: 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 the aims and objectives of the NPPF.

12. No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development, a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: 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 the aims and objectives of the NPPF.

13. Prior to the commencement of development, details of a hard and soft landscaping scheme for the site including a programme for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be

implemented in accordance with the approved details and within the first available planting season prior to completion of the dwelling unless otherwise agreed in writing by the Local Planning Authority. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Country Planning Act 1990.

14. Prior to the commencement of any development a full and precise Arboricultural Method statement should be submitted to and approved in writing by the Local Planning Authority including details of the following:-

- a. Details for installation, and type of surfacing/temporary surfacing/edging for all areas affected by Root Protection Areas (RPAs).
- b. Installation of street furniture within RPAs for example knee rails, bollards etc.
- c. Details of excavation required within RPAs for service connections including ducting for lighting, outdoor power points etc.
- d. All changes of levels within the Root Protection Areas.
- e. Protection of trees on main construction routes to/from the site
- f. Protection of tree canopies where ground protection is required.

The development shall be carried out in accordance with the approved details.

Reason: To protect the retained trees on or overhanging the site in accordance with the requirements of policy N12 of the Newcastle-under-Lyme Local Plan 2011.

15. Prior to the commencement of development details of the boundary treatments shall first be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall then be erected in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. (For the avoidance of doubt a natural boundary treatment such as a hawthorn hedge is considered an acceptable option)

Reason: To safeguard the visual amenities of the area and residential amenity in accordance with policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011, policies N17 and N19 of the Newcastle under Lyme Local Plan as well as the aims and objectives of the NPPF.

16. The stables indicated to be retained on the Block Plan Drawing No. 8074-8 date stamped received by the Local Planning Authority on 7th October 2011 shall only be used for the stabling of horses or ancillary activities related to this use in association with the occupation of the dwelling hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the prevention of further ancillary residential accommodation for the proposed dwelling that does not accord with national or local planning policy objectives and to prevent the commercial use of the stables that would adversely impact upon the proposed and neighbouring dwelling in accordance with policy D2 of the Staffordshire and Stoke on Trent Structure Plan as well as the aims and objectives of the NPPF.

17. The residential curtilage of the proposed dwelling as approved is bound by the line edged green on the attached block plan date stamped received by the Local Planning Authority on 7th October 2011.

Reason: For the avoidance of doubt and to ensure protection of the surrounding countryside with respect to the formalisation and domestication of garden environments in accordance with policy N17 and N19 of the Newcastle under Lyme Local Plan as well as the aims and objectives of the NPPF.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2 Part 1 Class **A, B, C, D, E, F, G and H** of that order shall be carried out.

Reason: In order to safeguard the visual amenities of the surrounding countryside and Green Belt in accordance with requirements of Policies N17 & N19 of the Newcastle under Lyme Local Plan 2011, Policy D2, NC1 & NC2 of the Stoke on Trent Structure Plan 1996-2011 and the aims and objectives of the NPPF.

19. Notwithstanding the plans hereby approved this consent does not allow any permission to construct the approved outbuilding in the location as set out on;

- Block Plan Drawing No. 8074-8 date stamped received by the Local Planning Authority on 7th Oct 2011

Reason: For the avoidance of doubt.

20. Prior to the commencement of development a method statement including full and precise details of the construction of a bat roost within the outbuilding hereby permitted shall be submitted to and approved in writing for the Local Planning Authority. (For the avoidance of doubt such details shall include a detailed method statement in relation to the bat roost)

Reason: To ensure a bat roost replacement that provides a high quality space that adheres to professional guidance on this topic.

21. Prior to commencement of any works on the barn to be converted as part of the permission hereby approved the new outbuilding as shown on Drawing No. 8074/5 Rev. B date stamped received by the Local Planning Authority on 28th February 2012 and the bat roost as approved by condition 20 shall be completed and ready for use by bats for the beginning of the year for summer roosting which to be precise and to allow for unseasonal weather should be prior to the end of April.

Reason: To ensure satisfactory replacement roosting sites for bats in accordance with protected species legislation and the aims and objectives of the NPPF.

22. Following completion of the works specified in condition 20 and 21 all works to the barn should be confined to the months from the end of September to the beginning of March following the first completion of the replacement roost within the outbuilding as outlined above. If the building is not made impenetrable to bats within this timeframe, all works shall then be halted until the same timeframes indicated above (End of Sept – Beginning March) unless a full and up to date bat survey has been undertaken that demonstrates that no presence of bats.

Reason: To ensure no adverse impact upon the safety or habitat of bats in accordance with protected species legislation and the aims and objectives of the NPPF.

23. 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 **residential** 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.

Reason: In the interests of visual amenity and sustainable development requirements in accordance with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026, Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and the aims and objectives of the National Planning Policy Framework 2012.

Informative

This decision does not grant planning permission nor imply that planning permission will be granted for the stables for the re-siting of any stables as indicated will take place on the submitted and approved plans.

Contaminated Land

The site is known to be/suspected to be contaminated. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

a) Tiered risk assessment shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with the NPPF and the CLR Report Series 1-12.

b) Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

c) The Local Planning Authority will determine the application on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II(a) of the Environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

d) Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

e) During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes

f) The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.

g) Newcastle under Lyme Borough Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions. Further information regarding the requirements of Newcastle under Lyme Borough Council can be obtained from <http://www.newcastlestaffs.gov.uk/contaminatedland> or 01782 742 595.

Asbestos

Demolition work may require work to be carried out by a licensed asbestos removal contractor depending on type of asbestos. All associated items need to be disposed of by a licensed waste carrier to an appropriately licensed transfer station or waste disposal site.

Bats

Please see consultation responses from Natural England on Bat measures.

Performance Checks	Date		Date
Consultee/ Publicity Period	5/4/12	Decision Sent Out	
Case Officer Recommendation	15/5	8 Week Determination	25/4/12
Management check	16/5 ESM		

- H6: Encouragement of the Provision of Living Accommodation by the Conversion of Existing Non-Residential Urban Buildings
- T16: Development – general parking requirements
- 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

National Planning Policy Framework

Supplementary Planning Guidance

Supplementary Planning Document for Newcastle Town Centre (January 2009).

Waste Management and Recycling Planning Practice Guidance Note

Newcastle (urban) Transport and Development Strategy (NTADS)

The Secretary of State's announcement of his intention to abolish RSS

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

Planning History

There have been numerous planning applications, advertisement consents and listed building consents granted at this permission. Several listed building consent applications have been submitted recently however due to changes to the scheme and to meet other criteria these are no longer able to meet their needs or were withdrawn.

An application (12/150/LBC – Proposed bar and 2 one bed apartments) is currently awaiting determination.

Views of Consultees

The **Environmental Health Division** initially objected to the application on the basis that the noise assessment did not go far enough to allay their concerns that the residential uses would not be adversely affected by the bistro use however since receiving a further noise report and assessing the site they have provided the following comments;

“It is understood that both apartments will be let with the Bistro and that the manager of the bistro is expected to live in one of these. It has also been confirmed that there will be no changes to the ventilation system serving the kitchen which currently discharges below the ridge and into the yard area along with the ventilation system at Bellini's.

The Clover Acoustics sound insulation audit report (Report No: 1082-R1) confirms adequate acoustic performance of the structure between flat 1 and the ground floor bistro. It does however make recommendations concerning the filling of holes and services penetrating the two areas to improve the sound insulation.

I would like to see a condition that links the occupancy of both of these to persons connected with the business as I can foresee noise and odour from the ventilation systems as well as servicing noise and noise from the bistro being an issue for both flats if occupied by others”

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

Representations

None received

Applicants/ Agents submission

The requisite application forms and plans were submitted as well as an email from the agent stating the following;

Our client is happy to have the following conditions attached to the permission

- The apartment which is above the bistro will be associated with the bistro
- The rear yard area to the bistro will not be used as a drinking or smoking area

A further noise assessment was submitted as part of listed building consent application (12/150/LBC)

KEY ISSUES

The application is full planning permission for the conversion of an existing two bedroom apartment to 2 No. one bedroom apartments. The proposal also includes the conversion of some store areas.

To facilitate the proposed application, external and internal alterations are proposed.

The proposal is a Grade II listed building located within the inner road of the Town Centre and also within the Town Centre Conservation Area.

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

The main issues for consideration in the determination of this application are:

- The principle of the change of use
- The design of the proposals taking into account the listed building status of the property and its location within Newcastle Town Centre Conservation Area
- Residential Amenity

The principle of the change of use

The proposed development is for the conversion of one existing two bedroom flat into two 1 bedroom flats including partial conversion of some store areas.

Policy H6 of the Local Plan encourages the conversion of existing non residential urban buildings into living accommodation provided that conflict isn't caused with nearby uses. This approach is reinforced as part of the National Planning Policy Framework.

The location of the application site is very sustainable in terms of the ease of access to services and facilities including public transport links.

Given the above it is considered the principle of residential development is acceptable in this location.

The design of the proposals taking into account the listed building status of the property and its location within Newcastle Town Centre Conservation Area

The NPPF states that,

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation”

It then goes on to state that when determining applications, local planning authorities should take account of;

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness

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 alterations required to facilitate the proposals are primarily located internally within the building with some elevational alterations also proposed within the courtyard and down Pepper Street. In terms of the location of both the internal and external alterations proposed, these are felt to be the least historic part of the building which is to some extent referenced and acknowledged within the listing description. As such it is not felt that the proposals would have an adverse impact upon the character of the listed building itself or the visual amenity of the Conservation Area. In terms of the materials to be utilised to facilitate the external works, these will be controlled by condition.

The previous listed building consent application for this proposal was withdrawn as further works needed to be undertaken in relation to the noise assessment for the proposal and it was felt that this would have an impact upon works to the listed building. The works proposed following the completed noise assessment in line with the conditioning of the flats to be linked to the bar business are felt to not be significant enough to have an adverse impact upon the character of the listed building.

The proposed alterations to the building would have no adverse impact upon the appearance of the Grade II listed building as well as the Newcastle under Lyme 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 the NPPF.

Residential Amenity

Since the original application was withdrawn, this application was re-submitted with a noise assessment however on consideration of this it was not felt that it had gone far enough to address the concerns over potential conflict between the residential uses and the bistro use. Having spoken to the noise consultant it was felt that these issues could be overcome however this may have required substantial internal alterations that may not have been acceptable from a listed building consent perspective. As a consequence a further noise assessment was undertaken and submitted alongside a listed building consent application which illustrated no adverse impact upon the listed building would ensue which is dealt with above. In Environmental Health terms they have recommended that both flats are linked to the bistro business due to potential noise concerns. In light of the potential noise concerns and that substantial works may well be required to the listed building to make these acceptable as stand alone dwellings, the conditioning of these properties to those associated with the bar/bistro business is felt justified and in accordance with Circular 11/95.

Based upon the inclusion of the appropriate conditions it is therefore felt that the principle of the proposal is acceptable from a residential amenity perspective.

Other matters

The proposal provides no facilities for parking for the proposed development. As stated previously the site is located in a very sustainable location given its proximity to the services and facilities in the town centre and links to public transport network. It is therefore felt that the proposal is acceptable in this regard.

There is sufficient space within the courtyard area to provide for recyclable and refuse storage areas to serve the flats.

Reasons for the grant of planning permission

The principle of the additional residential property is acceptable due to its location within a sustainable location in close proximity to the services and facilities in the town centre and links to public transport network. Through the use of appropriate conditions it is considered satisfactory internal noise levels would be achieved and so the impact on the residential amenity levels of future occupiers would be limited. The proposed alterations to the building would have no adverse impact upon the character or appearance of the Grade II listed building as well as the Newcastle under Lyme Conservation Area. The proposal would therefore be in accordance with policies B6, B9, B10, B13, B14, H6 & T16 of the Newcastle-under-Lyme Local Plan 2011; policies D1 & D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011; the aims and objectives of the NPPF and guidance contained within the Supplementary Planning Document for Newcastle Town Centre (January 2009).

Recommendation

Permit with the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1. To comply with the provisions of Section 91 of the Town and Country Planning Act.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed & Existing Elevations Drawing No: 8058/12 date stamped received by the LPA on 21st March 2012
 - Proposed Floor Plans Drawing No: 8058/13 date stamped received by the LPA on 21st March 2012
 - Sound Insulation Audit Report 1082-R1 prepared by Clover Acoustics date stamped received by the LPA on 21st March 2012.
- R2. For the avoidance of doubt and in the interests of proper planning.
3. Both flats hereby approved shall be linked to the use of the bistro/bar and at no time separated, let or sub-let to a party with no link to the afore mentioned bistro/bar.
- R3. In the interests of residential amenity in accordance with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and the NPPF

taking into account its location in close proximity to a use which could cause noise issues.

Performance Checks	Date		Date
Consultee/ Publicity Period	20/1/12	Decision Sent Out	
Case Officer Recommendation	16/5/12	8 Week Determination	10/2/12
Management check	16/5 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant - Butters John Bee
12/00150/LBC

Application _____ **No.**

Location – 36 High Street, Newcastle

Description – Listed Building Consent for proposed bar and 2 one bed apartments

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

Policy NC19: Conservation Areas

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

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

National Planning Policy Framework

The Secretary of State's announcement of his intention to abolish RSS

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the

new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

Supplementary Planning Guidance

N/A

Planning History

There have been numerous planning applications, advertisement consents and listed building consents granted at this permission. Several listed building consent applications have been submitted recently however due to changes to the scheme and to meet other criteria these are no longer able to meet their needs or were withdrawn.

An application (11/674/FUL – Conversion of existing two bed apartment to 2 one bedroom apartments) linked to this decision is currently awaiting determination.

Views of Consultees

The **Conservation Advisory Working Party** stated no objections in principle however they did not wish to see double glazing in the frontage window.

Environmental Health have provided the following comments following a site visit;

“It is understood that both apartments will be let with the Bistro and that the manager of the bistro is expected to live in one of these. It has also been confirmed that there will be no changes to the ventilation system serving the kitchen which currently discharges below the ridge and into the yard area along with the ventilation system at Bellini's.

The Clover Acoustics sound insulation audit report (Report No: 1082-R1) confirms adequate acoustic performance of the structure between flat 1 and the ground floor bistro. It does however make recommendations concerning the filling of holes and services penetrating the two areas to improve the sound insulation

I would like to see a condition that links the occupancy of both of these to persons connected with the business as I can foresee noise and odour from the ventilation systems as well as servicing noise and noise from the bistro being an issue for both flats if occupied by others”

Representations

No representations received.

Applicants/ Agents submission

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

Key Issues

The application is for Listed Building Consent for a proposed bar and 2 one bedroom apartments. The bar already exists as well as a two bedroom apartment – this application is as a result of changes to part of the unit to create an estate agent at the front part of the property.

The proposal is a Grade II listed building located within the inner road of the Town Centre and also within the Town Centre Conservation Area.

The property is located within the town centre 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 Newcastle under Lyme Conservation Area

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

The NPPF states that,

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”

It then goes on to state that when determining applications, local planning authorities should take account of;

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness

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 alterations required to facilitate the proposals are primarily located internally within the building with some elevational alterations also proposed within the courtyard and down Pepper Street. In terms of the location of both the internal and external alterations proposed, these are felt to be the least historic part of the building which is to some extent referenced and acknowledged within the listing description. As such it is not felt that the proposals would

have an adverse impact upon the character of the listed building itself or the visual amenity of the Conservation Area. In terms of the materials to be utilised to facilitate the external works, these will be controlled by condition.

The previous listed building consent application for this proposal was withdrawn as further works needed to be undertaken in relation to the noise assessment for the proposal and it was felt that this would have an impact upon works to the listed building. The works proposed following the completed noise assessment in line with the conditioning of the flats to be linked to the bar business are felt to not be significant enough to have an adverse impact upon the character of the listed building.

The proposed alterations to the building would have no adverse impact upon the appearance of the Grade II listed building as well as the Newcastle under Lyme 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 the NPPF.

Reasons for the grant of planning permission

The proposed alterations to the building would have no adverse impact upon the character or adverse impact appearance of the Grade II listed building as well as the Newcastle under Lyme 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 the NPPF.

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.

Reason: 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 and documents;

- Site Location Plan Drawing No: 8058/11 date stamped received by the LPA on 21st March 2012
- Proposed & Existing Elevations Drawing No: 8058/12 date stamped received by the LPA on 21st March 2012
- Proposed Floor Plans Drawing No: 8058/13 date stamped received by the LPA on 21st March 2012
- Sound Insulation Audit Report 1082-R1 prepared by Clover Acoustics date stamped received by the LPA on 21st March 2012.

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 windows/doors 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.

Reason: 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 the NPPF.

Performance Checks	Date		Date
Consultee/ Publicity Period	20/4/12	Decision Sent Out	
Case Officer Recommendation	16/5/12	8 Week Determination	16/5/12
Report checked by Back Office			
Management check	16/5 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant The Royal Bank of Scotland **Application No** 12/00155/ADV

Location Royal Bank of Scotland, 41 High Street, Newcastle

Description 2 illuminated fascia signs, 2 illuminated hanging signs and 1 replacement ATM header panel

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

CSP1: Design Quality
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:

National Planning Policy Framework (March 2012)

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

Supplementary Planning Guidance

Staffordshire County Council – Highways Standing Advice 2004

Newcastle under Lyme Town Centre Supplementary Planning Document (2009)

The Secretary of State's announcement of his intention to abolish RSS

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part

of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

Relevant Planning History

It appears having studied the planning history of the site that the existing signage does not have the relevant advertisement consent.

Views of Consultees

Conservation Advisory Working Party objects to the horizontal wrap around fascia strips which are unnecessary and to the extremely illuminated trough lights which are contrary to planning policy. This building is now a building on the Local register and the Working Party should be seeking to preserve its architectural features.

The **Environmental Health Division** have indicated that they have no comments to make on the application.

Representations

None received

Applicants/agents submission

The requisite application forms and drawings were submitted.

Key Issues

This application is for advertisement consent for signs to the building located within Newcastle town centre which is designated as a conservation area, as indicated on the Local Development Framework Proposals Map.

Amended plans have been submitted following concerns raised by officers and members of CAWP about the design and appearance of the signs. This has led to the application now being for two separate fascia signs, two hanging signs and an acrylic header panel to the existing ATM. The fascia signs would be internally illuminated and so the 'trough' light is no longer proposed.

The dimensions of the signs are as follows;

Sign A1 – 40mm deep, folded aluminium fascia panel measuring 500mm x 13263mm and powder coated red.

Sign A2 – 40mm deep, folded aluminium fascia panel measuring 500mm x 9787mm and powder coated red.

Signs B – Externally illuminated 'conservation' type hanging sign measuring 700mm x 600mm with two LED light troughs.

Sign C – Acrylic header panel finished red, with Santander text,

Sign D - Individual Halo Illuminated stainless steel letters fitted on clear spacers and complete with opal PVC back trays. These are fitted to signs A1 & A2. Letters illuminated by means of LED's.

The recently published National Planning Policy Framework now replaces the old PPG 19 which provided guidance on the display of outdoor advertisements. The NPPF still provides guidance on outdoor advertisements and details in paragraph 67 that,

“Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

The main issues to address are therefore:

- The impact of the sign on the amenity of the site it relates to and the surrounding 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 property occupies a prominent position on the corner of High Street with Ironmarket in the Newcastle Conservation Area. The building is not a listed building but it is on the Councils local register of Locally Important Buildings and has attractive architectural detailing.

The building currently has fascia signs and projecting signs that do not appear to have the relevant consents. These wrap around the front of the building and this is one of the main objections to the originally proposed scheme. However, the proposals have now been amended during the application following concerns raised about the design and appearance of the signs.

The main objections to the previous scheme was the design of the fascia signs which 'wrapped' around the corner of the building. This was considered an overly excessive design which dominated the front of the building. The signs were also proposed to be externally lit by trough lights which are not considered appropriate with policy B20 of the local plan indicating that illuminated signs should consist of individually lit letters fixed directly to the fascia or to an opaque panel.

The amended designs now consist of two separate fascia signs on each elevation with individually lit letters. Each elevation would also have a hanging sign which is externally illuminated but represents a minimal design. The design of the amended scheme and the replacement of what appear to be unacceptable and unlawful signs are considered to improve the impact on the building and conservation area in general. To further ensure that the proposal does not have an adverse impact upon the Conservation Area, a condition is recommended specifying that the maximum luminance for the signs should not exceed 300cd/m² in line with policy B20 of the local plan.

The proposed development would therefore adhere with the principles of both the NPPF and 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 on a pedestrian area with limited vehicular movements, 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

Reason: To protect the visual amenities of the area and comply 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;

- Drawing nos. SAN01-RBS-2308-V-Rev A and SAN01-P4A-001 date stamped received by the Local Planning Authority on 18 May 2012
- Site location plan (scale 1:1250) & Block plan (scale 1:500), date stamped received by the Local Planning Authority on 24 March 2012

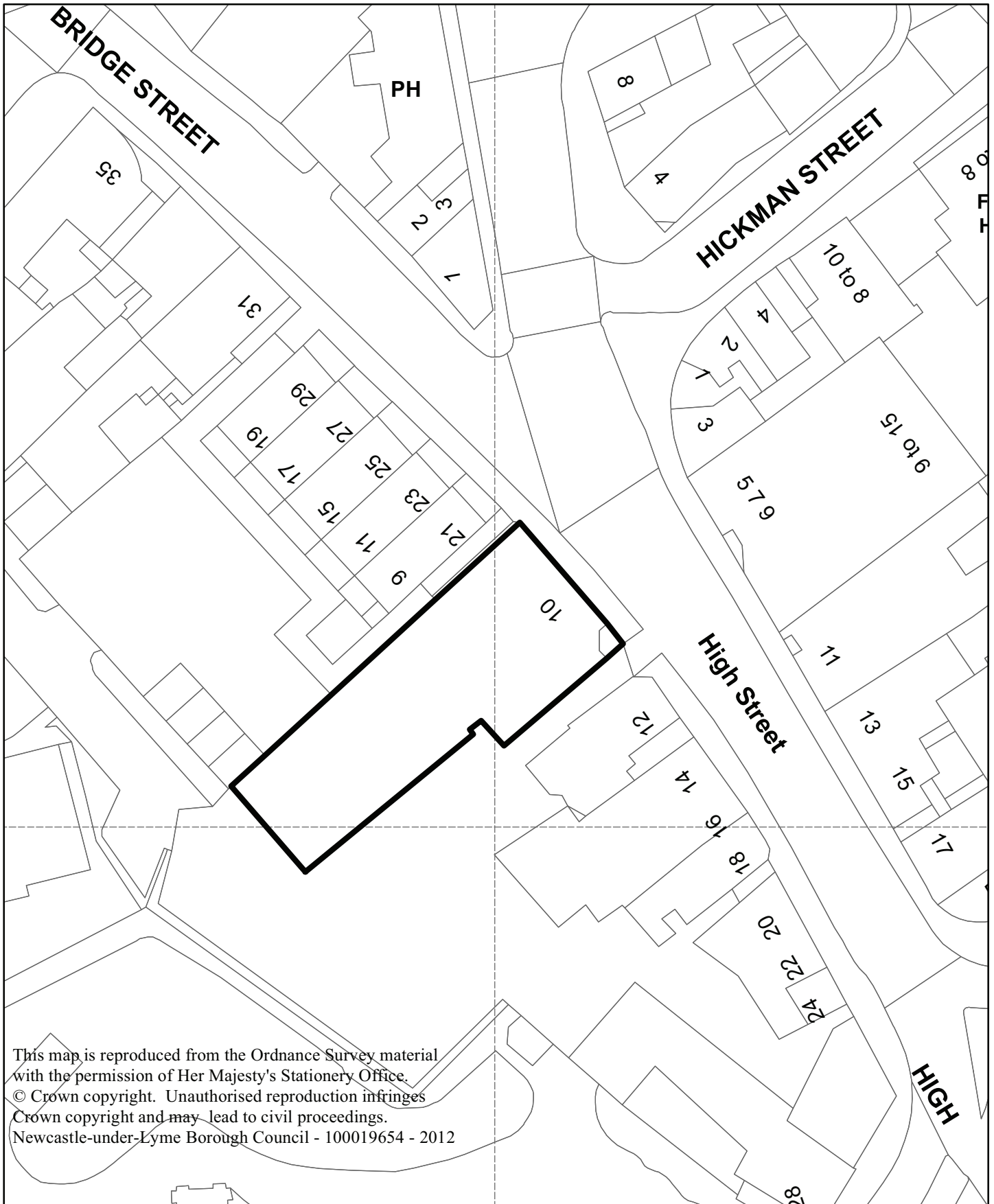
Performance Checks	Date		Date
Consultee/Publicity Period	27.04.2012	Decision Sent Out	
Case Officer Recommendation	21.05.2012	8 Week Determination	21.05.2012
Management check	21/5/12 GM NV		

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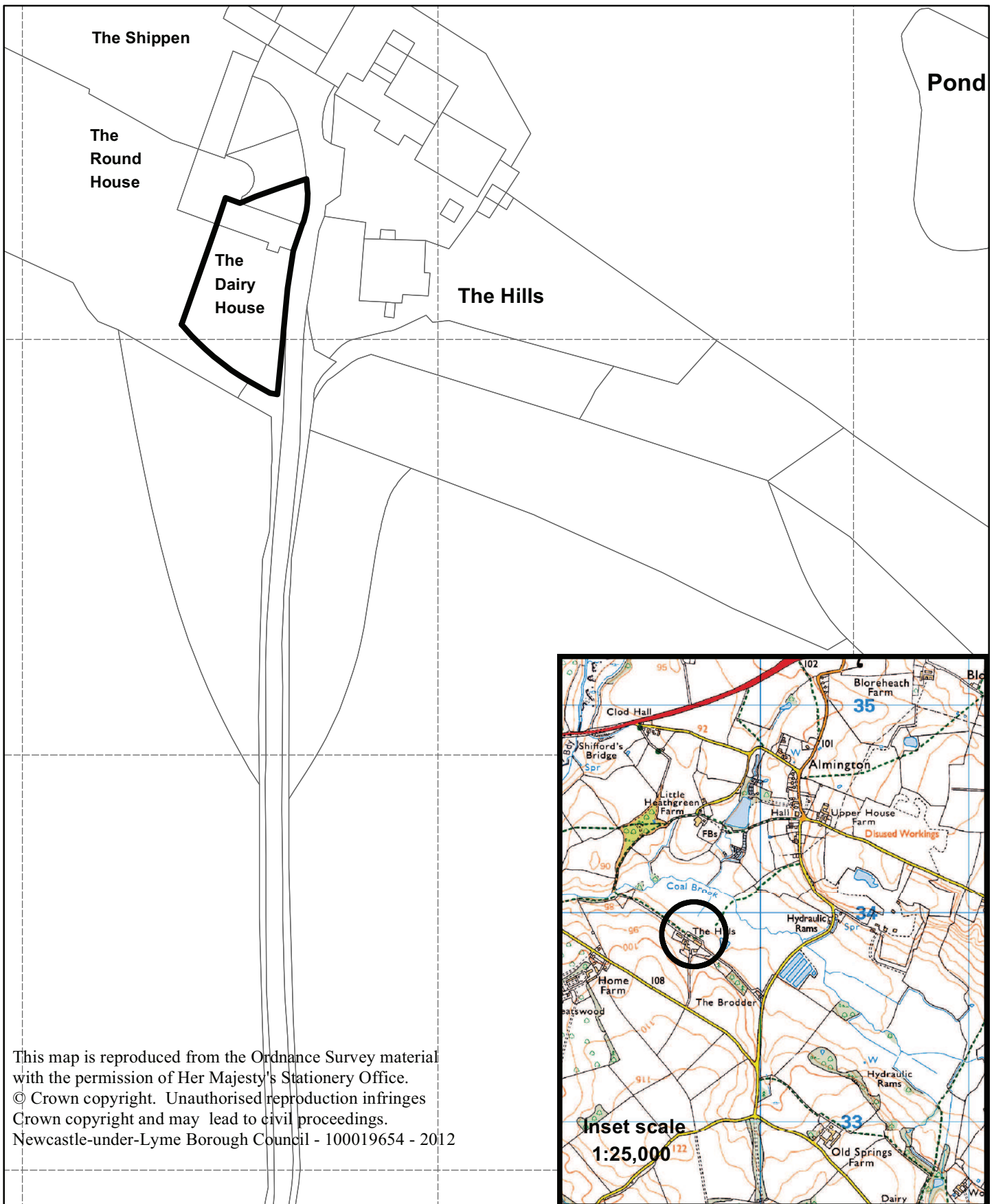
CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
12/218/FUL	8-10 High Street, Newcastle Mr D Sooch, Super Foodmarket Ltd	Erection of a replacement building to be used as a retail/shop unit	within Newcastle Town Centre Conservation Area and affects the setting of listed buildings	Cllr Mrs E Shenton Cllr M Taylor
12/233/FUL 12/234/LBC	& The Old Dairy, Hills Barns, Berrisford Road, Peatswood, Market Drayton Mr O. Allan	Retention of 14 photovoltaic solar panels to south facing roof	Grade II listed building	Cllr A Howells Cllr D Loades Cllr Ms T Peers
12/246/FUL	4 Highway Lane, Keele Mrs Naylor	Proposed new window to North East elevation first floor level	The site lies within Keele Conservation Area	Cllr T Kearon Cllr R Studd

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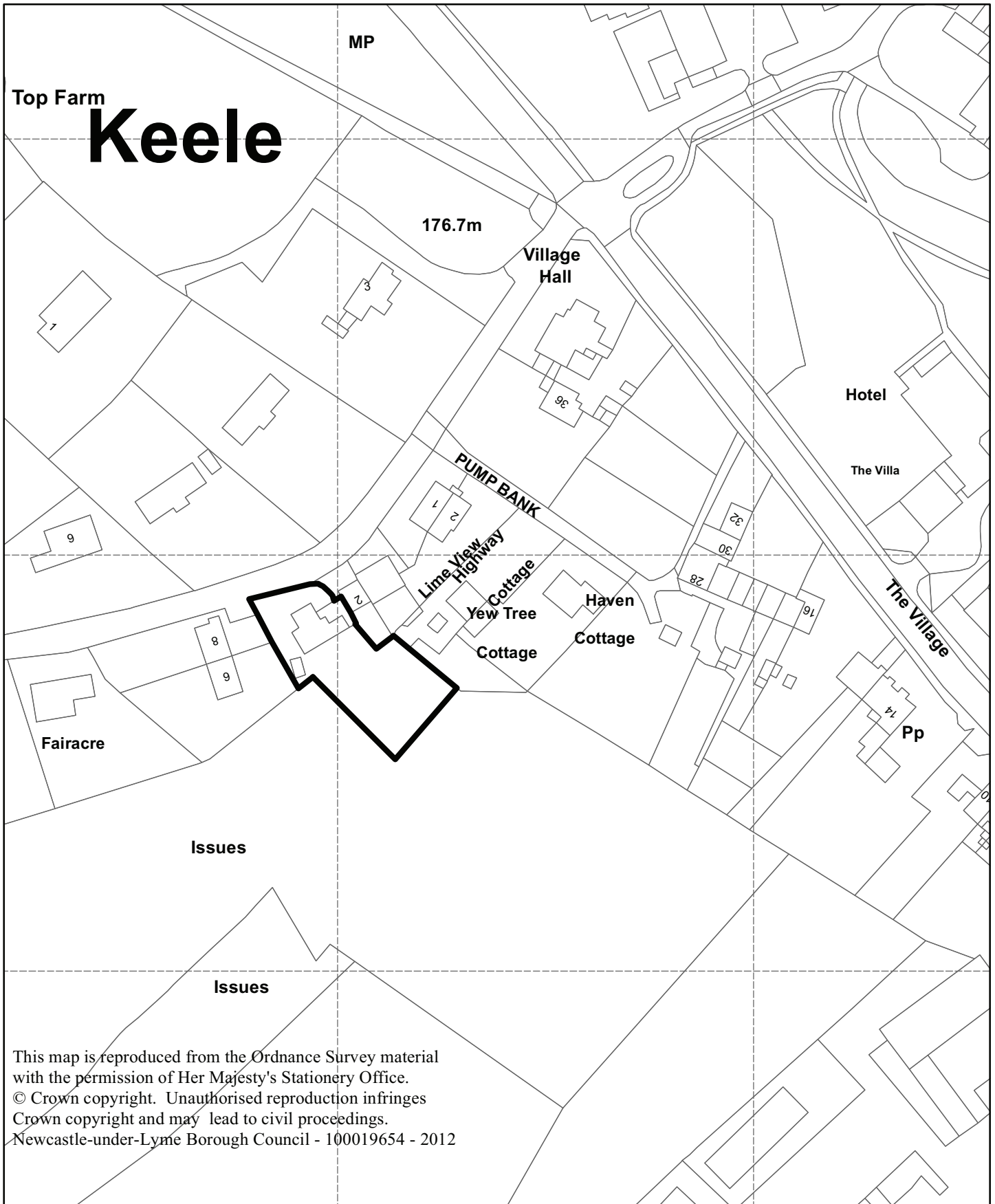
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