

Public Document Pack

Date of meeting Tuesday, 17th July, 2012
Time 7.00 pm
Venue Committee Room 1. Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffs ST5 2AG
Contact Geoff Durham

Conservation Advisory Working Party

AGENDA

PART 1- OPEN AGENDA

1 DECLARATIONS OF INTEREST

To receive Declarations of Interest from Members on items included in this agenda

2 MINUTES OF PREVIOUS MEETINGS

To agree as a correct record, the minutes of the meeting held on 26 June, 2012

3 PREVIOUSLY CONSIDERED APPLICATIONS (Pages 1 - 28)

To receive the decisions of applications which have been previously considered by this Working Party

4 NEW APPLICATIONS RECEIVED (Pages 29 - 42)

To make observations on new applications received.

5 Mow Cop Community Church Hall - Application for Grant (Pages 43 - 44)
Funding

6 Maxims. 65 Lower Street, Newcastle. Urgent Works Notice (Pages 45 - 48)

7 Madeley Conservation Area Appraisal and Management Plan (Pages 49 - 52)
SPD

8 CONSERVATION AND HERITAGE FUND

To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the officer

9 URGENT BUSINESS

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972.

Members: Councillors Allport, Mrs Burnett (Chair), Miss Cooper (Vice-Chair), Robinson

and White

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

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

**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
12/175/FUL	Ravens Crest, Main Road, Wrinehill Mr & Mrs Peddie	Replacement dwelling	The Working Party had concerns with the design of the building but did not think it would harm the setting of the adjacent listed buildings if the new dwelling was not visible and was no higher than the existing bungalow.	Permitted under delegated powers 18/6/12
12/192/FUL	Stone Cottage, Maer, Mrs Vera Pellington	Single storey rear extension	No objections	Permitted under delegated powers 25/6/12
12/194/COU	Former Kwik Save, 9 Liverpool Road, Newcastle Jumbo Fun And Play Ltd	Change of use from retail (Class A1) to part seating area/refreshment/snack bar (Class A3) and part indoor play area (Class D2)	No objections	Permitted by Planning Committee 31/5/12
12/195/ADV	Former Kwik Save, 9 Liverpool Road, Newcastle Jumbo Fun And Play Ltd	Advertisement signs	No objections	Permitted under delegated powers 14/6/12
12/215/ADV	Cornwells Chemist, 11 High Street, Newcastle. Ms Waterfall	Illuminated sign with timber surround	No objections	Permitted under delegated powers 13/6/12
12/236/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	Permitted by Planning Committee 14//5/12

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Reference	Location and Applicant	Development	Working Party Comments	Planning Decision
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	No objections	Permitted by Planning Committee 1/6/12
12/246/FUL	4 Highway Lane, Keele Mrs Naylor	Proposed new window to North East elevation first floor level	No objections	Permitted by Planning Committee 29/6/12

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr and Mrs Peddie **Application No** 12/00175/FUL
Location Ravens Crest, Main Road, Wrinehill
Description Replacement dwelling

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

West Midlands Regional Spatial Strategy 2008

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

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 NC1: Protection of the countryside: General Considerations
Policy NC2: Landscape Protection and Restoration
Policy NC7B: Sites of National Nature Conservation Importance
Policy NC13: Protection of Trees, Hedgerows and Woodlands
Policy NC18: Listed Buildings

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

Newcastle Under Lyme Local Plan 2011

Policy S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy N17: Landscape Character – General Considerations
Policy N18: Areas of Active Landscape Conservation
Policy T16: Development – General Parking Requirements
Policy B5: Control of Development Affecting the Setting of a Listed Building

Other Material Considerations

Relevant National Policy Guidance:

National Planning Policy Framework (2012)

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

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

Supplementary Planning Guidance relating to the control of residential development Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

Planning History

92/00434/FUL Erection of conservatory Refused

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding visibility splays, provision of access, parking and turning areas, surfacing of access in a bound material, access gradient and position of any gates.

The **Environmental Health Division** has no objections subject to conditions regarding unexpected contamination and importation of soil/material.

The **Landscape Development Section** objects to the proposal due to concerns that the retention and survival of existing trees located in the adjacent property on the northern boundary may be compromised due to the closeness of the north face of the proposed building to the north boundary. Trees in this situation can suffer from excessive shading and are often removed where a poor relationship exists on grounds such as excessive shade, concern about damage to property during strong winds and leaves blocking gullies. The fact that the trees are in a neighbouring property raises the possibility of civil conflict between the parties. This can be avoided if a harmonious relationship between the site layout and adjacent trees is achieved at the outset. It is requested that the building be relocated away from the north boundary sufficient to alleviate these problems. Should the application be permitted then conditions are required regarding monitoring of the trees located in the adjacent property and replacement of the trees if they show signs of deterioration, submission of landscaping scheme, tree work specification, protective fencing and tree replacement.

Natural England raises no objection to the proposal given its nature and scale.

The **Conservation Officer** states that the application site sits on land elevated considerably above the adjacent listed buildings, Five Steps and Ravenshall Farmhouse and barns. Despite this elevated situation and commanding views, Five Steps is not readily visible from the current bungalow site and perhaps only part of the steeply sloping roof can be seen. The boundary between the application site and the barns is fairly dense and the applicant intends to do further planting to give the barns some screening from the new dwelling. The existing bungalow has no architectural merit but neither does it impact on either of the listed buildings. The dwelling will be no higher than the existing roof of the bungalow and therefore it will have no impact on the setting of either Five Steps or Ravenshall Barns. The design is brave and I have no objections.

The **Conservation Advisory 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.

Betley, Balterley & Wrinehill Parish Council objects in the strongest terms to the application on the grounds that the contemporary design, although consistent with planning policy in terms of size, is too bold and futuristic and will represent a singular design that is not compatible with any other property, therefore detracting from the visual amenity of this area. As such the Council believes the application is contrary to the following policies:

Policy S3 – the form, styling and materials proposed will have a materially greater impact on the openness of the Green Belt.

Policy H2 – the proposal will not fit in with, and will materially detract from the surrounding landscape.

Policy N18 – the bold and futuristic design of the proposal is inappropriate.

The Parish Council also draws to the planning authority's attention the Betley, Balterley & Wrinehill Parish Plan.

Representations

Nil

Applicant's/Agent's Submission

A Design & Access Statement and an Arboricultural Impact Assessment have been submitted.

Key Issues

Full planning permission is sought for the erection of a replacement dwelling. The site is located within the Green Belt and an Area of Active Landscape Conservation as defined on the Local Development Framework Proposals Map.

It is considered that the main issues for consideration are:

- Impact on the setting of the adjacent Listed Buildings
- Whether the proposal constitutes appropriate or inappropriate development in the Green Belt and, if inappropriate, whether very special circumstances exist to justify approval
- The impact of the proposal upon the character of the area
- Impact on residential amenity
- Impact on the Area of Active Landscape Conservation
- Impact on trees
- Impact on nature conservation
- Highway safety

Impact on the setting of the adjacent Listed Buildings

Paragraph 131 of 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Policy B5 of the Local Plan states that the Council will resist development proposals that would adversely affect the setting of a listed building.

The application site is adjacent to two listed buildings, Five Steps, a Grade II timber framed listed building, which lies to the west, and Ravenshall Farmhouse and Barns which lie to the north. The main Ravenshall farmhouse is Grade II listed and the barns, which are currently being converted to residential use, are curtilage listed.

The application site is elevated considerably above both of these historic buildings but despite the elevated situation, it is screened by dense trees and shrubs on the boundaries. The height of the proposed dwelling would be very similar to the existing dwelling and given the topography of the land and the dense landscaping, it is not considered that the proposal would have any adverse impact upon the setting of either Five Steps or Ravenshall Barns.

Appropriate or inappropriate development within the Green Belt?

The NPPF states that the replacement of a building in the Green Belt is not inappropriate provided the new building is in the same use and not materially larger than the one it replaces. Policy S3 of the Local Plan 2011 also states that replacement dwellings must not be materially larger than the dwellings they replace.

The proposal would result in an increase in volume of approximately 50% over and above the original dwelling. This is considered to be a proportionate increase and therefore it is concluded that the proposal constitutes appropriate development in the Green Belt. There is no need for the applicant to demonstrate very special circumstances.

Impact on character of the area

The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. It states that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The Parish Council object to the proposal on the grounds that the contemporary design is considered too bold and futuristic and will not be compatible with any other property. They refer to Policy H2 of the Local Plan, but that policy has not been 'saved' and therefore is not a material consideration.

There are a variety of styles and designs of dwellings in the area and the existing property has little architectural merit. Although the proposed dwelling, which would be very contemporary in its design, would be different to any other properties nearby, given the mix of existing styles, the design of the replacement dwelling is considered appropriate in its context. Although the site is elevated significantly above the road, the topography and the presence of dense landscaping, ensures that it is not visible in the street scene. The replacement dwelling would be a similar height to the existing property and on balance, it is not considered that the development would adversely impact on the general street scene and character of the surrounding area. It is not considered that a refusal could be justified on design grounds therefore.

Impact on residential amenity

Concerns have been raised by the occupiers of The Steps, to the west of the site, on the grounds that the west elevation of the proposed development has a first floor window directly overlooking the grounds of The Steps 6m from the boundary and the first floor balcony along the southern side of the development will directly overlook the grounds of The Steps at its western end.

Although the proposed dwelling would be 5.5m closer to the boundary with The Steps than the existing dwelling, it would still be 6m from the boundary and more than 30m from the property itself. The application site is at such a significantly higher level than The Steps that views would be over the top of that dwelling and given the presence of substantial landscaping and a boundary wall, views of the property and its grounds would be very limited.

The occupiers of Ravenshall Farm have raised concerns that the north facing side of the proposed building has ten windows which will all directly overlook Ravenshall Barns and affect their privacy and value. The windows in the north facing elevation of the property would not be principal windows as defined in the Council's Space Around Dwellings SPG and in any event, the dwelling would be more than 30m away from the converted Ravenshall Barns.

It is not considered that a refusal on the grounds of impact on residential amenity could be sustained.

Landscape Impact

The site is within an Area of Active Landscape Conservation and Policy N18 of the Local Plan states that within such areas development that will harm the quality and character of the landscape will not be permitted. Particular consideration will be given to the siting, design, scale, materials and landscaping of all development to ensure that it is appropriate to the character of the area.

Given that the proposal is for a replacement dwelling and that no landscape features would be adversely affected, it is not considered that the landscape quality would be harmed to a sufficient extent to justify refusal.

Impact on trees

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

There are a number of trees within and adjacent to the site and they are predominantly on the site boundaries. A tree survey has been submitted with the application which concludes that there are no perceived adverse impacts to trees from the development as it is outside any designated root protection area and is at a sufficient distance from the northern boundary to prevent the need for any pruning work. The survey states that trees to be removed are predominantly of poor quality that are required to be felled irrespective of the development proposal. The removal of tree no. 8, a low canopy Pine that is to be removed in order to allow for essential re-grading work, will have no adverse impact on the landscape setting of the area as it cannot be seen from any location outside the site boundary.

The Council's Landscape Officer objects to the proposal due to concerns that the retention and survival of existing trees located in the adjacent property on the northern boundary may be compromised due to the closeness of the north face of the proposed building to the north boundary. Where a poor relationship exists between trees and a dwelling, future pressure for the removal of or works to the trees on grounds such as excessive shade can be a material consideration. However, in this instance the trees are not protected and the principal outlook from the proposed dwelling is to the south. It is not considered therefore that an objection could be sustained on these grounds. Subject to the imposition of conditions, the proposal is considered acceptable in terms of its impact on trees.

Nature Conservation

The application site is in close proximity to Betley Mere Site of Special Scientific Interest (SSSI). However, given the nature and scale of the proposals, Natural England raises no objection to the proposals. It is not considered that an objection could be sustained on the grounds of impact on nature conservation.

Highway safety

The submitted plans indicate that the applicant wishes to reposition the access approximately 4m to the north to improve the access into the site from the north. In response to this, the Highway Authority has recommended a condition requiring the provision of a visibility splay of 2.4m x 19m in the northern direction. There is a grassed embankment to the north of the existing access with a dry stone wall along the boundary with the road. The provision of a visibility splay as required by the Highway Authority would necessitate the re-grading of the land and the repositioning of the wall which may have an adverse impact upon the visual amenity of the area.

Further to discussions with the applicant's agent, the applicants have confirmed that they would be happy to retain the existing access and for the curve of the turn in from the north to be adjusted within the site. The dry stone wall does not start immediately to the north of the access so the work could be carried out without the need for the repositioning of the wall. An appropriately worded condition is required to this effect.

Reasons for the grant of planning permission

The scheme comprises appropriate development within the Green Belt, and the development would not adversely impact on the setting of the adjacent listed buildings. There would be no significant adverse impact on the character of the surrounding area, residential amenity or the trees on the site and the proposal is considered acceptable in terms of impact on nature conservation. The proposal accords with Policies D2, D4, D5B, NC13 and NC18 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, Policies ASP6, CSP1, CSP2 and CSP4 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policies S3, N18 and B5 of the Newcastle Under Lyme Local Plan 2011 and the aims and objectives of the National Planning Policy Framework (2012).

Recommendation

Permit subject to 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:

Drawing No. 246/01 Rev A – Location plan and block plan
Drawing No. 246/02 – Existing site layout plan

Drawing No. 246/03 – Existing floor plans and elevations
Drawing No. 246/04 – Proposed site layout plan
Drawing No. 246/05 – Proposed plans
Drawing No. 246/06 – Proposed elevations
- R2. For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the aforesaid approved details.
- R3. To protect amenity and in accordance with 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).
4. Notwithstanding the provisions of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, (or any Order revoking, re-enacting or modifying that Order), no extensions, external alterations, erection of outbuildings, or other development within the curtilage of the dwelling hereby approved, shall be carried out without the prior express written consent of the Local Planning Authority.
- R4. To protect the character and openness of the Green Belt in accordance with the requirements of Policy S3 of the Local Plan, Policy D5B of the Staffordshire and Stoke-on-Trent Structure Plan 1996 -2011 and the aims and objectives of the National Planning Policy Framework (2012).
5. In the event that contamination is found or is suspected to be present at the site when carrying out the approved development then development shall be halted (unless otherwise agreed in writing with the Local Planning Authority) and it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must

be undertaken in accordance with the requirements of BS10175 (2001) – Investigation of Potentially Contaminated Sites Code of practice, BS8485 (2007) Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments and CLR 11 Model Procedures for the Management of Land Contamination, issued by the Environment Agency, and any remedial proposals submitted and agreed in writing prior to the recommencement of the development.

Prior to commencement of the proposed use of the site written confirmation that no contamination was found or suspected or if remedial actions were required independent validation that proposed remedial measures have been carried out in accordance with the agreed scheme. The validation report shall contain:

- i. A full description of the works undertaken in accordance with the Remediation Proposals
 - ii. Results of any additional monitoring or testing carried out between the submission of the Remediation Proposals and the completion of remediation works
 - iii. Movement permits of all materials taken to and from the site
 - iv. A statement signed by the developer or the approved agent confirming that all the works specified in the Remediation Proposals have been completed.
- R5. 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 National Planning Policy Framework (2012).
6. 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.
- R6. 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 National Planning Policy Framework (2012).
7. Notwithstanding the details shown on the approved plans the access shall be retained in its existing position and any alterations to the geometry of the access shall be submitted to and approved in writing by the Local Planning Authority.
- R7. To protect amenity, in the interests of highway safety, and in accordance with 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).
8. Before the proposed development is brought into use the parking and turning areas shall be provided in accordance with the approved plans which shall thereafter be retained for the life of the development.
- R8. In the interests of highway safety in accordance with the aims and objectives of the National Planning Policy Framework (2012).
9. The development shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a

minimum distance of 15m back from the site boundary in accordance with the approved plans.

- R9. In the interests of highway safety in accordance with the aims and objectives of the National Planning Policy Framework (2012).
10. The access shall have a gradient not exceeding 1 in 10 for the first 5m rear of the highway boundary.
- R10. In the interests of highway safety in accordance with the aims and objectives of the National Planning Policy Framework (2012).
11. Any gates shall be located a minimum of 5m rear of the highway boundary and shall open inwards away from the highway.
- R11. In the interests of highway safety in accordance with the aims and objectives of the National Planning Policy Framework (2012).
12. Prior to the commencement of development, details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development. The landscaping scheme should include details of all replacement tree planting.
- R12. In the interests of visual amenity and in accordance with 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).
13. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) Recommendations for Tree Work.
- R13. In the interests of visual amenity and in accordance with 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).
14. All the existing trees and hedges indicated on the approved drawings to be retained shall be protected by suitable fencing and at a suitable distance as outlined in BS:5837 – 2012 - "Trees in Relation to Construction", or such alternatives as may be agreed in writing by the Local Planning Authority. Such fences shall be erected before any materials are brought onto site or development commences. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence(s), nor shall any changes in ground level be made within the fence(s) unless previously agreed in writing by the Local Planning Authority.
- R14. In the interests of visual amenity and in accordance with 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).
15. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without the prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during

that period shall be replaced with healthy trees of such size and species as may be agreed in writing by the local planning authority.

- R15. In the interests of visual amenity and in accordance with 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).

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mrs Vera Pellington **Application No** 12/00129/FUL

Location Stone Cottage Maer

Description Single storey rear extension and enlargement of existing first floor window.

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

West Midlands Regional Spatial Strategy 2008

Policy QE3 – Creating a High Quality Built Environment for All

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable Forms of Development.

Policy D2: The Design and Environmental Quality of Development

Policy D4: Managing Change in Rural Areas

Policy NC19: Conservation Areas

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

Policy CSP1: Design Quality

Policy CSP 2: Historic Environment

Policy ASP6: Rural Area Spatial Policy

Newcastle under Lyme Local Plan 2011

Policy H18: Residential extensions where

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

National Planning Policy Framework (March 2012)

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

Pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan.

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

Views of Consultees

Maer Parish Council – have been consulted, no response received – should assume they have no objection to the proposal.

Conservation Advisory Working Party – No Objections.

Conservation Officer – no objections

Natural England – make no adverse comments

Representations

None Received

Applicants/agents submission

Along with the plans and application forms, a Design and Access Statement has been submitted in support of the proposal.

Key Issues

This application is for full planning permission for a single storey rear extension and enlarged side first floor window serving the stairs.

The property the application relates to is a detached sandstone cottage which has been previously extended at the rear using red brick. The proposed extension is within an area enclosed on 3 sides and provides an enlarged entrance porch area.

Stone Cottage is located within Maer Conservation Area.

The key issues in the consideration of this application are:

- Design and the impact on the conservation area
- Impact on residential amenity

Design of the proposal and the impact on the conservation area

Paragraph 56 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people.

Policy D2 “Design and Environmental Quality of Development” of the Structure Plan states that the design of development should be informed by, or sympathetic to the character and qualities of its surroundings in its location, scale and design.

Policy H18 refers to the design of residential extensions, where subject to planning control. The policy states:

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

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

It is considered that the proposed extensions and alterations would be subordinate to the design of the original dwelling and would not detract from the character of the original dwelling

Part 12 of the National Planning Policy Framework “Conserving and Enhancing the Historic Environment” states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use 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 B9 of the Local Plan “Prevention of harm to Conservation Areas” states that *“the Council will resist development that would harm the special architectural or historic character or appearance of conservation areas.”* Policy B10 specifies that “permission will be granted to construct, alter the external appearance or change the use of any building only if its proposed appearance or use will preserve or enhance the character or appearance of a Conservation Area.” This will be achieved by a set of specified criteria being met.

In terms of Policy B10 of the Local Plan, it is considered that the form, scale, bulk, height and materials are all acceptable. The plot is fairly large and can easily accommodate an extension of this size.

The proposal for the porch extension would be enclosed by three side of the existing structure and its roof would be a continuation of the existing roof slope, its materials would match the existing building. The proposal would not be readily seen from any public vantage point.

The proposal to enlarge the side facing stairs window would double its size by elongating its depth. The style of the window would match the existing windows on the property.

It is considered that the proposals are sympathetic and would not cause harm to the character of the building and therefore the Maer Conservation Area.

It is considered appropriate to condition the materials to match existing.

The proposal is therefore considered to comply with Policy NC19 of the Staffordshire and Stoke on Trent Structure Plan, Policies CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026, Policies H18, B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan 2011 and the aims and objectives of the NPPF.

Impact on residential amenity

It is important to assess how a proposal will impact upon residential amenity in terms of loss of light and privacy, and the Borough Council’s Space around Dwellings Supplementary Planning Guidance sets out acceptable levels of amenity to be achieved for new development.

It is considered that the proposed extension, given its size and location would not cause any adverse loss of amenity to any surrounding occupiers in terms of a loss of light or privacy, and the application is considered acceptable in this regard. The enlargement of the side window has the potential for a loss in residential amenity to the neighbouring property occupier. Given there is a smaller existing window currently in this position, it serves the stairs area of the property which would not be seen as a principle window in terms of the SPG and loss of privacy by its enlargement could be controlled by the imposition of a condition requiring the window to be permanently obscure glazed, its inclusion is considered acceptable.

Reasons for the grant of planning permission

The proposed development would preserve the character and appearance of the Conservation Area and would have no adverse impact upon residential amenity. The proposal therefore complies with policies D2, D4, and NC19 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, policies CSP 1, CSP 2 and ASP 6 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026 and policies H18, B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan 2011 and the aims and objectives of the National Planning Policy Framework.

Recommendation

Permit subject to 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 plan:

- **John Keates design drawing No 12-001-12 received dated 13th April 2012**

R2. For the avoidance of doubt and in the interests of proper planning.

3. The materials to be used in the construction of the development hereby permitted shall match in all respects (size, texture and colour) those of the existing buildings.

R3. In the interests of visual amenity to comply with the requirements of policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, policies H18, B9 and B10 of the Newcastle-under-Lyme Local Plan 2011 and policy SP1 of Newcastle-under-Lyme and Stoke on Trent Core Strategy 2009.

4. The proposed enlarged window on the side elevation as indicated by John Keates design drawing no. 12-001-01 shall be permanently obscure glazed at all times during the occupation of the development hereby permitted.

R4. To protect privacy and in accordance with Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Supplementary Planning Guidance 'Space Around Dwellings'.

Notes to applicant

1. You are reminded of the requirement to comply with the conditions attached to this permission.

OFFICER REPORT ON DELEGATED ITEMS

Applicant Jumbo Fun and Play Ltd **Application No** 12/00195/ADV

Location 9 Liverpool Road, Newcastle

Description Four non-illuminated fascia signs

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

West Midlands Regional Spatial Strategy

Policy UR3: Enhancing the Role of City, Town and District Centres

Policy QE3: Creating a High Quality Built Environment for All

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

Policy D1: Sustainable Forms of Development

Policy D2: The Design & Environmental Quality of Development.

Policy T13: Local Roads

Policy NC19: Conservation Areas

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

Policy ASP4: Newcastle Town Centre Area Spatial Policy

Policy CSP1: Design Quality

Policy CSP2: Historic Environment

Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011

Policy B14: Development in or Adjoining the Boundary of 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

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 1981 planning permission was granted for the erection of a supermarket, reference N9111.

In 2011 planning permission (11/00617/FUL) was granted for the change of use of part of the first floor of the premises from office/teaching area to a 3 bedroom self contained flat. Whilst the flat has not yet been created, partitioning works associated with it have commenced.

An application for change of use of the premises to an indoor play area (Class D2 use) and refreshment/snack bar (Class A3 use) has been submitted and is being considered separately. The reference is 12/00194/COU.

Views of Consultees

The **Environmental Health Division** has no comments to make.

The **Conservation Officer** has no objections indicating that the application for a sign is adjacent to the town centre Conservation Area. It is on the edge of the town centre, adjacent to the ring road and affects a modern building of little architectural merit. The change of use is not relevant to conservation matters and the signage which is planned closest the Conservation Area is just one sign. This would not harm the setting and views into and out of the Conservation Area..

The **Conservation Advisory Working Party** has no objections.

Highways Authority (standing advice) which indicates that fascia signs can be dealt with by the LPA and establishes suitable lighting levels.

Representations

None received

Applicants/agents submission

The requisite application forms and drawings were submitted.

Key Issues

The application is for advertisement consent for four non-illuminated signs that are to be displayed at first floor level on the Liverpool Road elevation; on the side elevation facing towards the Magistrates Court, close to Liverpool Road; and on the other side elevation close to Bridge Street, and on the Bridge Street elevation.

The signs would be in multi-coloured Perspex measuring approximately 2m high by 2.3m wide. The signs would contain the words Jumbo fun, play everyday and would include a number of animal characters.

The key considerations in the determination of this application are the impact of the signs upon amenity (the appearance of the area) and public safety.

Amenity

The scale and appearance of the signs are in keeping with the design and function of the building and will not adversely affect the character or appearance of the adjoining Conservation Area.

Public Safety

The signs are of a design and are sited so that they will not be unduly distracting to drivers and it is not considered that they will have an adverse impact on public safety.

Recommendation

Approve subject to the standard conditions and no further conditions

OFFICER REPORT ON DELEGATED ITEMS

Applicant Ms Waterfall **Application No** 12/00215/ADV

Location Cornwells Chemist, 11 High Street, Newcastle

Description Illuminated sign with timber surround

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
Policy T13: Local Roads

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

ASP4: Newcastle Town Centre Area Spatial Policy
ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
CSP1: Design Quality
CSP2: Historic Environment
CSP3: Sustainability and Climate Change

Newcastle under Lyme Local Plan 2011

Policy B9: Prevention of harm to Conservation Areas
Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B13: Design and development in Conservation Areas
Policy B14: Development in or adjoining the boundary of Conservation Areas
Policy B16: Shop fronts in Conservation Areas
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

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

11/00375/FUL Permitted 9.9.2011 Alterations to Shop front

Views of Consultees

Conservation Advisory Working Party – No objections

Conservation Officer – This relates to the new shop front which already has permission and is as a result of a grant through the PSiCA scheme. The grant is for the shop front which will be timber painted and will help to improve the design and appearance of the town centre. The sign will be illuminated and mounted within the new framing. It will be a high quality product and the application is supported.

Representations

None received

Applicants/agents submission

The requisite application forms and drawings were submitted.

Key Issues

This application is for advertisement consent for an internally illuminated sign with timber surround at Cornwell's Chemists, 11 High Street, Newcastle, which is located within the Newcastle under Lyme Town Centre Conservation Area, as indicated on the Local Development Framework Proposals Map.

The fascia would be located above the shop front, 2.7 metres above ground level.

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 and Conservation Area

- The impact upon public and highway safety

The impact of the sign on the amenity of the site it relates to and the surrounding area

In terms of design paragraph 67 of the National Planning Policy Framework details that *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation.”*

The sign would be located within the Newcastle Town Centre Conservation Area.

Paragraph 131 of the National Planning Policy Framework states that in determining planning 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 B13 of the Local Plan states that Applicants for planning permission should demonstrate how they have taken account of the need to preserve or enhance the character or appearance of Conservation Areas in the design of their development proposals.

The proposed sign would be internally illuminated, with a timber surround. It is not specified what illuminance level the sign would have, although maximum levels can be conditioned. The applicant has proposed a timber frame to the fascia sign, which will be an appropriate design in this Conservation Area location.

The Conservation Advisory Working Party and the Conservation Officer raise no objections to the proposed fascia sign.

The proposal complies with the guidance of the NPPF and the principles of policies D2 and NC18 of the Staffordshire and Stoke on Trent Structure Plan, policies B9, B10, B13, B14, B16, B19 and B20 of the Newcastle under Lyme Local Plan 2011 and policies ASP 4, ASP 5, CSP1 and CSP2 of the Core Spatial Strategy.

The impact upon public and highway safety

It is considered that the proposed sign would not cause any adverse impact upon public safety.

The level of luminance of the internally illuminated sign can be controlled by condition to avoid causing distraction or danger to traffic using the adjacent highway. The Highways Authority Standing Advice recommends that for a sign 5.0 to 10 square metres in surface area in a lit location, a maximum luminance level of 100 candellas per square metre should be imposed.

Overall, the proposed signs are considered acceptable in terms of public and highway safety and are in compliance with Policy T13 of the Structure Plan.

Recommendation

Approve subject to the standard conditions and:

1 The intensity of the illumination of the advertisement permitted by this consent shall not exceed 1000 candelas per square metre.

R1: In the interests of highway safety, in accordance with Policy T13 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011.

Informative

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

- Location Plan, Drawing No. 0728-09A received 20th April 2012
- Existing plans, Drawing No. 0718-01A received 20th April 2012
- Existing elevations, Drawing No. 0718-02A received 20th April 2012
- Proposed signage, Drawing No. 0718-21A received 20th April 2012

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mrs Naylor

Application No 12/00246/FUL

Location 4 Highway Lane, Keele

Description Proposed new window to North East elevation first floor level

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

West Midlands Regional Spatial Strategy 2008

Policy QE3: Creating a high quality built environment for all

Policy QE5: Protection and enhancement of the historic environment

Staffordshire and Stoke on Trent Structure Plan 2011

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

Policy D5B: Development in the Green Belts

Policy NC1: Protection of the Countryside: General Considerations

Policy NC2: Landscape Protection and Restoration

Policy NC19: Conservation Areas

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

Policy CSP1 Design Quality

Policy CSP2: Historic Environment

Newcastle Under Lyme Local Plan 2011

Policy S3: Development in the Green Belt

Policy N17: Landscape Character – General Considerations

Policy N19: Area of Landscape Maintenance

Policy B8: Other Buildings of Historic or Architectural Interest

Policy B9: Prevention of Harm to Conservation Areas

Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area

Policy B13: Design and Development In Conservation Areas

Other Material Considerations

Relevant National Policy Guidance:

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)

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.

Planning History

None relevant to the determination of this planning application.

Representations

The occupiers of 9 neighbouring properties have been notified with no letters of representations received.

Views of Consultees

Keele Parish Council raise no objections because it is felt to be in keeping with the building.

The **Conservation Officer** has detailed that the building is on the Councils Register of Locally Important Buildings and Structures. She raises no objections and details that the first floor would match other windows in the building in terms of style shape and materials and would not be very visible from the roadside, thus not harming the character or appearance of the conservation area.

The **Conservation Advisory Working Party** raised no objections.

Key Issues

The application is for the insertion of a window into the first floor of the existing detached property located within the Keele conservation area and the open countryside. It is also designated within the North Staffordshire Green Belt and Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map.

The property is on the Council's own Register of Locally Important buildings and structures because of its character and appearance which dates back to 1871.

Whilst the property lies within the Green Belt it is not considered that the insertion of a window into the existing building would harm the openness of the Green Belt or the purposes of including land within the Green Belt. Therefore this is not considered further and the key issues in the determination of the development are:

- the impact on the character and appearance of the building and conservation area.
- the impact upon neighbouring occupiers in terms of amenity

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

Policy B8 of the local plan seeks to the conservation of locally important buildings whilst policy B 9 details that the Council will resist development that would harm the special architectural or historic or appearance of conservation areas.

As detailed, the building dates back to 1871 and has a Victorian Gothic Revival style and has a high quality style which is clustered with other early dwellings of the original Keele estate village. The proposed window would be located in the first floor of a side gable and would be similar in style, proportion and design to existing ground floor windows on the elevation that faces Highway Lane. The existing gable is currently blank and it is considered that the insertion of the window would add some character to this gable.

The insertion of the window is considered a minor addition/ alteration that would not significantly harm the character of the building or that of the conservation area with minimal views from public vantage points. Thus being in accordance with policies B8 and B9 of the local plan.

Impact upon neighbouring occupiers in terms of amenity

Supplementary Planning Guidance provides advice regarding residential extensions.

The applicant is aware that a window could be inserted into the side elevation of the property without planning permission if it was obscure glazed and non opening. Therefore the intention is to have a clear glazed window that could be opened.

Internally the proposed window would serve a bedroom and the SPG details that the largest windows of the two largest bedrooms are classed as principal windows. In this instance there is a larger window to the same bedroom on the rear elevation. Therefore the proposed window would represent a secondary window. Whilst it is a secondary window it would face towards the side boundary with the neighbouring property, no. 2 Highway Lane. This has what appears to be a principal window on its rear elevation but it is considered that due to the relationship between the two properties being at an angle, the secondary nature of the window and the ridge of the ground floor building (study), that the proposal would not lead to a significant loss of privacy to the residential amenity of the neighbouring property.

In summary it is not considered that there would be any significant adverse impact on the amenity of the neighbouring properties that would be contrary to the SPG or requirements of the NPPF.

Reasons for the grant of planning permission

The proposed window is of a size and design that would not harm the character or appearance of the building or that of the designated conservation area. Taking into account the position and it being a secondary window, it would not result in harm to neighbouring residential amenity levels in terms of visual intrusion. It would also not harm the openness of the Green Belt or the quality of the landscape. The proposed development therefore accords with the requirements and guidance of the NPPF, whilst also being in accordance with Policies S3, N19, B8 and B9 of the Newcastle under Lyme Local Plan 2010, Policies D2, D5B, NC1, NC2 and NC19 of the Stoke on Trent Structure Plan 1996-2011 and policies CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026.

Recommendation

Permit subject to 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;

- Drawing no. 3 & 5, date stamped received by the LPA on 3rd May 2012
- Drawing no. 4 rev A, date stamped received by the LPA on 4th May 2012

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

3. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building or those specified on the submitted application forms unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the satisfactory appearance of the development in accordance with the requirements of Policy H18 of the Newcastle under Lyme Local Plan 2010, Policy D2 of the Stoke on Trent Structure Plan 1996-2011 and policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026.

Note to the applicant

1. You are reminded of the need to comply with the conditions attached to the planning permission.

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CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
12/237/LBC	12A Lancaster Buildings High Street Newcastle Mr M Parkes	New shop fascia signage	Within the Newcastle Town Centre Conservation Area	Cllr Mrs Taylor Cllr Mrs E Shenton
12/312/FUL	Students Union, Keele University University of Keele	Students Union signage improvements	Adjacent Keele Hall Conservation Area, Keele Historic Park and Garden. Proposal also affects the setting of a Listed Building	Cllr T Kearon Cllr R Studd
12/338/FUL	Land Opposite 1 Church Villas The Butts Church Lane Betley P Robinson	Erection of detached dwelling	Within the Betley Conservation Area	Cllr D Becket Cllr A Wemyss
12/344/FUL	Whitegates Main Road Betley Mr A Lees	Retention of detached garage	Within the Betley Conservation Area	Cllr D Becket Cllr A Wemyss
12/345/FUL	Daisy House, New Road, Wrinehill Mr David Speakman	Replacement of boundary fence with wall	The proposal affects the setting of a Listed Building (Summer House).	Cllr D Becket Cllr A Wemyss
12/362/AGR	The Old Hall Farm Main Road Betley Mr J Burgess	Extension o existing dutch barn	Within the Betley Conservation Area and affects the setting of a Listed Building	Cllr D Becket Cllr A Wemyss

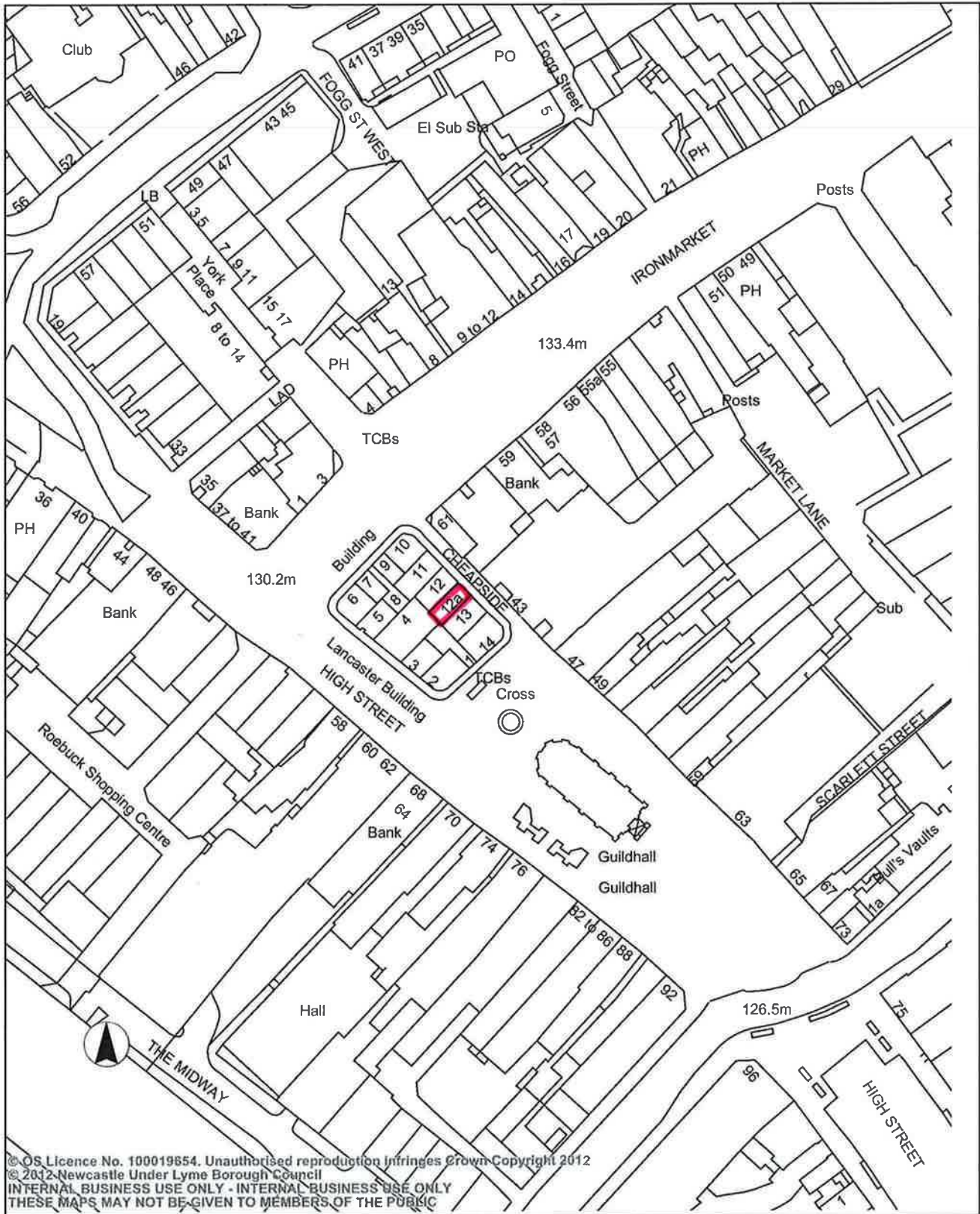
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12/00237/LBC
12A Lancaster Buildings, High Street,
Newcastle.

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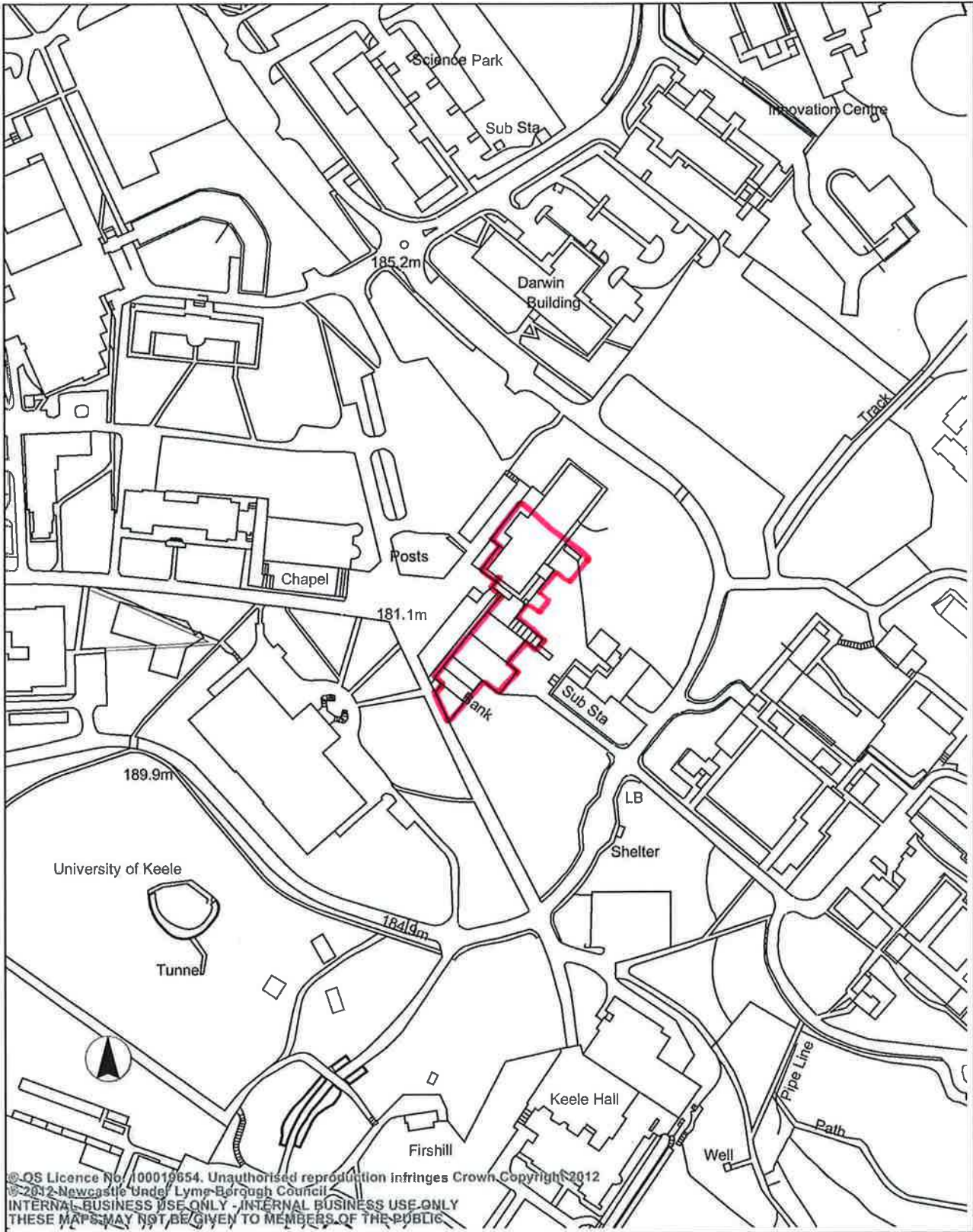
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12/00312/FUL
Students Union, Keele University. **Customer Services**

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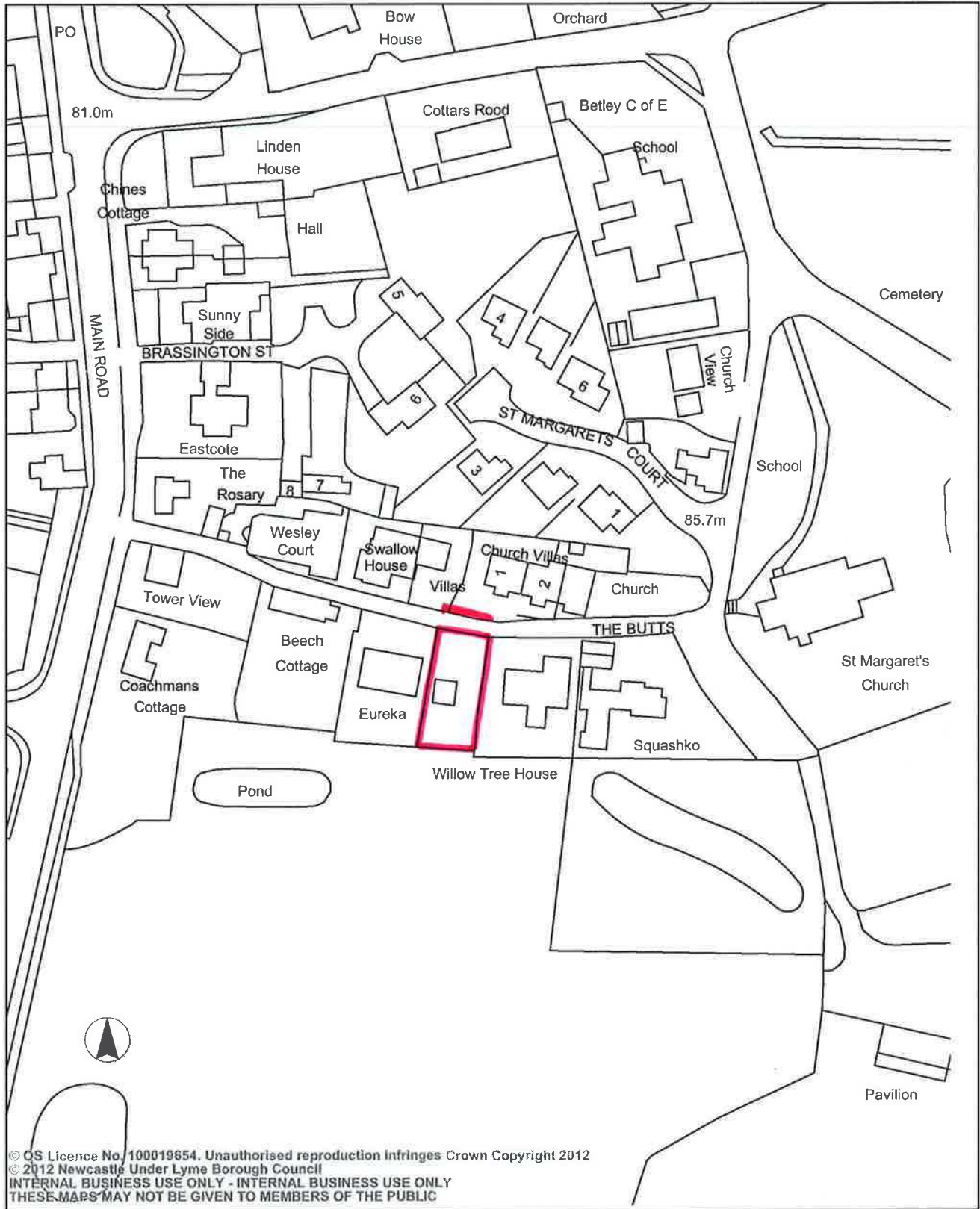
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12/00338/FUL
Land opposite 1 Church Villas, The Butts, Church Lane, Betley.

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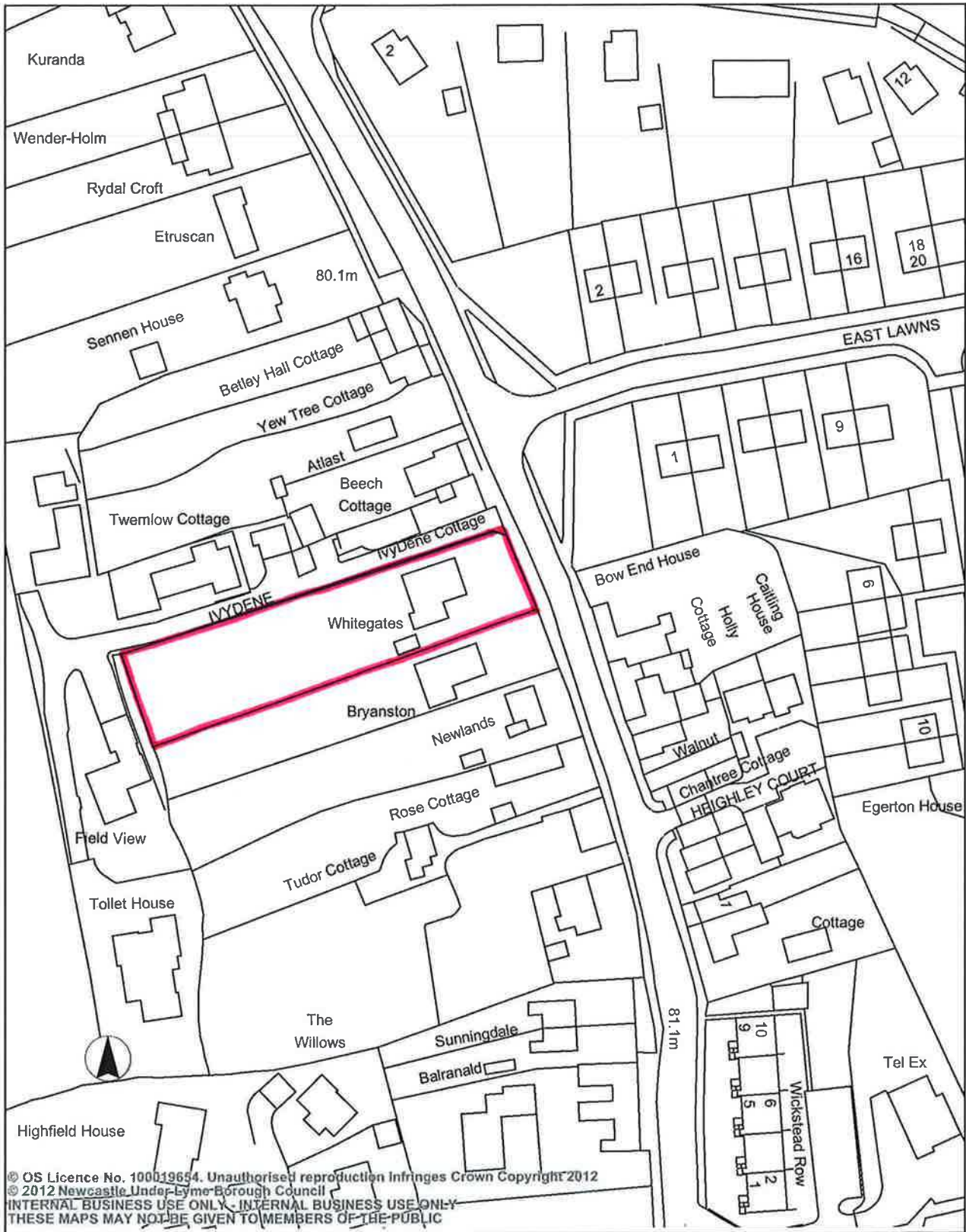
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12/00344/FUL
Whitegates, Main Road, Betley. **Customer Services**

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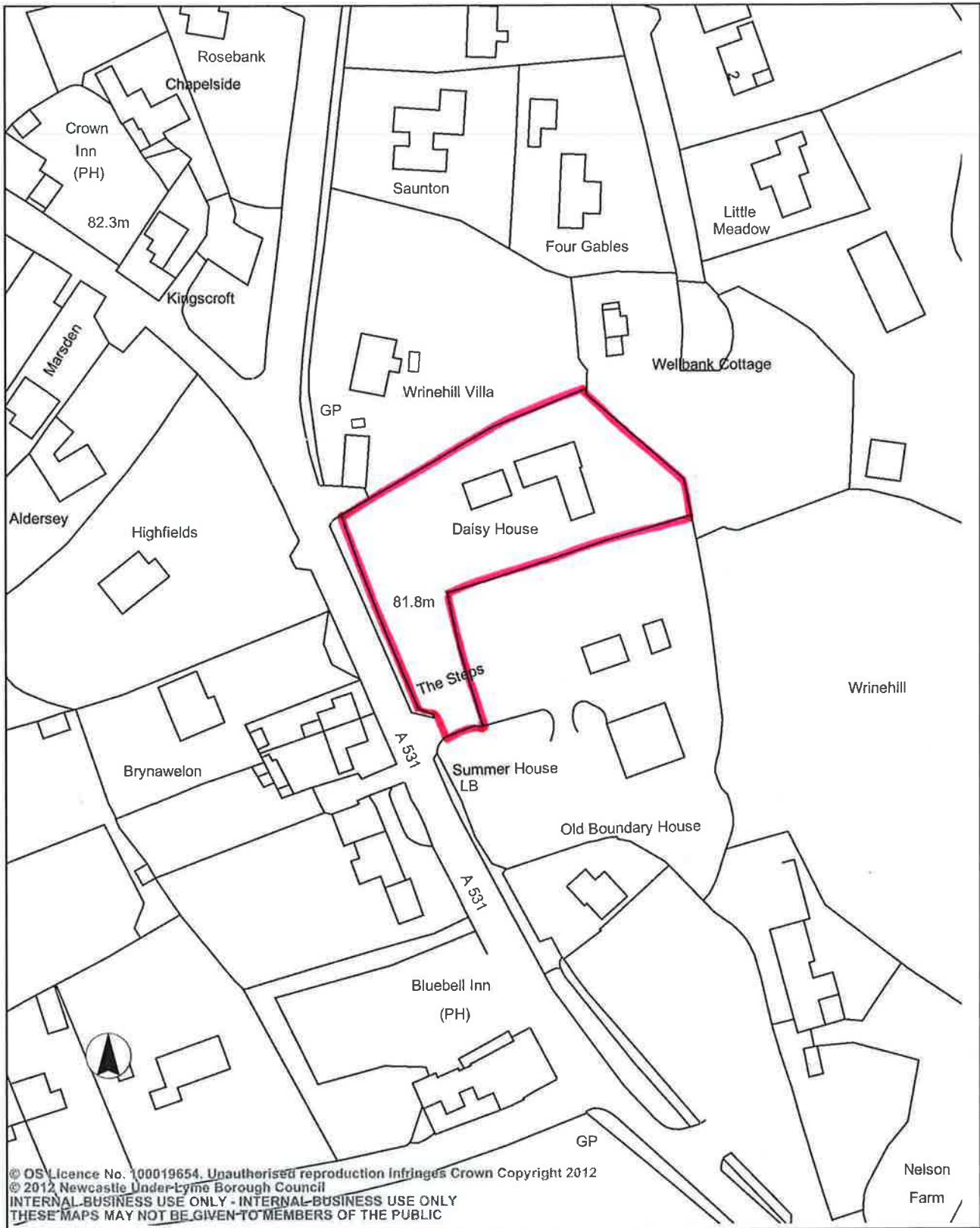
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12/00345/FUL
 Daisy House, New Road, Winehill. **Customer Services**

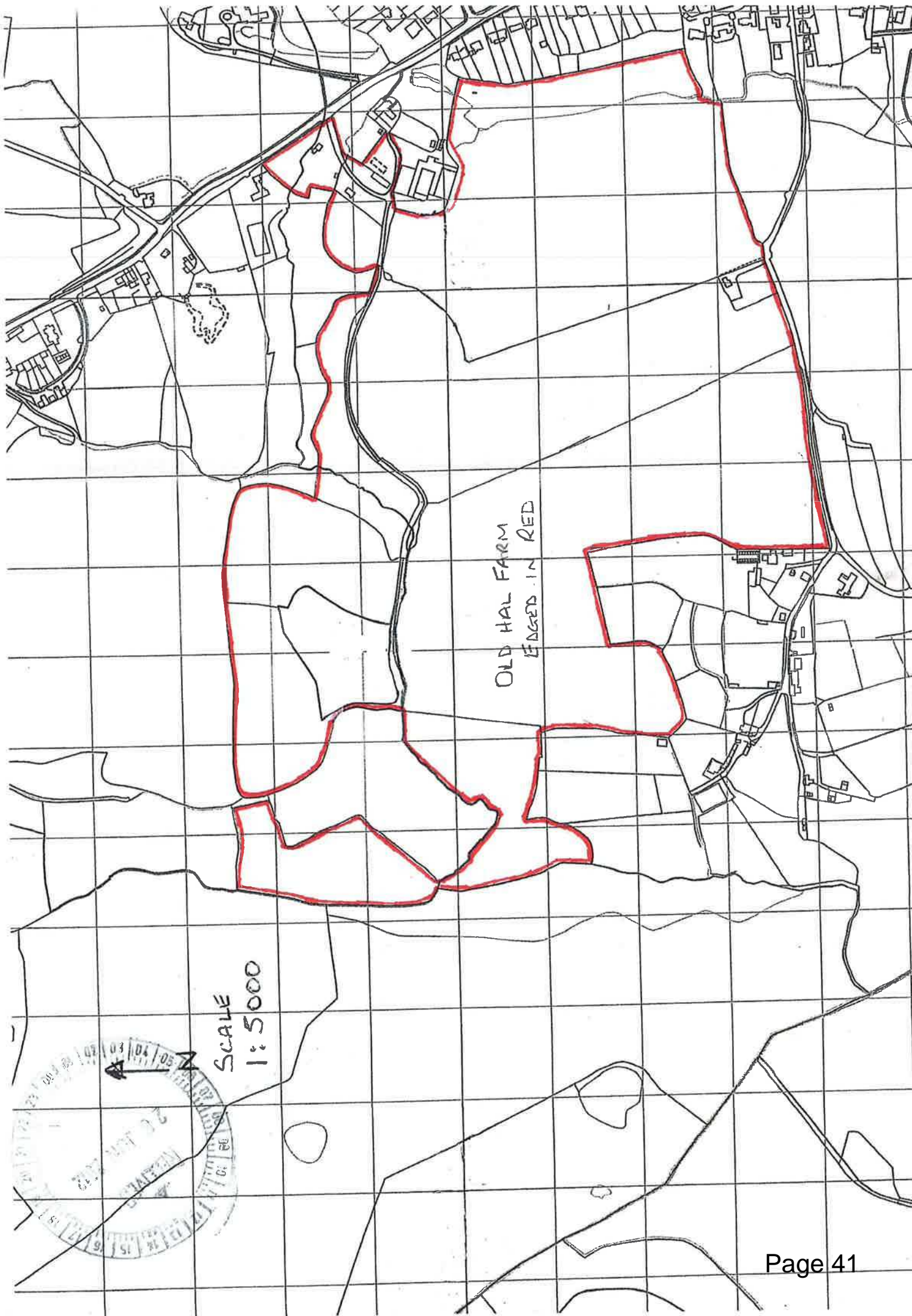


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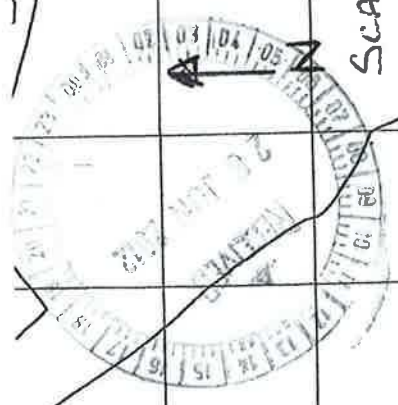
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OLD HAL FARM
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Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund.

Purpose of report

To consider an application for financial assistance towards the cost of the repair of the following building of special architectural and historic interest.

Old School Hall, (Formerly St Thomas' Sunday School), Congleton Road, Mow Cop (Ref: 11/13001/HBG)

The building is a Grade II Listed Building adjacent to the Church of St Thomas in Mow Cop. It is now run by the residents for community uses. The building was awarded a small Historic Building Grant of £512 towards the cost of roof repairs in 2011. Later in the year another grant of £600 was given to help deal with the damp problems and restore 2 of the side leaded windows on the side elevation. The group now want to open up and reinstate the 2 other windows on the other gable elevation.

The work is estimated as costing £1,225.

Financial Implications

There is sufficient funding to meet this grant application at just over £69,000 in the fund, which allows for commitments.

Conclusions

This grant application meets all the Council's criteria for the repair and restoration of the heritage asset. The views of the Conservation Advisory Working Party will be reported to the Planning Committee.

RECOMMENDATION:

That the Conservation Advisory Working Party recommends that Planning Committee approve a grant of £245 for the Old School, Congleton Road, Mow Cop, subject to the appropriate standard conditions.

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REPORT FOR CONSERVATION ADVISORY WORKING PARTY (CAWP)

URGENT WORKS NOTICE AT 65 LOWER STREET (FORMER MAXIMS NIGHTCLUB) NEWCASTLE

Purpose of the report

The purpose of this report is to seek the observations of the Working Party on a proposal to seek the Planning's Committee's approval to use the Historic Building Grant Fund towards the cost of preparing an Urgent Works Notice at 65 Lower Street, Newcastle – the former Maxims and to offer the owner a grant from the fund towards the cost of the implementation of the works referred to in the Notice

RECOMMENDATION

1. That CAWP recommends that the Planning Committee agrees to the Grant Fund being for used to support the cost of preparing the schedule of work, the of form the basis of Urgent Works Notice if required
2. That CAWP recommends that the Planning Committee agrees to the Council offering a grant to the owner of 65 Lower Street of 20% or up to £10,000 towards the cost of urgent works at the property on the production of two competitive quotes in accordance with the Grant Funds' normal terms and conditions

Reason

To ensure that the Boroughs heritage assets are conserved appropriately for future generations during this period of challenging economic circumstances.

1. Background

- 1.1 At its last meeting (19th June 2012) the Planning Committee agreed to the change in the terms and conditions of the Council's Historic Building Grant Fund. In particular the Planning Committee agreed that in principle the fund could be used to support the serving of an Urgent Works or Repairs Notice on Listed Buildings or historic buildings in Conservation Areas, including the costs of drawing up a schedule of work and the execution of that work.
- 1.2 The Council recently conducted a Building at Risk survey of all 365 of its Listed Building entries in the Borough and published which ones were at risk and which require monitoring. When the report went to Planning Committee in October 2011 there were 19 Buildings at Risk. The building to which this report relates is identified as being At Risk. It is vacant, neglected and subjected to vandalism and theft.
- 1.3 The Council funded an Archaeological Assessment and condition survey of the building in June 2011. The Archaeological Assessment identified the significance of the building and its archaeological potential. The building is a former house that dates from the late 17th century. The level of survival of historic fabric is variable and whilst there are some significant features remaining there has also been substantial alteration and loss particularly at ground floor with the use of the building as a nightclub. The upper floors retain more historic fabric. The front elevation is of high value, and has such features such as the door hood, brickwork, overall proportions, moulded string course and its fenestration (added in 18th century). The rear elevation contains the

remains of the bow window and rear wall which are of high value and was added in the 18th century.

- 1.4 The condition survey concentrates on urgent works which are necessary to prevent further damage and deterioration to the property. These it estimated would cost approximately £50,000 – £60,000 to undertake. In another section of the report there is a draft costed schedule of work to bring the building back into use to an appropriate conservation standard, removing all the flat roof buildings to the rear etc. and reinstating the ground floor bay window which has been evidenced during the archaeological assessment. This element is envisaged at costing approximately £500,000 - £600,000 excluding fees and VAT.

2. Current position

- 2.1 Despite negotiations with the owner to persuade him to carry out the works identified as urgent by the condition survey, the owner has not as yet undertaken the majority of the work. The building remains on the open market, an agent has been appointed and the Council understands that there is interest in the building and the site. However this is a complex site. As well as the condition of the building which essentially means that the building has a negative value, the land has a complicated lease arrangement between the owner of the site, the Council and other parties that may be frustrating the overall development potential of the site.
- 2.2 The Council's Conservation Officer has explored the possibility of a local Building Preservation Trust taking the building on and thereby being able to access funding from the Heritage Lottery. At present it has not been possible to identify a viable Trust willing to take on this project.
- 2.4 Recently there has been a fire in the outbuilding to the rear of the main building and Staffordshire Fire Service, due to concerns for the building and public safety, called a multiagency meeting which the Council has attended, represented by its Building Control, Environmental Health, Planning and Conservation and Community Safety sections. The Police included their Architectural Liaison Officer who also attended the meeting. There are concerns over the imminent danger of certain aspects of the building and the owner attended a meeting to discuss all of the issues. It was agreed the owner would erect a secure fencing system around the perimeter of the side and rear of the building which would include a drop zone to ensure safety for the public and prevent access. The fence should be in place shortly and some of the dangerous parts of the building have already been removed.
- 2.5 Whilst the fence will stop any further vandalism and prevent access to the building by unauthorised people, this will not help to achieve essential maintenance and repair of the property that was identified by the condition survey.

3. Urgent Works Notices

- 3.1 An Urgent Works Notice can be served (Section 54 of the Listed Building Act 1990) on the owner of an unoccupied Listed Building and is restricted to emergency repairs as are required to keep a building wind and weatherproof and safe from collapse or action to prevent vandalism or theft. The Council must believe at the time that the specified works are urgently necessary and

reasonable. At the time of drafting any Notice the Council must weigh up the interests of the owner and the interests of society in the preservation of the Listed Building.

- 3.2 Section 54 of the Listed Buildings Act 1990 gives notice on the owner of not less than 7 days notice in writing of the local authority's intention to carry out the works. This gives the owner the chance to discuss issues with the Council and carry out the works himself. If the Council goes in and carries out the work, it can recover their expenses from the building owner under Section 55 of the Act.

4. Proposed Action

- 4.1 The following steps are proposed at this stage

- That the Council should write to the owner and tell the owner that the Council is preparing an Urgent Works Notice. Experience shows that a written warning of an impending Notice can be sufficient to encourage the owner to undertake the works and evidence shows that 60% of drafted Notices never have to be served.
- That the Council use the existing condition survey as a basis for drawing up a more detailed schedule of work which will form the basis of the Notice. Any requirements to provide further details to enable a contractor to carry out the work could be funded using the Historic Building Grant Fund.. However it may not be necessary.
- That this schedule of work is given to the owner of 65 Lower Street giving him an opportunity to organise a contractor to carry out the work.
- To offer the owner of the building a grant towards the cost of the urgent works at the building to a maximum of £10,000 based on the specification. The grant will then be paid on completion of the works if they have been undertaken satisfactorily to the owner, if he carries out the work voluntarily

- 4.2 If the owner does not carry out the work, the Council will then have to consider whether or not to serve the Urgent Works Notice, and if there is non-compliance with the Notice, whether it is expedient to carry out the work itself. That would have significant budget implications particularly if there were grounds to believe that the Council would not be able to subsequently recover the costs involved. The Historic Buildings Grant Fund currently has about £69,000 within it and as will be noted above the condition survey of Maxims estimated that urgent works to cost of £50,000 to £60,000 would be required, so potentially most of the Fund could be used up. The latter decision would be the subject of a subsequent report to the relevant part of the Council's decision making structure but because it may involve the consideration of information which is not for publication under the terms of paragraphs 3 and 6 of Part 1 to Schedule 12A of the Local Government Act 1972, it may not be possible to provide CAWP with this information.

5. Recommendations

- 5.1 That CAWP recommends that the Planning Committee agrees to the Grant Fund being used for the cost of preparing the schedule of work, to form the basis of the Urgent Works Notice if this is required.

- 5.2 That CAWP recommends that the Planning Committee agrees to the Council offering a grant to the owner of 65 Lower Street of 20% or up to £10,000 towards the cost of the urgent works at the property on the production of two competitive quotes in accordance with the Grant Fund's normal terms and conditions.

Madeley Conservation Area Appraisal and Management Plan Supplementary Planning Document

Purpose of the Report

To inform members of the Conservation Advisory Working Party of the results of the consultation process on the draft Madeley Conservation Area and Management Plan Supplementary Planning Document (SPD) and to consider the SPD prior to its consideration by the Planning Committee.

Recommendation

That the Working Party commend to the Planning Committee the Madeley Conservation Area and Management Plan Supplementary Planning Document as now amended.

Reasons

The consultation period is now over, the responses have been analysed with recommendations as to how the document should be amended before adoption.

1.0 Introduction

- 1.1 The Planning Committee, on 17 April this year, approved a draft Madeley Conservation Area and Management Plan Supplementary Planning Document (SPD) for consultation purposes. The purpose of this report is to inform members of Working Party of the results of the consultation on the draft SPD, and to enable the Working Party to consider the final draft SPD prior to it being considered by the Planning Committee.

2.0 Background

- 2.1 The SPD seeks to provide additional information to ensure that the Borough's Conservation Areas are safeguarded for the future to supplement the objectives and policies contained in the Joint Core Spatial Strategy. The SPD redefines the special interest of the Madeley Conservation Area and identifies issues which threaten these special qualities. The Management Plan provides a framework for future actions.

3.0 Consultation process and results

- 3.1 The consultation on the draft SPD took place over a six week period from 1 May to 12th June 2012. This draft was submitted to the Conservation Advisory Working Party for comment at its meeting on the 3rd April 2012 and was provided within the pack of Supplementary reports for that meeting, and is also available to view on the Council's website www.newcastle-staffs.gov.uk. At its meeting on the 3rd April the Working Party commended the Draft Conservation Area Appraisal and Management Plan Supplementary Planning Document to the Planning Committee to approve for consultation purposes.

- 3.2 The consultation exercise involved working with the Parish Council and Madeley Conservation Group and:
- Letters about the consultation were sent to target groups such as the Civic Society and local elected Members. Other groups such as the Madeley Community Association, Madeley Tidy Group, Madeley Residents' Association and the Madeley Locality Action Partnership were all consulted.
 - The documents were on the Council's website and made available in Newcastle Library, the Guildhall and the Madeley Centre.
 - A news release has gone to the local media and is on the Council's website, its Facebook page and Twitter feed.
 - A well publicised consultation event with Officers was held at Madeley Community Centre on 29th May between 2 – 6pm.
- 3.3 In total, there were only two submitted responses to the consultation on the draft. A consultation statement has been prepared with each individual comment and the response to them, including any recommended changes. A copy of this Statement is appended to this report as Appendix A. Copies of representations have been retained on file and can be viewed on request.
- 3.4 The response to the document was minimal, and that may be for a number of reasons. The document was written with the help and cooperation of Madeley Conservation Group, who are a local organisation acting on behalf of Madeley residents to protect and preserve the environment. It was also endorsed by the Parish Council who were in full support of the Conservation Group representing the interests of residents.
- 3.5 As a result of the consultation undertaken some very minor typographical amendments are proposed to the consultation draft. Any member of the Working Party wishing to obtain a paper copy of the draft SPD, as now amended, is invited to contact the Planning Service.

4.0 Next Steps

- 4.1 Under the new Regulations, before the SPD can be adopted it would appear that the Council has to make available both the SPD and the Consultation Statement and allow a further limited period for representations to be made. Any representations made would then have to be considered. Once adopted, the SPD together with an adoption statement will be posted on the Council's Planning website and will be made available at a charge in hard copy if requested. Electronic copies of the SPD will be emailed to all those who participated in the consultation process.

5.0 Background Papers

Consultation Draft SPD
Copies of representations made on the draft SPD
The SPD Consultation Statement

Consultation Statement

Madeley Conservation Area Appraisal and Management Plan Supplementary Planning Document (SPD)

Background

The SPD redefines the special interest of the Madeley Conservation Area and identifies issues which threaten these special qualities. The Management Plan provides a framework for future actions.

Once adopted, the SPD will supplement the objectives and policies contained in the Joint Core Spatial Strategy.

A Sustainability Appraisal has not been prepared for this Supplementary Planning Document. It is considered that sustainability issues are addressed at the higher level in the Core Spatial Strategy and the SPD is in line with the sustainability objectives identified in this strategic document.

1. Introduction

- 1.1 Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012 which came into force on the 6th April 2012 state that before a Local Planning Authority adopt a Supplementary Planning Document (SPD) they must prepare a statement setting out: the names of any persons the authority consulted in connection with the preparation of the SPD (these are filed within the Planning and Development Service); a summary of the main issues raised in these consultations and how these have been addressed in the SPD. In addition before the SPD can be adopted the Statement has to be made available, with the Supplementary Planning Document, together with details of the date by which representations on it must be made and the address to which they must be sent.
- 1.2 This Consultation Statement explains the consultation process followed for the SPD, and aims to demonstrate that the Council undertook sufficient public consultations, using its best endeavours to consult and involve the community in the most effective way possible.

2. The Consultation Process

- 2.1 The Council contacted the Madeley Conservation Group and Madeley Parish Council to see if they were interested in being involved in the process of carrying out a review of the Madeley Conservation Area. They both expressed interest and the Parish Council agreed that the Conservation Group would represent the Parish interests in the process.
- 2.2 A six week consultation programme was carried out on the draft consultation Madeley Conservation Area Appraisal and Management Plan Supplementary Planning Document from 1 May to 12 June 2012.

The consultation involved:

- Letters and the SPD being sent to: Council members and stakeholders including the Madeley Community Association, Madeley Tidy Group, Madeley Residents' Association and the Madeley Locality Action Partnership.
- The draft SPD and supporting documents being made available to download from the Council's website both during and after the consultation period.
- An exhibition and consultation event held at the Madeley Centre on 29th May for 4 hours.
- New release to the Sentinel.
- Inspection copies of the SPD being made available in the Guildhall, the Borough Council offices and the Madeley Centre.

3.0 Summary of the main issues raised and how these have been addressed

- 3.1 The draft SPD has been well received informally by a number of parties, including English Heritage and the Council's Conservation Advisory Working Party, as well as by the Madeley Conservation Group (as co-author) and Madeley Parish Council.
- 3.2 In total, 2 individuals submitted comments. This is interpreted as an indication that the involvement of the local community in drafting the SPD has been effective in engaging with the purpose of the SPD and its proposals.
- 3.3 Section 4 sets out in summary the main issues raised by the comments. Proposed minor amendments to the draft SPD are set out.

4.0 Consultation Schedule - Comments Received, Council's Response and Actions

Rep ID	Name	Summary of main issue raised	Response	Changes proposed to draft SPD
1	Mr J Worgan	Noted a 3 typographical errors and suggested word changes.	Noted and accepted.	Amend text to correct typographical errors.
2	Rita Foster	Refers specifically to former wall outside Smithy House which the Council demolished when the footpath was widened and replaced by an unsympathetic brick wall. Can this be replaced with more sympathetic wall?	It is likely that this was the County Council. If funding ever became available it may be possible to consider reinstatement as walls are an important part of the Conservation Area.	No change