

Public Document Pack

Date of meeting Tuesday, 18th September, 2012
Time 7.00 pm
Venue Committee Room 1. Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffs ST5 2AG
Contact Julia Cleary 01782 742227

Conservation Advisory Working Party

AGENDA

PART 1- OPEN AGENDA

- 1 Apologies**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included in this agenda
- 3 MINUTES OF PREVIOUS MEETINGS** **(Pages 1 - 4)**
To agree as a correct record, the minutes of the meeting held on 29 August 2012.
- 4 PREVIOUSLY CONSIDERED APPLICATIONS** **(Pages 5 - 36)**
To receive the decisions of applications which have been previously considered by this Working Party
- 5 NEW APPLICATIONS RECEIVED** **(Pages 37 - 38)**
To make observations on new applications received.
- 6 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.

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CONSERVATION ADVISORY WORKING PARTY

Tuesday 17 July 2012

Present:- Councillor Mrs G Burnett – in the Chair

Councillors Allport, Miss Cooper and Robinson

Representing Outside Bodies Mr L Chatterton – Newcastle Civic Society
Mrs C Henshaw – Staffordshire Historic Buildings
Mr R Bettley-Smith – Betley, Balterley & Wrinehill Parish Council
Mr S Daly - Betley, Balterley & Wrinehill Parish Council

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor White and Mr J Worgan (Newcastle Civic Society).

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS MEETINGS

Resolved:- That the minutes of the previous meeting held on 26 June 2012 be agreed as a correct record.

4. PREVIOUSLY CONSIDERED APPLICATIONS

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

5. NEW APPLICATIONS RECEIVED

Resolved:- 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>
12/00237/LBC	12a Lancaster Buildings, High Street, Newcastle. Mr M Parkes. New shop fascia signage.	No objections provided the lettering is standalone and not placed upon a fascia board.
12/00312/FUL	Students Unions, Keele University. University of Keele. Students Unions façade improvements.	No objections and that the development would be an improvement upon the existing situation.

Conservation Advisory – 17/07/12

12/00338/FUL	Land opposite 1 Church Villas, The Butts, Church Lane, Betley. P Robinson. Erection of detached building.	No objections and that the development would be an improvement upon the scheme granted consent under reference 10/00435/FUL, particularly in terms of views from the south.
12/00344/FUL	Whitegates, Main Road, Betley. Mr A Lees. Retention of detached garage.	No objections.
12/00345/FUL	Daisy House, New Road, Wrinehill. Mr David Speakman. Replacement of boundary fence with wall.	No objections and that the development would be an improvement upon the existing situation in terms of its impact upon the setting of the Listed Summer House.
12/00362/AGR	The Old Hall Farm, Main Road, Betley. Mr J Burgess. Extension to existing Dutch barn.	Strongly object on the grounds that the introduction of a modern agricultural building at this location would be harmful to: (i) the setting of the adjacent Listed Buildings which are an important collection of heritage assets and a Model Farm of particular significance and rarity value. (ii) The relationship between these buildings. (iii) The local landscape. (iv) The character and appearance of the Betley Conservation Area which this group of buildings make a significant contribution to.
12/00335/FUL	New Trees, Main Road, Betley. Dr H Dobson. Retention of a workshop and garage.	No objections.

6. **APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANTS) FROM THE CONSERVATION AND HERITAGE FUND. THE OLD SCHOOL, CONGLETON ROAD, MOW COP**

Resolved:- That the Planning Committee be recommended to approve a grant of £245 for the Old School, Congleton Road, Mow Cop, subject to the appropriate standard conditions.

7. **65 LOWER STREET, (FORMER MAXIMS NIGHTCLUB), NEWCASTLE**

Resolved:- (a) That the Planning Committee agrees to the Historic Buildings Grant Fund being used to support the cost of preparing a schedule of work to form the basis of an Urgent Works Notice if required.

(b) 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 (whichever is the lesser) towards the cost of urgent works at the property on the production of two competitive quotes in accordance with the normal terms and conditions of the Historic Buildings Grant Fund.

8. **MADELEY CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN SUPPLEMENTARY PLANNING DOCUMENT**

Resolved:- That the Planning Committee commend the Madeley Conservation Area Appraisal and Management Plan Supplementary Planning Document as now amended.

**MRS G BURNETT
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
12/237/LBC	12A Lancaster Buildings, Newcastle. Mr Parkes.	New shop fascia signage.	No objections provided the lettering is standalone and not placed upon a fascia board.	Permitted under delegated powers 24.8.12
12/338/FUL	Land Opposite 1 Church Villas, The Butts, Betley.	Erection of detached dwelling.	No objections and that the development would be an improvement upon the previous scheme granted consent (particularly in terms of views from the south.	Permitted under delegated powers 22.8.12
12/344/FUL	Whitegates, Main Road, Betley.	Retention of detached garage.	No objections.	Permitted under delegated powers 21.8.12
12/362/AGR	The Old Hall Farm, Main Road, Betley.	Extension to existing dutch barn.	Strongly object on the grounds that the introduction of a modern agricultural building at this location would be harmful to setting of listed buildings, model farm, the relationship between these buildings and the character and appearance of the conservation area.	Refused under delegated powers 16.8.12

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OFFICER REPORT ON DELEGATED ITEMS

Applicant - Mr. M Parkes

Application No. 12/00237/LBC

Location – Units 12A Lancaster Buildings, Newcastle

Description – New shop fascia sign

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 NC18: Listed Buildings

Newcastle-under-Lyme Local Plan 2011

Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B6: Extension or Alteration of Listed Buildings

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

Policy CSP2: Historic Environment

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (2012)

Supplementary Planning Guidance

N/A

Planning History

There have been a number of previous planning applications and listed building consent applications since the building was listed in October 2005. These have been for the refurbishment of the listed building - 08/00701/DEEM3 & 08/00702/LBC and later applications 09/00628/DEEM3 & 09/00629/LBC for internal alterations and new shop fronts.

There have also been a number of applications for signs above the shop windows of the retail units located on the ground floor of the building.

Views of Consultees

The **Conservation Advisory Working Party** raised no objections provided that the lettering is standalone and is not placed upon a fascia board.

The **Conservation Officer** raises no objections because the letters would be individually applied.

Representations

No representations received.

Applicants/ Agents submission

The requisite application forms and plans were submitted as well as a statement of significance. A photomontage of the proposed sign has also been submitted.

Key Issues

This application is for listed building consent for a proposed fascia sign on a ground floor unit to Lancaster Buildings which is a Grade II Listed Building. Advertisement consent is not required in this case (the sign being unilluminated) but the works do require listed building consent. The building is situated in Newcastle town centre within the “primary shopping frontage” and the Town Centre’s Conservation Area, as indicated on the Local Development Framework Proposals Map.

It is considered that the key issue in the determination of the application is:

- Does the sign preserve the special character and appearance of this Grade II Listed Building?

Paragraph 132 of the newly published NPPF details 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.....substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

The ground floor of the building is made up of a number of units which are predominantly occupied by retail businesses and it must be acknowledged that outdoor advertisement signs are commonplace on the exterior of buildings in town centre locations.

Unit 12A is in a row of five units in the north-west elevation of the building. The sign would be located above the display window facing Cheapside.

The proposed sign would have moss green (Ral 6005) perspex lettering with a green (Ral 6018) Perspex ‘Heart’ symbol incorporated into the lettering/ design. The proposed sign would be fitted to the marble frontage with adhesive tape. Therefore the actual impact on the fabric of the building in terms of physical fixing would be minor and indeed reversible. The design and appearance of the proposed sign would also match similar signs on the building. In this regard, local planning policy details that the impact of any alterations and additions should preserve the appearance of this Grade II Listed Building, as required by policy B6 of the Local plan and CSP2 of the CSS. It is considered that the proposed sign due to its size, design and appearance would not harm the special appearance of the building and the method of fixing would enable the sign to be removed without long lasting damage to the marble.

In consideration of the above the proposed sign would comply with the requirements and guidance of the NPPF whilst also being in accordance with local planning policy due to the proposal not result in a significant harm to the special character of the listed building.

Reason for the grant of listed building consent:

It is considered that the advertisement sign by reason of its size, design and appearance would not harm the character or appearance of this Grade II Listed Building. The Local Planning Authority has therefore exercised its duty of having special regard to the desirability of preserving the building and any features of special architectural or historic interest which it possesses, as detailed in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore the development complies with policies in the development plan indicated in the decision notice and national guidance on works to Listed Buildings.

Recommendation

Grant consent subject to the following conditions;

1. **BESPOKE** - 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 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. **BESPOKE** - This permission for development relates to the following submitted drawings and information, except where such details are not in compliance with a condition of this consent:-

- Drawing title – Signage proposal for maximum health – Newcastle-under-Lyme, date stamped received by the Local Planning Authority on 02 July 2012
- Photograph of shop frontage, date stamped received by the Local Planning Authority on 02 July 2012
- Statement of significance & impact, date stamped received by the Local Planning Authority on 02 July 2012

Reason: To clarify the permission and for the avoidance of doubt.

3. The material of the approved works shall be Perspex and shall be carried out in strict accordance with the details specified on the approved plans and supporting information detailed in condition no. 2 above unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To protect and safeguard the historic fabric and appearance of the listed building in accordance with the requirements of Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policy B6 of the Newcastle-under-Lyme Local Plan 2011 and the requirements of the NPPF.

4. The works hereby permitted are individually applied letters of the dimension indicated on the approved drawing referred to in condition 2. Consent is not hereby granted for a fascia board sign of any form.

Reason : For the avoidance of any doubt and to define the scope of this consent, and having regard to information provided by the applicant to an officer of the Local Planning Authority on 17th July 2012

Performance Checks	Date		Date
Consultee/ Publicity Period	27.07.2012	Decision Sent Out	
Case Officer Recommendation	23.08.2012	8 Week Determination	27.08.2012
Report checked by Back Office			
Management check	GRB 24.8		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr P Robinson **Application No** 12/00338/FUL

Location 1, Church Villas, The Butts, Betley

Description Erection of detached dwelling and construction of new access

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

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable Forms of Development
Policy D2: The Design and Environmental Quality of Development
Policy T1A: Sustainable Location
Policy NC19: Conservation Areas

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011

Policy H1: Residential Development: Protection of the Countryside
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The requirement to preserve or enhance the character and appearance of a Conservation Area
Policy B13: Design and development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas
Policy T16: Development – General Parking Requirements

Other Material Considerations

Relevant National Policy Guidance:

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

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

Supplementary Planning Guidance on Space about Dwellings (July 2004)

Manual for Streets 2007

Planning History

2002	02/445/OUT	Dormer bungalow	Refused
2003	03/1119/FUL	Dormer bungalow	Withdrawn
2004	04/449/FUL	Detached cottage	Refused

2004	04/1067/FUL	Detached cottage	Refused and allowed on appeal
2010	10/00435/FUL	Detached dwelling	Permitted

Views of Consultees

Betley, Balterley and Wrinehill Parish Council – no objections to the proposed amendments to the existing planning consent, and are of the view that the revised design is more appropriate in this location

Conservation Area Working Party - No objections. The development would be an improvement upon the scheme granted consent under reference 10/00435/FUL, particularly in terms of views from the south

Conservation Officer – The Design and Access Statement is poor, and there is no heritage statement. The house is in the same vein of all other houses designed for this plot and along this street. The footprint of the dwelling proposed is larger than the house permitted in 2010 and it is very long, but overall it is smaller because it does not have the basement floor. Do not like the design of the bay window, a flat window would give the house more style by having a simpler approach. Condition the boundary treatment and landscaping, to ensure hard landscaping does not dominate.

Highway Authority - No Objections. The Butts is classified as an unadopted highway. It is noted that on the previously approved scheme 10/00435/FUL the planning authority included a condition that a passing place was provided prior to commencement of the development and thereafter retained. The submitted plans propose a passing place, and it is recommended that the LPA give consideration for a condition for the provision of a passing place if they are minded to approve the application

Environmental Health Division - No objections, subject to a condition to ensure the reporting of unexpected contamination that is found on the site, importation of soil/ material and an informative regarding importation of waste materials to facilitate construction

United Utilities – No objections, however the site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the surface water sewer and may require consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system they may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. A separate meter supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply regulations 1999.

Representations

One letter of representation has been received which states that they would prefer that the proposed dwelling did not protrude beyond the two houses either side. Landscaping should be insisted upon to ensure that looking up the Butts the vista was green rather than urban

Applicants/agents submission

A **Design and Access Statement** accompanies the application.

Key Issues

The application is for full planning permission for a detached dwelling and construction of new accesses at Land opposite Church Villas, The Butts, Betley, which lies within the village of Betley and within the Conservation Area. Planning permission was granted on appeal in 2006 for the erection of a detached cottage (Ref. 04/1067/FUL) and a subsequent approval for a dwelling was approved in 2010 (10/00338/FUL).

The principle of residential development on the site has been accepted, and there is an extant planning permission from 2010. Therefore, the main issues for consideration are whether the proposed amendments have any additional impact on:

- The character and appearance of the Conservation Area
- Highway safety
- Residential amenity

Impact on Character and Appearance of the Conservation Area

Policy B9 of the Local Plan states that development that would harm the special architectural or historic character or appearance of Conservation Areas will be resisted. Additionally, Policy B10 of the Local Plan requires any new development to preserve or enhance the character or appearance of a Conservation Area, and states that the form, scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailing must respect the character of the buildings in the area. The LPA is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The amended scheme simplifies the design approved in 2010. The basement has been removed from the scheme, along with the rear balcony. The outrigger permitted on the left hand side of the front elevation of the dwelling in 2010 has been repositioned to the right. The car parking area would still have space for 2 – 3 cars. The dwelling projects slightly forward of the dwelling to the west, however does not project forward of the dwelling to the east.

Whilst the Conservation Officer's concerns about the appearance of the bay window are noted, this feature was considered to be acceptable and not harmful to the character and appearance of the Conservation Area when planning permission reference 10/00435/FUL was approved. There has been no material change in planning circumstances to justify a different conclusion at this time.

Subject to the imposition of conditions regarding detailing and materials, it is considered that the scheme as amended is acceptable and would not have any significant adverse impact on the character and appearance of the Conservation Area. There would therefore be no conflict with the relevant development plan policies, or national guidance.

Highway Safety

The Highway Authority has no objections to the proposal but refers to the condition included on the 2010 permission concerning the provision of a passing place. A passing space has been provided on the northern side of The Butts as shown on the submitted plans, and a condition is considered appropriate to ensure this passing place is provided and retained.

Subject to a condition requiring the submission and approval of details of the passing space, it is considered that the scheme would allow for two cars to pass and would be acceptable in highway safety terms.

Residential Amenity

A window to a habitable room is proposed to the west facing side elevation of the dwelling at ground floor level, and a set of French doors are also proposed at ground floor level. It is considered that this will be acceptable, provided a satisfactory boundary treatment is provided to ensure no overlooking of the neighbouring property is caused.

On the opposite side elevation facing east, two additional windows are proposed; one at ground floor to light a utility room and one mid way between ground and first floor to provide light to the stairwell. The addition of these windows would not cause a material loss of privacy and therefore unacceptably affect neighbouring residential amenity.

In terms of amenity space, whilst the balcony has been removed from the application, the amount of amenity space to the rear of the dwelling would remain approximately the same

size as previously permitted, therefore in terms of amenity space, the scheme is considered acceptable.

On balance, it is considered that there would be no significant adverse impact on residential amenity as a result of this amended scheme.

Reasons for the grant of planning permission

The proposal preserves the character and appearance of the Conservation Area, and there would be no significant adverse impact on highway safety or residential amenity. The proposed development accords with Policies D2 and NC19 of the of the Stoke on Trent Structure Plan 1996-2011, Policies CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026, Policies B9 and B10 of the Newcastle under Lyme Local Plan and the aims and objectives of the National Planning Policy Framework.

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:
 - Location and Block plan, date stamped as received on 15th June 2012
 - Design and Access Statement, received 15th June 2012
 - Amended detailed plan (drawing no PR/TB/2012 Amendments a), date stamped as received on 25th June 2012
- R2. For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place until full details of the external facing and roofing materials to be used, the materials and finish for the windows, and the materials to be used for the surfacing of the parking and turning area shown on the approved plans, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- R3. In the interests of the character and appearance of the Conservation Area to comply with the requirements of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.
4. Notwithstanding the provisions of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (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 house hereby approved, as referred to in Schedule 2, Part 1, Classes A to H and Schedule 2, Part 2, Class A shall take place unless it has been the subject of a prior planning permission from the Local Planning Authority.
- R4. To safeguard the living conditions of adjoining occupiers and in the interests of the character and appearance of the Conservation Area to comply with the aims and objectives of NPPF and the requirements of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.
5. Prior to the commencement of development, details of the existing and the proposed ground levels within the site and the proposed slab levels of the dwelling hereby

permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- R5. To safeguard the living conditions of adjoining occupiers and in the interests of the character and appearance of the Conservation Area to comply with the aims and objectives of NPPF and the requirements of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.
6. No development shall take place until full details of the existing and proposed boundary treatments, to include the retention of the existing wall on the eastern boundary, have been submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment shall be carried out in accordance with the approved details and shall be completed before the permitted dwelling is first occupied.
- R6. In the interests of the character and appearance of the Conservation Area to comply with the requirements of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.
7. No development shall take place until full details of the passing place to the northern side of The Butts, as shown on the approved plans, have been submitted to and approved in writing by the Local Planning Authority. The passing place shall be provided in accordance with the approved details prior to work commencing on the construction of the dwelling hereby permitted, and shall thereafter be retained.
- R7. In the interests of highway safety to comply with the aims and objectives of the NPPF.
8. Prior to the commencement of development, 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 residential waste arising from same shall be forwarded to the Local Planning Authority for approval. Thereafter the collection arrangements for residential waste shall be carried out in accordance with the approved scheme.
- R8. In the interests of visual amenity, residential amenity and sustainability requirements in accordance with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and the aims and objectives of the NPPF.
9. Prior to the commencement of the development hereby approved, full and precise details of a landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season after completion of the development, or within 12 months of the commencement of the development, whichever is the sooner and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.
- R9: To protect amenity, in accordance with Policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, and the aims and objectives of the NPPF.
10. In the event that contamination is found or is suspected to be present, at the site when carrying out the approved development then development shall be halted (unless otherwise agreed in writing with the Local Planning Authority), and it must be reported in writing to the Local planning authority. An investigation and risk assessment must be undertaken, in accordance with the requirements of

BS10175 (2001) – Investigation Of Potentially Contaminated Sites Code of Practice, BS8485 (2007) Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments, and CLR 11 Model Procedures For The Management Of Land Contamination, issued by The Environment Agency, and any remedial proposals submitted and agreed in writing prior to the recommencement of the development. Prior to commencement of the proposed use of the site written confirmation that no contamination was found or suspected or if remedial actions were required independent validation that proposed remedial measures have been carried out in accordance with the agreed scheme. The validation report shall contain:

(i) A full description of the works undertaken in accordance with the Remediation Proposals.

(ii) Results of any additional monitoring or testing carried out between the submission of the Remediation Proposals and the completion of remediation works.

(iii) Movement permits of all materials taken to and from the site

(iv) A statement signed by the developer or the approved agent, confirming that all the works specified in the Remediation Proposals have been completed.”

R10: To ensure that risks from contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to unacceptable risks from contamination during construction in accordance with Policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011.

11. 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 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. Further information regarding the requirements of Newcastle under Lyme Borough Council can be obtained from <http://www.newcastle-staffs.gov.uk/general.asp?id=SXC118-A7804E47&cat=562> or 01782 742 595

R11: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to unacceptable risks from contamination during construction in accordance with Policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011.

12. Prior to the commencement of the development hereby approved, full and precise details of the drainage works for the disposal of both surface water and foul sewage, incorporating sustainable drainage principles shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the permitted details.

R12: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Notes to applicant

1. The applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers. United Utilities offer a fully supported mapping service at a modest cost for our water mains and sewerage assets. This is a

service, which is constantly updated by our Property Searches Team (Tel No: 0870 7510101). It is the applicant's responsibility to demonstrate the exact relationship between any assets that may cross the site and any proposed development
Please note, due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction, please contact a Building Control Body to discuss the matter further.

2. You are advised that should any non virgin materials be brought onto site as part of the development e.g. construction and demolition arisings, road planings, recovered aggregates, or, should there be a need to dispose of materials on site for example by burying or burning that an exemption from a requirement to hold an Environmental Permit may be required from the Environment Agency. In certain cases an application for an Environmental Permit may be required. Further details can be obtained from the Environment Agency:
Web: <http://www.environment-agency.gov.uk/>
Enquiries: 08708 506506

Performance Checks	Date		Date
Consultee/ Publicity Period	27.7.2012	Decision Sent Out	
Case Officer Recommendation	15.8.2012	8 Week Determination	22.8.2012
Management check	15/8 ESM		

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OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr Lees **Application No** 12/00344/FUL

Location Whitegates, Main Road, Betley

Description Retention of detached garage

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 NC13: Protection of trees, hedgerows and woodlands

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 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 B15: Trees and landscape in Conservation areas

Policy N12: Development and the protection of trees

Other Material Considerations

Relevant National Policy Guidance:

National Planning Policy Framework (2012)

Newcastle under Lyme Borough Council's Register of Locally Important Buildings and Structures (2011)

Betley Conservation Area Appraisal (2008)

Betley Conservation Area Management Plan (2008)

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)

Planning History

03/00128/FUL

Permitted

02.04.2003

Two storey rear extension

Views of Consultees

Betley, Balterley and Wrinehill Parish Council – no objection to the application, but in view of the comments from the neighbour about the reduction in light, which is also of concern to the Parish Council, if the Borough Council is minded to give planning consent it will need to confirm that the development has not had a significant adverse impact upon the natural light available to the neighbouring property. The Parish Council also has concerns that the footings of the building will have an adverse impact on the roots of the hedge (which is itself a feature of the Conservation area), leading to dieback.

Conservation Advisory Working Party – No objections

Landscape Division – No objections, however if within the next two years it becomes evident that damage has been caused to the existing hedge on the southern boundary of the site then the affected section should be replanted or suitable remedial works carried out

Representations

Two letters of representation have been received, which are summarised below:

Letter 1

- Unhappy that the garage is too close to the established Holly Hedge, making it difficult to maintain.
- The footings could possibly kill the hedge
- This will impact the conservation area

Letter 2

- Strongly object
- The plans state that the layout is on the same footprint as the old garage apart from 2 metres longer, which is incorrect, it is wider and taller than the previous garage
- The new garage stands above the old established holly hedge whereas the old one was below it
- The height above ground level measured from the objectors' side is now over 2.6 metres and blocks light from the kitchen working area.
- The previous garage was not visible over the hedge
- The west end of the new garage extends across the end of the objectors conservatory, which is imposing and again taking light from the area where the objector eats all of their meals
- The garage is closer to the boundary
- The application states that no hedges need pruning to carry out the proposal the established holly hedge was severely pruned prior to digging out the footings on 16th April 2012. The roots of the hedge were disrupted and the objector is concerned for the maintenance and ongoing life of the hedge
- It is that close that the new garage wall has not been pointed and neither the wall nor hedge will be able to be maintained

Applicants/agents submission

A Design and Access Statement, incorporating a heritage statement, has been submitted with the retrospective planning application, which can be viewed on Public Access on the Borough Council's website.

Key Issues

Retrospective planning permission is sought for the retention of a detached garage at Whitegates, Main Road, Betley, which is a detached single storey dwelling located in the Betley Conservation Area, as designated in the Local Development Framework Proposals Map.

The garage measures 6.1 metres in length, by 3.2 metres in width, by 2.9 metres in height at its highest point. There is a slight change in ground level, meaning at one end the garage is 2.4 metres in height, but rises to 2.9 metres where the ground level drops at the rear.

Red facing bricks have been used to construct the garage, with areas of pebble dash render.

The key issues in the consideration of this application are:

- Design and the impact on the conservation area
- Impact on amenity
- Impact on trees and hedgerows

Design of the proposal and the impact on the Betley 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.

Section 12 the NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Further, it 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 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.

Both the Conservation Advisory Working Party and the Conservation Officer have no objections to the garage.

The garage is not visible from the highway and is set a considerable distance back from the road. Whilst it has little design merit, neither does the dwelling, but it is not believed that it would have any impact upon the character or appearance of the Betley Conservation Area.

The proposal is therefore considered acceptable in terms of Policies NC19 of the Staffordshire and Stoke on Trent Structure Plan, Policy CSP 2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026, policies B9, B10, B13, B14 and B15 of the Newcastle under Lyme Local Plan 2011 and the guidance contained within the National Planning Policy Framework.

Impact on 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.

An objector has strong objections to the loss of light to their kitchen window on the side of the property immediately adjacent to the application site, and also their conservatory which is used as a dining area.

In terms of the loss of light to the side facing kitchen, the new garage only conflicts with the 45 degree in the horizontal when taken out towards the rear (west). When taking the 45 degree line up in the vertical, the new garage does not cross the 45 degree line, therefore meets the Space around Dwellings guidance. It should be noted the application site is sited the north of the neighbouring property windows and as such would not adversely cause any adverse over shadowing by this orientation.

In terms of the impact upon the conservatory, the garage does not conflict with the 45 degree line when taken from the rear windows of the conservatory, therefore the garage meets the requirements of the Space Around Dwellings SPG.

The garage does not cause any adverse loss of privacy to any neighbouring occupiers, therefore is acceptable in this regard.

Overall, in terms of residential amenity, the garage is considered acceptable.

Impact to trees and hedgerows

The garage is immediately adjacent to an existing Holly Hedge. 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 and design.

Policy B15 of the Local Plan “Trees and Landscape in Conservation Areas” states that trees and landscape features which contribute to the character and appearance and are part of the setting of a Conservation Area will be retained. Where consent is given to remove protected trees, conditions will be imposed to require trees of an appropriate species and size to be planted and replaced if they die within 5 years.

The Landscape Division has no objections to the development, however, if within the next two years it becomes evident that the hedge has been damaged, the affected section should be replanted or suitable remedial works carried out.

With the inclusion of a condition to ensure the above is carried out, it is considered that the development is acceptable in relation to impact on trees and hedges, and in compliance with Policy N12 and B15 of the Newcastle under Lyme Local Plan.

Reasons for the grant of planning permission

The proposed development would preserve the character and appearance of the Conservation Area. The proposed development would have an acceptable impact upon residential amenity, and would not harm any protected trees surrounding the development. The proposal therefore complies with policies D2, D4, NC13 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, policies B9, B10, B13, B14, B15 and N12 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 hereby permitted shall be carried out in accordance with the following approved plans:
 - Design and Access Statement, received 27th June 2012
 - Detailed plan, received 18th June 2012
- R1. For the avoidance of doubt and in the interests of proper planning.
2. If within 2 years of the date of this permission, it becomes evident that damage has been caused by the works to the existing hedge on the southern boundary of the site, then the affected section should be replanted or suitable remedial works carried out in accordance with details submitted to and approved in writing by the local planning authority beforehand.
- R2: In the interests of the protection of the hedge on the site, in accordance with Policy N12 and B15 of the Newcastle under Lyme Local Plan, and Policy NC13 of the Staffordshire and Stoke on Trent Structure Plan.

Notes to applicant

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

Performance Checks	Date		Date
Consultee/ Publicity Period	27.7.12	Decision Sent Out	
Case Officer Recommendation	20.8.12	8 Week Determination	22.8.12
Management check	PR revised 20.08,2012		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr J Burgess

Application No - 12/00362/AGR

Location Old Hall Farm, Main Road, Betley

Description Extension of Existing Dutch Barn

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

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

ASP6: Rural Area Spatial Policy
CSP1: Design Quality
CSP 2: Historic Environment
CSP 3: Sustainability and Climate Change
CSP4: Natural Assets

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

Policy D1: Sustainable 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

Newcastle-under-Lyme Local Plan 2011

Policy S3: Development in the Green Belt
Policy N17: Landscape character: general considerations
Policy N18: Area of Active Landscape Conservation

Other Material Considerations

Relevant National Policy Guidance:

National Planning Policy Framework (March 2012)

Annex E (PPG 7): Permitted Development Rights for Agriculture and Forestry

Supplementary Planning Guidance

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

Planning for Landscape Change: Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, formally adopted on 10 May 2001

Space around Dwellings Supplementary Planning Guidance

Betley Conservation Area Appraisal (2008)

Planning History

11/00445/AGR	Permitted	17.10.2011	Cladding of existing Dutch barn
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Views of Consultees

County Archaeologist – would be unlikely to impact upon sensitive below ground archaeological remains. As such it is considered that should the scheme receive approval, archaeological mitigation would not be appropriate

Betley, Balterley and Wrinehill Parish Council – Objects most strongly on the following grounds:

- a) the facility should be sited elsewhere on the holding for sound agricultural reasons;
- b) the application is defective in the following particulars:
 - 1) the location plan is inaccurate in placing the edge of the proposed building some 10m from the access way when in fact it will come to its edge;
 - 2) the application states that the building is located 50m from Old Hall when in fact it is 14.3m from the boundary wall with Old Hall, and 28.3m from the Old Hall building;
 - 3) the new building is described as an extension despite being 22.86m x 12.192m against the 18.5m x 7.4m size of the existing building; the new building would also not appear to use any part of the existing structure for support, and the existing building does not appear capable of supporting the new structure in any event;
- c) the development would be visually intrusive and have a very significant adverse impact on a nationally important listed building (Model Farm, Grade II*) and other significant listed buildings (Old Hall, Grade II* and The Dovecote, Grade II), by its intrusive impact on the context of the assembly of listed buildings both individually and as a grouping;
- d) the proposed development, by virtue of its siting, design, scale and materials, would irreparably harm the character, appearance and special interest of the Conservation Area;
- e) the proposed development is contrary to Local Plan 'saved' policies B5, B9, B10 and B13, which are intended to preserve and protect the special character, appearance and setting of buildings and areas of special merit, such as Listed Buildings and Conservation Areas.

Conservation Officer – Objects strongly. Reservations about the proposal to erect a large barn in this sensitive location (Conservation Area and adjacent Grade II and Grade II* Listed Buildings). Accept that the buildings were a farmhouse and associated farm buildings, the other buildings have been left redundant for many years and have not been farmed for a long time. The applicant who used to own the Model Farm sold it to developers for a hotel and spa. Concern that no heritage statement has been provided.

Given the amount of land that the applicant owns, there is probably a less sensitive site which should be considered. Considers the siting of this modern barn is inappropriate and harmful to the setting of the significant heritage assets and unnecessary.

Following receipt of the applicant's justification: considers that all of the other locations that have been put forward, except the stackyard, are in locations which would not affect the view of the listed buildings from one to the other, and they would still have a clear relationship between each other. Such a large building will have an impact on the landscape in any of the proposed locations. The building does not need to be adjacent to the Dutch barn. During the application for the hotel and spa, the car park was proposed in the area known as the water meadow. The Council was minded to consider some ground works to this site but it was the extent which was found to be unacceptable. Considers the area west of the Water Meadow (area 4) and the paddock would have less impact on the significance of the listed buildings, not being in the middle of them all. These areas should not be dismissed, and the Paddock (area 5) will have less impact on the model farm complex. There is also space next to the store in Balterley to erect another barn, although it would be slightly more inconvenient to transport any hay etc. The development would not make a positive contribution to the Conservation

Area, is not convincing in its justification to site the building in the proposed site and that the harm cause is not outweighed by any likely benefits to any listed buildings on the site.

Environmental Protection – No objection subject to conditions relating to the reporting of unexpected contamination being found, and importation of soil

Conservation Advisory Working Party – Strongly object on the grounds that the introduction of a modern agricultural building at this location would be harmful to the setting of the adjacent listed buildings which are an important collection of heritage assets and a Model Farm of particular significance and rarity value. The relationship between these buildings and the local landscape would be harmed, and the character and appearance of the Betley Conservation Area which this group of buildings make a significant contribution to, would be harmed.

English Heritage – Although English Heritage has not seen any plans relating to the proposed development they strongly object to the principle of siting further modern agricultural buildings in this open area. Development here will be visually intrusive, interrupt views between and understanding of the historic relationships between the listed buildings, causing substantial harm to their significance and to their contribution to the character of Betley Conservation Area. The development would not support the Government's advice at Para. 131 of the NPPF of development sustaining and enhancing the significance of heritage assets, or making a positive contribution to local character and distinctiveness. English Heritage are not aware of any arguments to show the proposal would deliver substantial public benefits which would outweigh the harm to the heritage assets (NPPF Para 133). English Heritage recommends that the Council require a full planning application for the development. Further recommend that planning permission should be refused on the grounds that the siting and appearance of the new structure would cause substantial harm to the setting of the adjacent listed buildings and the character and appearance of Betley Conservation Area.

Representations

13 separate representations (all objections) have been received. They are summarised below:

- Sited in a Conservation Area, which is inappropriate
- The impact of a modern farm building of this size in the middle of the group of Listed Buildings would undermine the visual integrity of the whole group and the relationship between the individual buildings from most directions and from Main Road, public footpaths and the Old Hall
- Close proximity of the proposed extension to the existing Listed Dovecote, Old Hall and Model Farm Barns would put them at an increased risk of fire, damage caused by vehicular activity in a confined area and rainwater run off
- Difficult to see how there is any justification for putting this additional building within the existing group in the Conservation Area, when the applicant has such a large acreage available nearby and not living on site
- The existing buildings should be preserved, used, restored and maintained
- In the justification of the requirement for the building to go in this location, the applicant has presented a restricted choice of only five locations, two of which are within Betley Conservation Area, one of which is an ancient water meadow and one an orchard
- The Stackyard, is not easily accessible, and should the application be permitted, there would be no space for the turning of large farm vehicles, as it is hemmed in by a Grade II* Listed wall, a fence and the Grade II Dovecote. There is also a right of way running through this area which must be kept unrestricted at all times
- The applicant does not live at the farmhouse and the Listed Buildings form a heritage site and are not used for farming. Therefore no reason to centre the applicant's farming operation in this sensitive location in Betley Conservation Area
- The loss of agricultural land should not be a material concern. The proposed barn has a 260 square metre footprint which is 1/14th of an acre. Out of 200

acres this represents 0.035% of the applicants holding and would cover enough land to make approximately one large bale of hay worth about £25

- The applicant's main concerns seem to be the necessity for the provision of fences and gates, the need for hard standing, the loss of agricultural land and the possible fragmented appearance of the farm. All the sites mentioned already have adequate gates and fencing
- The visually fragmented argument is redundant as by the applicant's own criteria the listed buildings must already be in positions that he would judge to look fragmented. If modern buildings placed next to them look fragmented then so must the original buildings. According to Annex E of PPG 7 "new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Also, "the visual impact of a poorly situated building cannot easily be reduced... in some cases a site elsewhere on the agricultural land would be preferable."
- Drainage for the proposed barn would be totally inadequate for the amount of water that would run off the barn roof. Serious problem with flooding on the A531 (not the A52) at the bottom of the access road that the Council have made several unsuccessful attempts to alleviate. Piping the water away downhill will exacerbate the problem
- The applicant has failed to demonstrate that the building is reasonably necessary for the purposes of agriculture, given that the existing agricultural buildings on site are underutilised. More efficient use of these buildings, in the substantial and secure agricultural building adjacent his property in Balterley could meet the current operational needs of the farm operation.
- The provision of a single, large building for both farm produce and farm machinery is not operationally efficient, given the potential for contamination, differing security and height requirements. Future needs might be better served by providing two smaller buildings. Annex E, Paragraph E31, recognises that the impact of a single large building can be reduced by the use of one or more smaller buildings giving greater flexibility both in location in terms of operation
- The applicant's analysis of other sites within his holding is too limited in that it does not examine sites elsewhere within the wider holding using other accesses. It dismisses any sites west of the A531 for no good reason: for instance, the site opposite the entrance to Old Hall Farm seems ideal.
- Annex E in Paragraphs E16 and E22 highlight the requirement to consider the effects of development on the landscape in terms of visual amenity and the desirability of preserving ancient monuments and their settings, known archaeological sites, Listed Buildings and their settings. Paragraph E27 states it is better to separate new buildings of modern design from traditional buildings to avoid conflict and new buildings should be blended into the landscape.
- The proposed development by virtue of its siting, design and materials will irreparably harm the character, appearance and special interest of Betley Conservation Area and important Listed Buildings, two of which are Grade II* of special national significance
- The Grade II* Betley Old Hall, Grade II* Model Farm and the Grade II Dovecote form a nationally important group of rare and protected buildings, in the process of being renovated, demonstrating an historic example of farming technique from a bygone age. The buildings are extremely beautiful edifices arranged around a small stackyard that already contains one small hay barn which already restricts the views of these precious buildings.
- The proposal would block the sight lines between these buildings, breaking up the group and cutting them off from each other
- The proposed barn would be a permanent structure, towering over the listed buildings oppressively, having a devastating effect
- The proposed barn would come to the edge of the right of way and extend right the way back to the wall of the Old Hall.
- The back of the barn would reach to just 4 metres from the wall of the Old Hall, 14 metres from the gates, 27 metres from the Old Hall, 15 metres from the wall of the Model Farm and 6 metres from the Dovecote
- As these are listed buildings it is the distance from the curtilage which should be taken into account
- The proposed barn would be a freestanding building not an extension. The barn it is to be attached to would not be able to support it.

- From a farming perspective, there is no valid need to site this barn in this sensitive, protected area, when there is so much other available land outside of the Conservation Area, with much better access and much more room to manoeuvre large farm vehicles
- The applicant has had many ideas over the last 10 years as to how to maximise profits from this small Conservation Area. He has twice applied for permission to turn the Dovecote and the small adjacent barn into a modern house, has sold the Model Farm to speculators to be turned into a hotel complete with a Moroccan Bar and with the opportunity for further development in his land, turning the ancient water meadow into a hotel car park and further fields into an access road. He has sited a builder's yard there for a ground works company of which he was the director, covering the stackyard with industrial sized vehicles. Now he proposes to erect an enormous barn, in order to enable him to retain the Single Farm Payment subsidy under the new rules
- A barn filled with hay, farm machinery and fuel would be extremely hazardous so near an ancient timber framed house coated with bitumen. An earlier small hay barn, much further from the Old Hall burnt down in the 1970s, almost taking the Old Hall with it
- What is the point in having a designated Conservation Area and listed status for heritage assets unless we are able to protect them?
- The increased activity from large farm vehicles and road lorries would create a danger to walkers, Old Hall residents and possible damage to the adjacent listed walls.
- It cannot be considered as an Agricultural Development within Permitted Development rights without strong independent supporting information
- The barn does not need extending or another one building as the current one has not been used for 20 years
- The proposed development is contrary to the Development Plan: the National Planning Policy Framework, Newcastle under Lyme and Stoke on Trent Core Spatial Strategy, Newcastle under Lyme Local Plan 2001 "saved policies". These documents contain policies to conserve and enhance the historic environment and the "saved policies" B5, B9, B10 and B13 designed to preserve and protect the special character and appearance and setting of buildings and areas of special architectural and historic interest
- The applicant states that the building is required to support and develop an agricultural business. The applicant does not farm the land, much of the land is leased to sheep farmers for grazing, and they make no use of the existing buildings. The existing buildings are mainly empty, so for a development of this impact, some formal justification is required
- If you more than double the size of the existing barn and use it to store improvements and produce it cannot be true that there will be no additional traffic
- Despite what the applicant states, the proposed development is to be erected just 25 metres from the Old Hall dwelling house.
- A farmer sites his buildings near to his farmhouse for convenience. As the applicant lives away from the site and the farmhouse is in separate ownership, the proposed building should be site elsewhere on the applicant's 200 acre farm, all of which lies outside of the Betley Conservation Area
- The Dovecote is cracked from top to bottom and the extensions are separating from the main tower. The poor condition is not only caused by neglect but also due to it being undermined by the water running off the roof of the Dutch barn. The addition of another large building would mean an even larger area of ground is prevented from acting as a soak away. The extra water running off the two large roofs will cause what is left of the stackyard to become waterlogged, affect the other surrounding listed buildings and exacerbate the problem of flooding on the main road at the bottom of the hill.

Applicants/agents submission

A covering letter has been submitted with the application, which is summarised below:

- The extension of the Dutch barn is requested under Permitted Development Rights part 6 Class A (a) extension of an existing building as reasonably necessary for the purpose of agricultural within the unit

- To provide storage for farm implements and produce (not livestock). The extra storage space is required to support and develop the agricultural land based business
- The site is agricultural land, and is surrounded with agricultural buildings with the exception of the former farmhouse. The Old Hall Farm House would be approximately 50 metres from the proposed extension. The Dutch Barn is not a listed building or is it contiguous with other listed buildings
- The materials would fit in with the setting and match the existing Dutch Barn, the design of the extension is typical of farm buildings with the exception of the timber cladding which would be more pleasing to the eye in this setting. The ridge height of the extension is lower than the Dutch Barn
- There would not be an increase in traffic flow as the building is just to support the farm business
- The NPPF promotes sustainable development Paragraph 14 with the presumption in favour of sustainable development Paragraph 28 promotes the development of agriculture and Paragraph 89 Green Belt exempts agricultural buildings

An agricultural justification for the development has been submitted with the application, which is summarised below:

- The farm is on the edge of the village of Betley. The land falls into two parcels of about 100 acres each. This comprises of 100 acres to the east of the A52 and 100 acres to the west of the A52.
- Land to east is all unimproved pasture, with the exception of 17 acres accessed from Bow Hill Lane, this field is a hay meadow (unimproved pasture is old turf which is species rich and valuable environmentally). It has been to grass since before 1900's. It is not suitable for the production of forage due to the undulating landscape
- Land to the west is all improved pasture with the exception of the water meadow. This was arable land and is suitable for hay/ silage or other arable crops.
- Due to the land use it is not viable to transport all the produce across the A52 for storage on the east side of the farm
- The requirements for the site include ease of access for machinery, level ground to reduce ground works, restriction of public view or obstruction of public right of way, impact on listed buildings, cost of site i.e. taking productive agricultural land out of production. Cost of roadways/ fencing and gates etc
- Sites that the applicant considered when deciding where to situate the barn: Stackyard, South west of the Smithy, the Orchard, West of Model Farm Complex on Water Meadow, Paddock further west of Model Farm Complex.

	Site	Ease of Access	Level Ground	Restricted public view from R.O.W	Positive Impact on listed buildings	Cost of site
Stackyard	1	Yes	Yes	Yes	No	Yes
South west of Smithy	2	Yes	No	No	No	Yes
Orchard	3	No	No	No	Yes	Yes
West of water meadow	4	Yes	Yes	No	No	No
Paddock	5	No	Yes	No	Yes	No

- The applicant goes on to discuss why each site other than the stackyard is unsuitable for the proposed barn
- Conclusion – the most viable option and with least overall impact would be the stackyard. With only a limited loss of view from the public right of way to the Old Hall Farm House. The existing views between the House, the Model Farm and the Dovecote are already affected by the Dutch barn. The proposed buildings would therefore not affect the existing view.
- Building design – the building would be portal frame of steel construction similar to the Dutch barn, and typical of modern agricultural buildings. It would be clad in Yorkshire boarding with grey fibre cement roof to match the Dutch barn.
- The building will not require a concrete slab and ground works will be minimal with approximately fourteen, 600mm square holes, 900mm deep for each leg of the building. Rainwater would be piped from the site to a soak away, sited downhill from the Dovecote thus not having an impact on the footing of the listed building and keeping the surrounding site dry
- Other buildings available for use – The only buildings available to support the 200 acre farm at present are the Smithy, Dovecote, Dutch barn and the machinery store/ workshop at Balterley.
- The Smithy is not accessible by tractor and is used for storage of fencing materials
- The Dovecote is not accessible with a tractor and is used for storage of draining materials and general farm tools
- The Dutch barn will be used for Hay
- The machinery store / workshop at Balterley are used for machinery, farm chemicals, diesel, ladders and general metal working tools. This building is secure and alarmed.

In response to the Conservation Officers comments:

- The proposed building on the stackyard site does not affect the view of the heritage assets between each other. The Dutch barn already restricts the view and there has been a Dutch barn in this location since before 1925 see 1925 map and there were 2 Dutch barns until 1975
- I would argue that the proposal fits NPPF Para 137 as the modern agricultural buildings will better reveal the heritage assets significance as these are the type of buildings that you would expect to find on a farm

Key Issues

The application is for the prior approval of the siting and appearance of an agricultural building, at The Old Hall Farm, Main Road, Betley, which is within the Betley Conservation Area, the Green Belt, and an Area of Active Landscape Conservation as designated by the Local Development Framework Proposals Map.

The proposed building would be an extension to an existing agricultural building on the site. It would measure 3960mm to eaves height, and 5600mm to the ridge height. It would measure 23.5 metres in length by 13 metres in width. In relation to the existing Dutch barn, it would be lower in terms of the eaves height and ridge height, but would be wider and longer than the Dutch barn.

Materials are proposed to be Yorkshire Boarding to match the existing Dutch barn. Cladding is proposed to the rear and side, and just over half the front elevation.

It is important in the first instance to be satisfied that the development constitutes agricultural permitted development. Part 6 Class A rights are claimed so the Local Planning Authority must satisfy itself that;

- This is agricultural land
- That such land is comprised in an agricultural unit of more than 5ha
- The proposed buildings cover a ground area of less than 465m²
- That the works are reasonably necessary for the purposes of agriculture within that unit and the building is designed for the purposes of agriculture

The proposed building would be an extension to an existing agricultural building on the site. When added to the floor area of the existing building, the cumulative floor area would be approximately 437.98 square metres.

Having visited the application site as well as viewing the application form submitted as part of this application, and aerial photography it would appear that these tests are met and the proposal constitutes agricultural permitted development. In view of this, full planning controls over this development do not exist. The principle of the development is accepted and the objective of the planning authority is to consider the effect of the development in terms of its siting, design and external appearance.

The proposed extension to the Dutch barn would be in close proximity to a number of Listed Buildings. These are the Grade II Listed Dovecote to the north west of the proposed extension, The Grade II* Listed 15th Century Old Hall Farm House to the east of the proposed site of the extension, the Grade II* Betley Model Farm Complex to the south of the proposed site for the extension, the Grade II Listed Smithy, to the north west of the proposed site of the extension, and the Grade II Listed Pig sties to the south east of the site.

The Old Hall Farm House, piggery, and Model Farm complex are owned separately to the stackyard, Dutch barn, Dovecote and Smithy. The applicant therefore does not live at the site.

Whilst not retained as policy guidance when the NPPF was introduced Annex E to PPG 7 provided advice on permitted development rights for agriculture and forestry and the determination process. Whilst limited weight can be given to this document, the advice contained is not inconsistent with policy set out in the NPPF and it is considered that it retains some value in the consideration of prior determination applications. It states, at paragraph E16, that local authorities should always have full regard to the operational needs of the agricultural and forestry industries; to the need to avoid imposing any unnecessary or excessively costly requirements; and to the normal considerations of reasonableness. It goes on to state that local authorities will also need to consider the effect of the development on the landscape in terms of visual amenity and the desirability of preservingsites of recognised nature conservation value. They should weigh these two sets of considerations.

Whilst the site is within the Green Belt the issue of principle is not a matter for consideration given that the application relates to permitted development.

The remaining key issues to be addressed therefore are:

- Whether the siting, design and external appearance of the proposed building is acceptable in terms of its impact upon the Betley Conservation Area?
- Whether the siting, design and external appearance of the proposed building is acceptable in terms of its impact upon the surrounding Grade II and Grade II* Listed Buildings
- Whether the siting, design and external appearance of the proposed building is acceptable in terms of its impact upon the Area of Active Landscape Conservation
- Applicant's justification of the siting of the agricultural building, and whether it overcomes any harm that would be caused to the Conservation Area and Listed Buildings.

Is the siting, design and external appearance of the proposed building acceptable in terms of its impact upon the Betley Conservation Area and the surrounding Grade II and Grade II* Listed Buildings?

Policy CSP 2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy states that both councils will seek to preserve and enhance the character and appearance of the historic heritage of the City and the Borough including buildings, monuments, sites and areas of special archaeological, architectural or historic interest.

Policy B9 of the Local Plan states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B10 of the Local Plan states that permission will be granted to construct, alter the external appearance of 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 list of criteria being met:

- i) The form, scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailing respect the characteristics of the buildings in the area
- ii) The plot coverage characteristics respect those of the area

- iii) Historically significant boundaries contributing to the established pattern of development in the area are retained
- iv) Open spaces important to the character or historic value of the area are protected
- v) Important views within, into and out of the area are protected
- vi) Trees and other landscape features contributing to the character or appearance of the area are protected.

Policy B13 of the Local Plan states that applicants need to 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 building would be sited in part of the Betley Conservation area that is of considerable historic value. It is considered that the siting of this extension to the Dutch barn in this location would harm the character and appearance of the Conservation Area, in terms of its overall size, bulk and appearance. It is considered that the proposed siting and appearance of the extension to the Dutch barn would not preserve or enhance the character or appearance of the Conservation Area, and would harm views within, into and out of it. It would interrupt important views and relationships between the surrounding Listed Buildings which give this part of the Conservation Area a significant amount of its special and unique character.

Paragraph 129 of the NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a Heritage Asset. Paragraph 131 goes on to state 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.

Paragraph 132 states that great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be, as significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to Grade II Listed buildings should be exceptional and substantial harm to Grade II* Listed Buildings should be wholly exceptional.

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

Paragraph E27 of Annex E to PPG 7 states that new buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict. Paragraph E33 of Annex E to PPG 7 states that it will normally be appropriate to use traditional or sympathetic materials for developments taking place in the setting of a listed building or in a conservation area.

The proposed extension to the Dutch barn would be in close proximity to a number of Listed Buildings. These are the Grade II Listed Dovecote to the north west of the proposed extension, The Grade II* Listed Old Hall Farm House to the east of the proposed site of the extension, the Grade II* Betley Model Farm Complex to the south of the proposed site for the extension, the Grade II Listed Smithy, to the north west of the proposed site of the extension, and the Grade II Listed Pig sties to the south east of the site.

The buildings both as individual buildings and as a group are highly significant and the Local Planning Authority has a duty to protect their significance and setting. No attempt has been made to preserve the setting or significance of the listed buildings surrounding the application site. The proposed development would be visually intrusive, interrupt views between and understanding of the historic relationships between this collection of listed buildings, cause substantial harm to their significance and to their significant contribution to the character of Betley Conservation Area. The harm caused by this development is not considered to be outweighed by any benefits to the adjacent heritage assets or any public benefit.

Overall it is considered that the proposed development, by virtue of its siting, design and external appearance, would cause significant harm to the character and appearance of the Betley Conservation Area and the setting of the surrounding Listed Buildings, both as individual buildings and as a group of buildings. The proposal is therefore contrary to Policies B5, B9, B10 and B13 of the Newcastle under Lyme Local Plan, Policies NC18 and NC19 of the Staffordshire and Stoke on Trent Structure Plan, and the aims and objectives of the NPPF.

Is the siting, design and external appearance of the proposed building acceptable in terms of its impact upon the Area of Active Landscape Conservation?

The proposed extension to the Dutch barn would be located within an Area of Active Landscape Conservation. In these areas the Council will support, subject to other plan policies, proposals that will help to conserve the high quality and distinctive character of the area's landscape. Development that would harm the quality and character of the landscape will not be permitted. Within these areas, 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.

In terms of the proposed building, modern agricultural buildings are normally acceptable in Areas of Active Landscape Conservation. It is considered that the design and materials are acceptable for a Landscape Conservation Area, and the proposal is considered acceptable in this regard, in accordance with Policy N18 of the Local Plan.

Applicant's justification of the siting of the agricultural building, and whether it overcomes any harm that would be caused to the Conservation Area and Listed Buildings.

The applicant submitted a justification of alternative sites within his ownership on the 200 acre unit, and explained why other sites within his ownership would not be suitable for an agricultural building of this size. Firstly, it is considered that not enough sites have been considered in this assessment of alternative sites, and given the amount of land within the agricultural unit (200 acres), there is probably a less sensitive site which should be considered over this highly sensitive location.

The applicant states that 100 acres of the unit lie to the east of the A52 and 100 acres lie to the west of the A52. The criteria used to assess the alternative sites is comprehensive, however it is considered that the number of sites considered is too limited. Further, it is considered that the alternative sites, such as the Water Meadow, have been too easily discounted, for example, in terms of the cost implications, the west of the Water Meadow site has been discounted on cost grounds, with the applicant arguing that the cost of siting the building here and taking the size of the footprint of the building out of production is not considered to be a convincing argument. The floor area of the building would take such a small percentage of the applicant's overall 200 acre agricultural unit away from being farmed. It is considered that this would not significantly harm the business financially.

Overall, it is considered that the justification submitted does not consider enough sites within his 200 acre agricultural unit for the building and discounts some of the identified sites for unconvincing reasons. It is therefore considered that it is probable that there is a more suitable site for an agricultural building within the unit that would have less of an overall impact than the site proposed in this application.

Having full regard to the operational needs of the agricultural holding; to the need to avoid imposing any unnecessary or excessively costly requirements; and to the normal considerations of reasonableness and weighing this against the requirement to preserve the setting of the listed buildings and the character and appearance of the Conservation Area it is considered that the application should be refused.

Recommendation

Prior approval of the siting and appearance of the agricultural building be **refused for the following reasons:**

1. The proposed siting, design and external appearance of the proposed extension to the Dutch barn would cause significant harm to the character and appearance of the Betley Conservation Area. The proposal is therefore contrary to Policies B9, B10 and B13 of the Newcastle under Lyme Local Plan, Policy NC19 of the Staffordshire and Stoke on Trent Structure Plan, Policy CSP 2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy, and the aims and objectives of the National Planning Policy Framework (2012).

2. The proposed siting, design and external appearance of the proposed extension to the Dutch barn would cause significant harm to the character and setting of the surrounding Grade II and Grade II* Listed Buildings. The proposal is therefore contrary to Policy B5 of the Newcastle under Lyme Local Plan, Policy NC18 of the Staffordshire and Stoke on Trent Structure Plan, Policy CSP 2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy, and the aims and objectives of the National Planning Policy Framework.

Performance Checks	Date		Date
Consultee/ Publicity Period	25.7.12	Decision Sent Out	
Case Officer Recommendation	14.8.12	8 Week Determination	21.8.12
Report checked by Back Office			
Management check	15/8 ESM		

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CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
12/00458/FUL	Byrne Cottage, Main Road, Betley. Mrs V Edwards.	Replace ground floor rear window with timber doors and external flue.	Grade II Listed Building within Betley Conservation Area.	Cllr D Becket Cllr A Wemyss
12/00494/FUL	The Coach House, Butterton Road, Butterton. Mrs S Bradbury.	Erection of new brick double garage and store.	Adjacent to Butterton Conservation Area.	Cllr A Howells Cllr D Loades Cllr T Peers
12/477/LBC	Old Springs Hall, Old Springs, Market Drayton. Mr and Mrs Lee.	Extend the depth of 4 windows on the south west elevation.	Grade II Listed Buildings.	Cllr A Howells Cllr D Loades Cllr T Peers
12/00482/FUL	Lymewood Cottage, The Green, Clayton, Newcastle. Mr and Mrs Mickleburgh.	Two Storey side extension.	Clayton Conservation Area.	Cllr S Sweeney Cllr A Heames
12/00485/FUL	Bus Stop, Land Opposite Castle Hill, New Road, Audley. Audley Parish Council.	Erection of a bus shelter.	Audley Conservation Area.	Cllr D Cornes Cllr A Beech Ian Wilkes
12/00559/FUL	9 Brunswick Street, Newcastle. Westlands Estates Ltd.	Conversion and alterations to comprise ground floor retail unit with single storey rear extension and change of use of first and second floors to 6 residential units.	Within Newcastle town centre Conservation Area.	Cllr Taylor Cllr Mrs E Shenton
12/00422/LBC	102 London Road, Knighton. Mrs J Smith.	Demolition of two lean-to buildings within the curtilage of a Listed Building.	Structures are curtilage listed structures in rear garden.	Cllr A Howells Cllr D Loades Cllr T Peers

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