

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mrs K Stanworth **Application No** 11/00534/FUL

Location 28 Hardingswood Road, Kidsgrove

Description Replacement Vehicular Access

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

West Midlands Regional Spatial Strategy

Policy QE3: Creating a high quality built environment for all

Staffordshire and Stoke on Trent Structure Plan 2011

Policy D1: Sustainable 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 2006 – 2026 adopted 2009

Policy CSP1: Design Quality

Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan 2011

Policy H18: Design of Residential Extensions

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:

PPS1: Delivering Sustainable Development (2005)

Companion Guide to PPS1 “The Planning System: General Principles”

PPG13: Transport (2001)

PPG 15: Planning and the Historic Environment

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

Planning History

Nil

Views of Consultees

Conservation Advisory Working Party – No objections

Highways Authority – Object for the following reasons:

- Impracticable to construct an access in the position indicated on the submitted plan that would allow the requisite visibility splays to be provided within land under the applicant’s control
- It would fail to make adequate provision for the turning of vehicles within the site curtilage resulting in an increase in the likelihood of

- highway danger due to drivers having to manoeuvre in a reverse gear into Hardingswood Road.
- The proposed development fails to make adequate provision for the parking of vehicles

Kidsgrove Town Council – No comments received

Representations

One representation was received stating that Hardingswood House does not presently have a vehicular access, and that the proposal seems to refer to the property inhabited by Mr and Mrs Stanworth in Hardingswood Road. Therefore, the proposal is rather confusing and misleading, as the proposal is referring to the wrong address.

Applicants/agents submission

A Design and Access Statement has been submitted with the application, of which the main points are summarised below:

- The site is within a Conservation Area
- The new access is to replace the existing approved access, and to replicate the already approved wall design
- The aim of the submission is to provide improved amenity spaces, and to reduce the amount of hard paving
- The layout has been determined by the form and layout of the existing access to the site
- Parking and vehicle movements required to and within the site are indicated on the scheme drawings
- The scale of the proposals has been influenced by the use of the buildings, and the surrounding houses
- The form, scale and detailing have been influenced by the design of the surrounding houses
- The landscaping of the site will be formal gardens, the paving removed and replaced with turf
- The appearance of the development is traditional and influenced by the needs of the occupants and the points previously raised.
- The drawings fully indicate the appearance both in its form and orientation, and its relationship to other buildings
- The materials used in the construction are natural materials, i.e. facing brickwork. These materials are already accepted materials on other similar developments within the city
- The access to the site is indicated on the submitted plan

Key Issues

Full planning permission is sought for the relocation of the vehicular access to 28 Hardingswood Road, Kidsgrove, which is a residential property located within the urban area of Kidsgrove, and also within the Hardingswood Conservation Area, as designated by the Local Development Framework Proposals Map.

The key issues in the determination of the application are:

- Highway Safety
- Impact on the Hardingswood Conservation Area
- Residential Amenity

Highway Safety

The Highway Authority has objected to the proposal, as it would result in an increase in highway danger. The Highways Authority considers that the application should be refused because it would be impracticable to construct an access in the position

indicated in the submitted plan that would allow the requisite visibility splays to be provided within the land under the applicant's control. Furthermore, the proposed development fails to make adequate provision for the turning of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to drivers having to manoeuvre in a reverse gear into Hardingswood Road, and the proposal fails to make adequate provision for the parking of vehicles within the site curtilage, resulting in an increase in the likelihood of highway danger due to the increased likelihood of vehicles being parked on the public highway. The proposal is less acceptable, from a highway safety perspective, to the existing situation.

Therefore in terms of highway safety, the proposed vehicular access is considered unacceptable and contrary to Policy T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011.

Visual amenity and the impact of the proposed development on the Hardingswood Conservation Area

Paragraph 34 of PPS 1 states that “good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.” Paragraph 36 goes on to state that Local Authorities should ensure that developments are “visually attractive as a result of good architecture and appropriate landscaping.”

The replacement vehicular access will involve the removal of part of the boundary wall, and the construction of a new part of boundary wall of the same design.

The dwelling is located within the Hardingswood Conservation Area in Kidsgrove. A key aim of Policy B13 of the Local Plan “Design and Development in Conservation Areas” is for applicants to demonstrate how they have taken account of the need to preserve and enhance the character or appearance of Conservation Areas in the design of their development proposals. Policy B9 and B10 of the Local Plan also stress the importance of preserving and enhancing Conservation Areas, with Policy B10 stating that the “form, scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailing” should respect the characteristics of the buildings in the area.

Both the Council's Conservation Officer and the Conservation Advisory Working Party raise no objections to the proposed replacement vehicular access and new section of boundary wall. It is therefore considered that the proposed development, subject to controls over the materials to be used and the design, would not be harmful to the character and appearance of the dwelling and the Conservation Area, and would be in accordance with Policies B9, B10 and B13 of the Newcastle-under-Lyme Local Plan 2011, Policy NC19 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, and the aims and objectives of PPS 5.

Impact upon neighbouring occupiers in terms of amenity

In terms of residential amenity, the Council's Supplementary Planning Document, “Space Around Dwellings”, seeks to ensure that development does not affect residential amenity in terms of a loss of light or privacy to neighbouring residents. It is considered that the porch and the dropped kerb would not cause a material loss of amenity to neighbouring residents, and in this regard the proposals are considered acceptable.

Recommendation

REFUSE: for the following reasons:

1. It is impracticable to construct an access in the position indicated on the submitted plan that would allow the requisite visibility splays to be provided within land under the applicant's control. The development is therefore contrary to Policy T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 and the aims and objectives of PPG13.
2. The proposed development fails to make adequate provision for the turning of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to drivers having to manoeuvre in a reverse gear into Hardingswood Road. The proposal is therefore contrary to Policy T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 and the aims and objectives of PPG13.
3. The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked in the public highway. The proposal is therefore contrary to Policy T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 and the aims and objectives of PPG13.

Performance Checks	Date		Date
Consultee/ Publicity Period	16/12/2011	Decision Sent Out	
Case Officer Recommendation		8 Week Determination	28/12/11
Management check	16/12 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Dr Dobson **Application No** 11/00548/FUL

Location Yew Trees, Main Road, Betley

Description Replacement of existing workshop and new 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 D5B: Development in the Green Belt

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 S3: Development in the Green Belt

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:

PPS1: Delivering Sustainable Development (2005)

PPG 2: Green Belts

PPS 5: Planning and the Historic Environment

Companion Guide to PPS1 “The Planning System: General Principles”

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.

National Planning Policy Framework: Consultation Draft (July 2011)

Whilst the draft NPPF is a consultation document which is subject to potential amendment, it nevertheless gives a clear indication of the Government's "direction of travel" in planning policy. Therefore the draft NPPF is capable of being a material consideration. This document gives a strong emphasis on sustainable development objectives and recognises the contribution of renewable and low carbon energy towards climate change objectives, this echoing much of PPS22.

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

Planning History

01/00145/FUL Permitted 12.04.2001 Conversion of existing outbuilding to garage and replace existing flat roof with pitched roof

Views of Consultees

Betley, Balterley and Wrinehill Parish Council – Objects to the application on the grounds that the size, shape and form of the development will have a detrimental impact on the Conservation Area, contrary to Local Plan Policies B.10 and B.13, which require development to preserve or enhance the character or appearance of the Conservation Area. In particular the Council draws attention to the need to respect the setting and character of the walled garden wall, an important retained architectural feature of the Betley Hall Gardens development, within the Conservation Area.

Conservation Advisory Working Party – The garage/workshop is excessively large and its impact will be harmful in relation to the listed wall. If the length and size was reduced, this would reduce the ridge height, or consideration might be given to another roof design including a flat roof.

Landscape Division – No objections subject to tree protection measures during construction

Representations

4 letters of representation have been received from one individual, of which the main points are set out below:

- The site is in a Conservation Area and conflicts with the specific statutory provisions aimed at assisting the preservation and enhancement of the area
- Conflicts with Policy Betley CA No. 1 which states that “the Borough Council will refuse applications on the outskirts of the Betley Conservation Area which could adversely affect the Conservation Area, due to the proposed developments use, height or bulk, losing, or having a negative effect on important views into or out of the Conservation Area.”

- Conflicts with Policy Betley CA No 3: aimed at protecting the rural qualities of the area, whereby the Borough Council will refuse applications for new development in Betley Conservation Area which
 - I) would be unsympathetic to the historic buildings in terms of scale, materials and details
 - II) when replacing an existing building would increase the volume of development on the site
- The proposed garage and workshop breaches both of the above
- Concern that the removal of the lean to workshop coupled with the close proximity of the new foundations will damage the historic wall
- To grant approval would be inconsistent with previous decisions by the Council, one of which went to appeal. The Planning Inspectorate concluded that the development would be “positively harmful” to the character of the Conservation Area.
- The proposed building would be within 4 metres of the house at 7 Betley Hall Gardens, and with its apex higher than the eaves of the house, much needed light would be lost. The ground floor rooms are already very dark as the property faces north west.
- To preserve the natural beauty and open aspect of the woodland area there is a covenant in the objectors Deeds, limiting the height of fencing, and the proposed development would run alongside the objector’s fence line thus breaching this covenant.
- The development would block a badger run
- When the objector purchased their property, the adjoining land, now part of the garden of Yew Trees was an area of natural woodland in a Conservation Area, with trees protected by Tree Preservation Orders. Various unsuccessful attempts have been made over 35 years have been made to facilitate building plans through the destruction of trees by the lighting of fires around tree boles and the unauthorised removal of trees
- Concern that the plans refer to windows of habitable rooms at first floor level. Approval of such a large building would open the door to future conversion
- The proposed building would be visible from the main road, contrary to comments made by the Council’s Conservation Officer
- Commend the neighbour for submitting amended plans in an attempt to reduce the impact of the proposal on the surrounding Conservation Area, however the objector feels that the application lacks sufficient detail to reach a balanced judgement on the revised proposals and the original objections still stand
- The proposed building would still be nearly 4 times the volume of the building it would replace
- Fully concur with the comments of the Parish Council and the Conservation Advisory Working Party
- Following submission of further revised plans, the objector comments that the ridge height would be reduced to fifteen feet, a reduction of 2 and a half feet
- The ridge height would still be five feet above the height of the old garden wall
- The site is large enough to accommodate a building of this size elsewhere, as an old sales brochure referred to in the objection refers to
- Referring to a previous appeal at the site, the objector refers to comments made by the Inspector, relating to, amongst other comments, maintaining the character of the site, and the Inspector’s

comment “in my opinion, there are no conditions which could properly be imposed on a planning permission which would overcome the fundamental objection to the proposed development.”

Applicants/agents submission

A Design and Access Statement have been submitted with the application, outlining the following key points:

- The site of the proposal is on Main Road, Betley, which is a rural area with vast open countryside used for agricultural / grazing. This part of Betley lies within the Betley Conservation Area, its purpose being to preserve and improve the special character of areas of architectural and historic interest.
- The site is elevated from the road with the front elevation facing North West. The property is not visible from the road as the site is screened by well established trees and hedgerows.
- The surrounding area has a loosely knit group of properties all with varying designs /characters and ages.
- It is considered that the proposal will not have a detrimental effect on the surrounding area as the proposal will be in keeping with the existing building on the site and also the building will not be visible from the highway.
- Main Road (A531) is a main thoroughfare which has a public bus service although very limited to times. The main town of Crewe is 6 miles away which has all amenities together with access to the rail network.
- Prior to submitting this application local interest groups, local residents, expert bodies and the Local Authority have not been consulted.
- It is proposed to demolish the existing timber workshop to the rear of the existing garage and rebuild in brick which will include a new garage. The new workshop / garage will have a pitched roof and be sited further away from the existing party wall and increased in width slightly. The existing driveway will be extended to serve the new garage.
- The proposal will match and be in keeping with the surrounding area.
- The site area is 2220m². The existing footprint of the buildings is 37m² and the proposed footprint will be 67m². This proposed footprint can be accommodated on the site comfortably and is considered consistent with this type of building and that of similar buildings in the area.
- The current use of the site is residential and this will remain the same.
- The site is accessed directly off Main Road with a driveway leading to the dwelling and the application buildings. The existing workshop and garage are positioned at the North East corner of the site with the front elevations facing South West. The site is elevated from the highway and also screened by well established mature trees and hedgerow, therefore the application buildings cannot be seen from the highway. Also the proposed windows to the side elevation will not overlook any other property.
- The existing buildings are single storey and due to the levels of the site are stepped. The height of the existing garage measured from the front elevation is 3.5m in height. The proposed workshop measured from the front elevation will be 5.6m. The existing timber workshop which is to be demolished is of similar width as the existing garage. The proposed new workshop is to be re-positioned away from the retaining wall and increased slightly in width therefore being 5.9m and the depth will be 8m.
- The appearance of the new workshop / garage will be constructed out of brick with a pitched roof with materials matching as closely as possible to the existing dwelling on the site. Brick soldier courses and cills are included and the windows will be of timber together with new doors.

- Landscaping already exists on site and will be maintained. The existing driveway will be extended to serve the new garage and will be surfaced in gravel to match the existing driveway.
- The site is elevated from the road and will be accessed via the existing access off Main Road leading to the driveway which access' the existing dwelling and garage. This driveway is to be extended to serve the proposed garage and will be surfaced in gravel to match the existing driveway.

Key Issues

Full planning permission is sought for the replacement of an existing outbuilding with a garage/ workshop extension to an existing garage at Yew Trees, Main Road, Betley, which is a detached residential property located within the Betley Conservation Area, and adjacent to the Green Belt boundary, as designated in the Local Development Framework Proposals Map. There is a locally listed wall adjacent to where the proposed outbuilding would be situated.

The proposed outbuilding extension would measure 5952mm in width by 8019mm in length, and would measure 2.5m to eaves height and 5m to ridge height.

Materials are proposed to match existing materials as closely as possible.

The key issues in the consideration of this application are:

- Impact on the visual amenity of the Green Belt
- Design and the impact on the conservation area
- Impact on amenity
- Impact on trees

Impact on the visual amenity of the green belt

PPG 2 "Green Belts" specifies that

"the visual amenities of the green belt should not be injured by proposals for development within or conspicuous from the green belt which, although they would not prejudice the purposes of including land in green belts, might be visually detrimental by reason of their siting, materials or design."

Policy D5B of the Staffordshire and Stoke on Trent Structure Plan reflects the guidance from the national planning policy guidance note above.

Whilst the site is not within the green belt, the proposed extension would be conspicuous from the green belt. However, in terms of the impact on the visual amenity of the green belt, it is considered that, due to the proposal's small scale and acceptable design, it would not have a detrimental impact upon the visual amenity of the green belt.

The proposal is therefore considered to comply with the aims of PPG 2 to protect the visual amenity of the green belt.

Design of the proposal and the impact on the conservation area

PPS1 (para. 33) states *"Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning."*

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.

The former boundary wall to the Betley Hall estate, which bounds the corner of the plot and is adjacent to the current workshop is on the Council's Register of locally important buildings and structures.

The applicant has made the garage look less domestic in the amended plans. The height of the garage has been reduced, which included the alteration of the proposed roof configuration. In terms of the relationship with the historic wall, the applicant has reduced the height of the garage roof by approximately 750 - 800mm, which is considered would reduce its impact on the wall. The applicant is leaving a gap of approximately 1110mm to the rear of the garage, and approximately 710mm to the side, which is welcomed so that any necessary repairs to the historic wall can be made if required.

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 large and can easily accommodate an outbuilding of this size in addition to the others within the site. In terms of retaining important views within, into and out of the Conservation Area, these views are identified on the Council's Betley Conservation Area Townscape Appraisal Map, and the proposed development would not interfere with any of these identified views.

Policy B15 of the Local plan states that "Trees and landscape features which contribute to the character and appearance and are a 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 the appropriate species and size to be planted and replaced if they die within 5 years." The proposed garage would be located within a mature and heavily landscaped environment and as such is not visible from the road. No trees are proposed to be removed as part of the development. The new garage therefore will be well screened from Main Road.

The proposal is therefore considered in compliance with 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 Planning Policy Statement 5.

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.

The objector has expressed concern regarding loss of light to windows of their property to the rear of the proposed garage.

A 45 degree line has been taken from the objector's property's principal ground floor windows in the horizontal and the vertical. Whilst the 45 degree line hits the proposed garage in the horizontal, it would not conflict in the vertical emphasis, therefore would not result in a loss of daylight. In terms of sunlight, due to the path of the sun through the sky (rising in the east and setting in the west) the proposed garage would be to the west of the objector's property, therefore no impact on sunlight would be caused during the day.

No loss of privacy would be caused by the proposed development. Overall the proposal is considered acceptable in terms of residential amenity, and in compliance with the Council's space around Dwellings SPG.

Impact to trees

The site is currently landscaped with existing trees, some of which are protected by tree preservation orders. As the site is within a Conservation Area, this protects all of the trees on the site. The application form states that no trees are to be felled or pruned to facilitate the proposed development.

Policy N12 of the Newcastle under Lyme 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. Where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme."

The Council's Landscape Division has no objections to the proposed development, subject to tree protection measures being carried out during the construction phase to protect the existing trees at the site.

Therefore, subject to the inclusion of an appropriate condition relating to tree protection measures throughout construction, the proposed development is acceptable in this regard, and in accordance with policy NC13 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011 and Policy N12 of the Newcastle under Lyme Local Plan 2011.

Reasons for the grant of planning permission

The proposed development would preserve the character and appearance of the Conservation Area and would not harm the visual amenity of the adjacent green belt. 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, D5B, 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 and policies S3, B9, B10, B13, B14, B15 and N12 of the Newcastle under Lyme Local Plan 2011.

Recommendation

Permit subject to the following conditions:

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, received on 12th October 2011**
- **Drawing No. 11/1/2890/1, proposed plans and elevations of garage and root protection areas of nearby trees, Amendment E, received 5th December 2011**

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

3. No development shall take place until there has been submitted to, and approved in writing by the Local Planning Authority details of tree protection measures on site. The details shall include:

- a) A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected is to be calculated in accordance with Clause 5.2 of the British Standards BS: 5837 2005 “Trees in relation to Construction – Recommendations.”
- b) Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of British Standard BS: 5837 – 2005 “Trees in relation to construction – Recommendations.”

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.

R3: To ensure that all trees to be retained on site or adjacent to the proposed site are properly protected during demolition/ construction phases in the interests of visual amenity, to protect protected trees and to protect the character and appearance of the Conservation Area, to comply with the requirements of Policy D2 and NC13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B15 and N12 of the Newcastle-under-Lyme Local Plan 2011.

4. 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.

R4: To ensure that all trees to be retained on site or adjacent to the proposed site are properly protected during demolition/ construction phases in the interests of visual amenity, to protect the protected trees on site and to protect the character and appearance of the Conservation Area, to comply with the requirements of Policy D2 and NC13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B15 and N12 of the Newcastle-under-Lyme Local Plan 2011.

5. Prior to the commencement of development on site, full and precise details, including samples, of proposed facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority.

R5: To ensure the satisfactory appearance of the development and in the interests of protecting the character and appearance of the Conservation Area, in accordance with Policy NC19 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, Policy CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026, and policies B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan 2011.

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	27/11/11	Decision Sent Out	
Case Officer Recommendation	7/12/11	8 Week Determination	7/12/11
Management check	RK 7.12.11		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr M Colclough Application No 11/00562/FUL

Location Ivy Cottage, Lymes Road, Butterton

Description Installation of 12 No. solar pv panels (6 panels x 2) on garage roof

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

Policy EN1: Energy Generation

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 D5A: Green Belt

Policy D5B: Development in the Green Belt

Policy D7: Conserving Energy and Water

Policy NC1: Protection of the countryside - General Considerations

Policy NC2: Landscape Protection and Restoration

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

Policy CSP1: Design Quality

Policy CSP2: Historic Environment

Policy CSP3: Sustainability and Climate Change

Policy ASP6: Rural Area Spatial Policy

Newcastle Under Lyme Local Plan 2011

Policy S3: Development in the Green Belt

Policy B5: Control of Development affecting the setting of a listed building

Policy N17: Landscape character – general considerations

Policy N19: Area of Landscape Maintenance

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development

PPG2: Green Belt

PPS7: Sustainable Development in Rural Areas

PPS22: Renewable Energy & Companion Guide

Companion Guide to PPS1 “The Planning System: General Principles”

Planning and Climate Change Supplement to PPS1

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.

National Planning Policy Framework: Consultation Draft (July 2011)

Whilst the draft NPPF is a consultation document which is subject to potential amendment, it nevertheless gives a clear indication of the Government's "direction of travel" in planning policy. Therefore the draft NPPF is capable of being a material consideration. This document gives a strong emphasis on sustainable development objectives and recognises the contribution of renewable and low carbon energy towards climate change objectives, this echoing much of PPS22.

Planning History

None relevant to the determination of this planning application

Views of Consultees

The Conservation Advisory Working Party have no objections to the proposal.

Whitmore Parish Council have no objection to the planning application.

Representations

None received.

Applicants/agents submission

The requisite application forms and plans have been submitted along with a design and access statement.

Key Issues

This application seeks planning permission to install 12 solar panels to the roof of an existing garage building within the curtilage of a listed building. The panels would consist of two rows of 6 panels with one row on each South facing roof slope of the dual pitched garage roof. The electricity generated by the solar panels would serve the house with any excess electricity being exported to the National Grid.

The application site lies within the open countryside with the land being designated as Green Belt and an Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map. The main issues are considered to be;

- The appropriateness or otherwise of the development in the Green Belt

- The impact of the proposal on the visual amenity of the surrounding landscape and openness of the Green Belt including the impact upon the setting of the listed building.
- If inappropriate development within the Green Belt do the required very special circumstances exist?

The appropriateness or otherwise of the development in the Green Belt

Although national and development plan policies restrict development within the Green Belt, there are provisions for some types of development that are considered appropriate within this area. PPG 2 indicates that limited extension, alteration or replacement of existing dwellings are acceptable in the Green Belt as long as they do not result in disproportionate additions over and above the size of the original building. The thrust of this is reflected in policy D5B of the Staffordshire and Stoke on Trent Structure Plan and Policy S3 of the Newcastle under Lyme Local Plan. Policy S3 indicates that,

“The well designed extension or alteration of an existing dwelling, or its replacement may be acceptable as long as it does not result in disproportionate additions over and above the size of the original dwelling...”

Due to the scale of the proposal and their fixing relatively flush on the roof slope, it is felt that the proposals would be classified as minor alterations to the dwelling and would not have an adverse impact upon the openness of the Green Belt. Therefore the development is felt to be appropriate development and the required very special circumstances would not need to be demonstrated.

The impact of the proposal on the visual amenity of the surrounding including the impact upon the setting of the listed building

The landscape is designated as an area of landscape maintenance which is covered by policy N19 of the local plan. Within these areas, the council will seek to maintain high quality and characteristic landscapes. Where development can be permitted, it will be expected to contribute to this aim. Within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

In consideration of the above, the view is taken that due to the scale of the proposals and the carefully considered location, the proposed solar panels have been sited to have a minimal impact on the visual amenity of the landscape whilst also being positioned to be the most efficient from a renewable energy perspective. They would not project above the ridge of the existing building and would follow the plane of the existing roof slope without protruding beyond the plane significantly. The design of the solar panels would naturally result in them being viewed within the context and character of the existing building and would therefore conserve the character and quality of the landscape. The development is therefore felt to comply with the aims and objectives of policies N17 and N19 of the local plan as well as policies NC1 and NC2 of the Staffordshire and Stoke on Trent Structure Plan.

In terms of the impact of the proposals upon the setting of the listed building, it is not felt that the solar panels would have an adverse impact upon the setting of the listed building. The solar panels are designed in a manner to minimise their appearance on buildings and this includes a fairly limited protrusion from the plane of the roof slope often to accord with permitted development rights. In this instance planning

permission was required due to the garage being located within the curtilage of a listed building, however the position of the garage at the corner of the site means the garage is not a strong feature within the context of the site when viewing the listed building. Accordingly, the solar panels which do not have a prominent appearance on the garage are felt to be acceptable in this regard in accordance with policy B5 of the Newcastle under Lyme Local Plan.

Other Matters

PPS22 is the principal Government guidance document on renewable energy. It highlights the importance of the development of such energy, recognising that the increased development of renewable energy resources makes a vital contribution to the Government's sustainable energy strategy.

In particular paragraph 18 of PPS22 outlines that "*Small scale renewable energy schemes utilising technologies such as solar panels, Biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings.*"

The proposal for solar panels on the roof of an existing building would therefore meet the guidance of PPS22.

Reasons for the grant of planning permission

The proposed development which is deemed to be appropriate meets national planning policy guidance for encouraging renewable energy and due to the design and location of the solar photovoltaic panels they would not have a harmful impact on the visual amenity of the area or quality and character of the landscape as well as the setting of the adjacent listed building. The development therefore complies with Policies B5, N17 and N19 of the Newcastle under Lyme Local Plan 2011, Policies D1, D2, D7, NC1 and NC2 of the Stoke on Trent Structure Plan 1996-2011, Policies CSP1, CSP2 and CSP3 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026. The development also complies with the aims and objectives of PPS1, PPG2, PPS5 and PPS22.

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/ details;

- Location Plan Document: IC01-A date stamped received by the Local Planning Authority on 20th October 2011.
- Layout Plan Document: IC02-A date stamped received by the Local Planning Authority on 20th October 2011.

- Existing and Proposed Elevations Document: IC05-A date stamped received by the Local Planning Authority on 20th October 2011.
- Side Elevation Document: IC07-A date stamped received by the Local Planning Authority on 20th October 2011.
- Solar Panel Fixing Detail Document: IC06 date stamped received by the Local Planning Authority on 18th October 2011.
- Panel Design and Specification Document: AC03 date stamped received by the Local Planning Authority on 18th October 2011.
- Illustrative Installation Document: IC08 date stamped received by the Local Planning Authority on 18th October 2011.

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

Performance Checks	Date		Date
Consultee/ Publicity Period	2/12/11	Decision Sent Out	
Case Officer Recommendation	15/12/11	8 Week Determination	28/12/11
Management check	ESM 15/12/11		

OFFICER REPORT ON DELEGATED ITEMS

Applicant - Lloyds TSB Bank Plc

Application No. 11/00571/LBC

Location – 13 The Ironmarket, Newcastle

Description – Illuminated projecting sign, illuminated ATM collars, replacement non-illuminated window marketing, blue film to glazing behind existing ATM's and reconfiguration of internal walls.

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

West Midlands Regional Spatial Strategy 2008

Policy QE1: Conserving and Enhancing the Environment

Policy QE3: Creating a High Quality Built Environment for all

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

Policy D2: The Design and Environmental Quality of Development

Policy NC18: Listed Buildings

Newcastle-under-Lyme Local Plan 2011

Policy B6: Extension or Alteration of Listed Buildings

Policy B9: Prevention of harm to Conservation Areas

Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area

Policy B13: Design and Development in Conservation Areas

Policy B14: Development in or adjoining the boundary of Conservation Areas

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

Policy CSP1: Design Quality

Policy CSP2: Historic Environment

Other Material Considerations include:

National Planning Policy

PPS1: Delivering Sustainable Development (2005)

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

PPS5: Planning for the Historic Environment

Supplementary Planning Guidance

N/A

Planning History

Applications have previously been approved at the site which are similar to this however due to slight alterations to the proposed scheme following design meetings this application and a further advertisement consent have been submitted for determination.

Approved Plans

11/216/ADV – Replacement of internally illuminated fascia and projecting sign

11/215/FUL – Alterations to the shop front

11/217/LBC – Alterations to shop front including replacement illuminated fascia sign and projecting sign. Internal alterations to the branch including removal and installation of stud partitions.

Another application is currently awaiting determination for advertisement consent (11/572/ADV) which reflects the proposed changes since the grant of the previous approval.

Views of Consultees

Conservation Advisory Working Party – No objections but felt that the existing bracket or a similar bracket should be used for the projecting sign.

Representations

None received

Applicants/ Agents submission

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

Key Issues

The application is for listed building consent for a replacement illuminated hanging sign, non-illuminated window marketing and blue film to glazing behind the ATMS. Internal alterations are also proposed including the reconfiguration of internal walls. The property is a Grade II Listed building.

The property is located within the urban area of Newcastle as indicated on the Local Development Framework Proposals Map as well as being located within the Town Centre Conservation Area.

The key issue in the determination of the development is:

- The design of the proposals and their impact upon the listed building and Town Centre Conservation Area

The design of the proposals and their impact upon the listed building

PPS1 (para. 33) states *“Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.”*

PPS5 indicates that;

“HE7.5 Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.”

Policy B6 of the Local Plan indicates that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features. Policy CSP2 of the Core Spatial Strategy also seeks to preserve and enhance the character and appearance of the historic heritage of the Borough.

Due to the property being listed the internal alterations to the building also require consent. Internal walls were removed in the past and the alterations proposed are to the existing stud partition walls, which are not original. Taking into account this current situation, it is not felt that the development proposals would have an adverse impact upon the character of the Grade II listed building.

The plans also indicate that the existing gutters/rainwater pipes/soffits and fascias as well as the windows would be repaired and redecorated. No specific details have been proposed and these should be done on a like for like basis unless otherwise agreed in writing by the Local Planning Authority and in this regard a condition is recommended specifying this.

In terms of the internal marketing, the ATM collars and blue film to the glazing, this is a feature often adopted within the banking sector and this would therefore not appear out of place within the surrounding streetscape having regard to its position within a Conservation Area and on a Grade II listed building.

During the course of the application, the projecting sign proposed has been installed on the building and this is felt to detract from the character of the listed building as well as the visual amenity of the Conservation Area. Discussions have taken place with the agent for the scheme and an example of a heritage hanging sign has been proposed. This is felt to be acceptable and would assimilate well with context of the building. A condition is therefore felt appropriate to deal with the removal of this sign.

On this basis the development therefore accords with the principles of policies D2 and NC18 of the Staffordshire and Stoke on Trent Structure Plan, policies B6, B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan as well as policies CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy.

Reasons for the grant of planning permission

The proposed alterations to the building would not have an adverse impact upon the appearance of the Grade II listed building. The proposal therefore accords with Policy D1 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, policies B6, B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan 2011 and the overarching aims and objectives of PPS 5.

Recommendation

Permit subject to the following conditions;

1. **BA01** - The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act

2. **BESPOKE** - The development hereby permitted shall be carried out in accordance with the following approved plans;

- Existing and Proposed Elevation date stamped received by the Local Planning Authority on 26th October 2011
- Existing Ground Floor Plan date stamped received by the Local Planning Authority on 20th October 2011
- Existing First Floor Plan date stamped received by the Local Planning Authority on 20th October 2011
- Proposed Ground Floor Plan date stamped received by the Local Planning Authority on 20th October 2011
- Proposed First Floor Plan date stamped received by the Local Planning Authority on 20th October 2011
- ATM Surround date stamped received by the Local Planning Authority on 5th December 2011.
- Heritage Signage (Lloyds TSB Indicative) date stamped received by the Local Planning Authority on 15th December 2011.

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

3. **BESPOKE** Notwithstanding the plans hereby approved, the hanging sign hereby approved shall not be installed until full and precise details of the typeface of the sign has been submitted to and approved in writing by the Local Planning Authority. These details should be submitted to the Local Planning Authority within one month of the date of this decision and the sign installed within two months of the date of the written approval of the Local Planning Authority.

Reason: To protect the visual amenity of the area in accordance with policy B20 of the Newcastle under Lyme Local Plan 2011.

Performance Checks	Date		Date
Consultee/ Publicity Period		Decision Sent Out	
Case Officer Recommendation	21/12/11	8 Week Determination	21/12/11
Report checked by Back Office	21/12 ESM		
Management check			

OFFICER REPORT ON DELEGATED ITEMS

Applicant Lloyds TSB Bank Plc **Application No** 11/572/ADV

Location 13 The Ironmarket, Newcastle

Description Illuminated projecting sign and illuminated ATM collars

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

West Midlands Regional Spatial Strategy

Policy QE3: Creating a high quality built environment

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable forms of Development
Policy D2: The Design and Environmental Quality of Development
Policy NC19: Conservation Areas

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

CSP1: Design Quality
CSP2: Historic Environment

Newcastle under Lyme Local Plan 2011

Policy B19: Illuminated signs in Conservation Areas
Policy B20: Illuminated fascia and other signs in Conservation Areas

Other Material Considerations:

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
Companion Guide to PPS1 "The Planning System: General Principles"
PPG19: Outdoor Advertisement Control (1992)
Circular 03/07 Town and Country Planning (Control of Advertisement) Regulations 2007
PPS5: Planning for the Historic Environment

Supplementary Planning Guidance

Staffordshire County Council – Highways Standing Advice 2004

Newcastle Town Centre SPD– site is part of the Town Centre Historic core referred to in the Spatial Framework. Elements of Good Design include "respect the setting", use "relevant and durable materials", and "address all issues of external appearance"

Relevant Planning History

Applications have previously been approved at the site which are similar to this however due to slight alterations to the proposed scheme following design meetings this application and a further listed building consent have been submitted for determination.

Approved Plans

11/216/ADV – Replacement of internally illuminated fascia and projecting sign
11/215/FUL – Alterations to the shop front

11/217/LBC – Alterations to shop front including replacement illuminated fascia sign and projecting sign. Internal alterations to the branch including removal and installation of stud partitions.

Another application is currently awaiting determination for listed building consent (11/571/LBC) which reflects the proposed changes since the grant of the previous approval.

Views of Consultees

Conservation Advisory Working Party – No objections but felt that the existing bracket or a similar bracket should be used for the projecting sign.

Highway Authority – Advised that they should be dealt with by standing advice

Environmental Health – No objections subject to the illumination of the sign being restricted to 300cd/m² in line with policy B20 of the Newcastle under Lyme Local Plan

Representations

No written representations received

Applicants/agents submission

The requisite application forms and drawings were submitted.

Key Issues

The application is for advertisement consent for one projecting sign and illuminated ATM collars. The hanging sign would be illuminated by means of an aluminium trough light on either side. The application forms state that the maximum luminance levels would be 600cd/m² for the proposals.

PPG 19 states that the display of outdoor advertisements can only be controlled in the interest of amenity and public safety. Paragraphs 11-14 of PPG 19 explain what is meant by the term amenity – the effect on the appearance of a building or on the visual amenity in the immediate neighbourhood in which the sign is to be developed.

The issues to address are therefore;

- The impact of the advertisements on the amenity of the property it relates to and the surrounding Conservation Area.
- The impact upon public and highway safety.

The impact of the advertisements on the amenity of the property it relates to and the surrounding Conservation Area

The illuminated ATM collars are commonplace within the townscape nowadays with many banks and building societies adopting this approach to highlight the location of cash machines as well as sometimes highlighting the services available. The design is therefore felt to be appropriate and would not appear as incongruous feature on the Grade II listed building.

During the course of the application the projecting sign has been displayed however the erected sign is felt to be too modern and detracts from the

character of the Conservation Area as well as the listed building upon which it is placed. An example of a hanging conservation sign has been submitted as part of the proposals and this is felt to assimilate better within the location. Due to the timeframe of the application a precise branding has not been able to be provided however in line with the corporate logo already seen on the building it is felt this could be conditioned to be dealt with at a later date. On this basis it is felt that the signage does not have an adverse impact upon the character of the area due to the acceptable design of the proposal. The scheme is suitable in scale and size and would not create a cluttered or incongruous appearance to the shop frontage. The proposed signs, given the context of the building and its frontage, would not harm the overall character of the area. The proposal would therefore adhere with the principles of policy D2 of the Staffordshire and Stoke on Trent Structure Plan.

Due to the existence of the existing unacceptable projecting sign a condition would be attached specifying that this should be removed within a reasonable timeframe.

In terms of the illumination of the signage, indication has been given that luminance will be a maximum of 600cd/m². Policy B20 of the Newcastle-under-Lyme Local Plan states that a maximum luminance of 300cd/m² should be adhered to within Conservation Areas. To ensure the proposal therefore does not have an adverse impact upon the Conservation Area, a condition would be included specifying that the maximum luminance for the signs should not exceed 300cd/m². The proposed development would therefore adhere with the principles of policy B20 of the Newcastle under Lyme Local Plan.

The impact upon public and highway safety

Due to the proposed scale and location of the advertisements and the condition to be included in relation to luminance levels, it is not felt that the advertisements would have an adverse impact upon public and highway safety.

Recommendation

Approve subject to the standard conditions as well as the following conditions:

1. BG09I Maximum luminance - Conservation

The maximum luminance of any portion of the sign hereby approved shall not exceed **300** candelas m²

Reason: To protect the visual amenities of the area and comply with policy B20 of the Newcastle under Lyme Local Plan 2011.

2. BESPOKE

Notwithstanding the plans hereby approved, the hanging sign shall not be installed until full and precise details of the typeface of the sign has been submitted to and approved in writing by the Local Planning Authority. These details should be submitted to the Local Planning Authority within one month of the date of this decision and the sign installed within two months of the date of the written approval of the Local Planning Authority.

Reason: To protect the visual amenity of the area in accordance with policy B20 of the Newcastle under Lyme Local Plan 2011.

Informative

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

- Planning Application Forms
- Existing and Proposed Elevation date stamped received by the Local Planning Authority on 26th October 2011
- Heritage Signage (Lloyds TSB Indicative) date stamped received by the Local Planning Authority on 15th December 2011.

Performance Checks	Date		Date
Consultee/Publicity Period	CHECK ON UNIFORM	Decision Sent Out	
Case Officer Recommendation	21/12/11	8 Week Determination	21/12/11
Management check	21/12 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mrs J Bates **Application No:** 11/00584/FUL
Location Crispins, Sandy Lane Newcastle
Description Proposed installation of 10 solar PV Panels on rear roof

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

West Midlands Regional Spatial Strategy

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 1996 - 2011

Policy D2: The Design and Environmental Quality of Development
Policy NC19: Conservation Areas

Newcastle under Lyme and Stoke on Trent Core Strategy 2006-26 (adopted 2009)

Strategic Aim 16: To eliminate poor quality development;
Policy CSP1: Design Quality;
Policy CSP2: Historic Environment.

Newcastle Under Lyme Local Plan 2011

Policy H18: Design of Residential Extensions;
Policy B9: Prevention of harm to Conservation Area;
Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area;
Policy B14: Development in or adjoining the Boundary of Conservation Areas.

Other Material Considerations

Relevant National Policy Guidance:

PPS 1: Delivering Sustainable Development;
The Planning System: General Principles
PPS 5: Planning and the Historic Environment (1994)

Statement of the Secretary of State that it is the government's intention to revoke RSS's and now the Localism Act which includes powers to give effect to that intention and which received Royal assent on 15th November.

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 (of the Act) are material considerations which regard should be given.

Supplementary Planning Guidance

Space Around Dwellings (July 2004)
Waste Management and Recycling Planning Practice Guidance Note (January 2011)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (Nov 2010)

Emerging Draft Policy

Draft National Planning Policy Framework (July 2011)

Relevant Planning History

99/00364/FUL PER	17.06.1999	Change of bungalow type.
99/00364/RED	15.06.1999	Permitted Development Rights Removed.

Views of Consultees

Conservation Advisory Party (29.11.2011):
No objections.

Representations

None.

Applicant's/Agent's Submission

Supporting Information:

10 solar PV panels are to be installed on the west-southwest elevation of the property roof. Each will measure 1651 x 923mm with a depth of 46 mm. They will be installed in portrait format in two rows of five. They will be parallel to the plane of the roof, projecting beyond it by 125mm.

Key Issues

This application site is a modern detached bungalow. The back garden backs onto the Brampton Conservation Area; permitted development Rights have been removed. The present application is for full Planning Permission for installation of 10 solar PV Panels on rear roof.

The main issue for consideration in the determination of this application is visual amenity.

The nature of the proposal means that there will be no adverse loss of neighbour amenity if the proposal is accepted.

Visual Amenity

Planning Policy Statement 1 (34) states that Planning Authorities should plan positively for the achievement of high quality and inclusive design the external design of all new developments. Policy D2 calls for development which should be designed to relate to its surrounding context. Policy CSP2 requires the Council to seek to preserve and enhance the character and appearance of the historic heritage, while B14 calls for special regard to be paid to the acceptability or otherwise of form sale and design when related to the setting adjacent to Conservation Area.

Solar PV panels are to be installed on the west-southwest elevation of the property roof which is the one facing directly onto the Conservation Area which is ten metres distant. The panels would be installed in portrait format in two rows of five. They would each be 1651 x 923mm and project beyond the plane of the roof by 125mm. They would not alter the shape of the roof, and their dark blue colour would not stand out against the dark roof tiles.

The appearance of this proposal is acceptable and it is considered its would harm neither the appearance or character of the adjacent Conservation Area.

Reasons for the grant of planning permission

The development complies with the Aims of PPS 1 and Strategic Aim 16 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 together with Policies D2 and NC2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011; CSP1 and CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and H18,B9, B10, and B14 of Newcastle Under Lyme Local Plan 2011.

Recommendation

Permit subject to:

1. **BA01 Commencement within three years (full)**
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 documents:
 - SLO2 Document, Site Layout Plan, Received by the Council 27 Oct 2011;
 - SLO3 Document, Panel Design and Installation, Received by the Council 27 Oct 2011;
 - SLO6 Panel fixing Detail, Received by the Council 27 Oct 2011;
 - SLO7 Document, Illustrative Installation, Received by the Council 27 Oct 2011;
 - SLO8 Document, Supporting Information, Received by the Council 27 Oct 2011.
- R2. For the avoidance of doubt and in the interests of proper planning.

Performance Checks	Date		Date
Consultee/ Publicity Period	07.12.2011	Decision Sent Out	
Case Officer Recommendation	13.12.2011	8 Week Determination	22.12.2011
Management check	Revised PR 13.12.2011		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr. Leath **Application No** 11/00586/FUL

Location Butterton Nurseries, Park Road, Butterton

Description – First Floor Extension

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

West Midlands Regional Spatial Strategy

Policy QE1: Conserving and Enhancing the Environment
Policy QE3: Creating a High Quality Built Environment for all

Staffordshire and Stoke on Trent Structure Plan 2011

Policy D1: Sustainable Forms of development
Policy D2: The design and environmental quality of development
Policy D5A: Green Belt
Policy D5B: Development in the Green Belt
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)

ASP6 Rural Area Spatial Policy
CSP1 Design Quality
CSP2 Historic Environment

Newcastle under Lyme Local Plan 2011

Policy S3: Development in the Green Belt
Policy T16: Development – General Parking Requirements
Policy H18: Design of Residential Extensions, where subject to planning control
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
Policy B14: Development in or Adjoining the Boundary of Conservation Areas
Policy N17: Landscape character – general considerations
Policy N19: Area of Landscape Maintenance

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development
Companion Guide to PPS1 “The Planning System: General Principles”
PPG2 Green Belt (1995)
PPS5: Planning for the Historic Environment

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

Emerging Draft Policy

Draft National Planning Policy Framework (July 2011)

Whilst it (the draft NPPF) is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's "direction of travel" in planning policy. Therefore the draft NPPF is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

Planning History

N21109 (1991) Extensions Permit

11/00423/FUL Two storey, single storey and first floor extensions WITHDRAWN

Views of Consultees

Whitmore Parish Council has been consulted with no response being received and as the period for comments has expired, it must be assumed that they have no objections to the proposal.

The Conservation Advisory Working Party raise no objections subject to conditions recommended by the Councils conservation officer.

Representations

No letters of representation have been received.

Key Issues

The application is for a first floor side extension to the detached property. The application is a resubmission following a previous application which was withdrawn following comments from officers about the size of the proposal. This has resulted in the proposals being significantly reduced in size

The property is located within the North Staffordshire Green Belt with the area also being designated as an Area of Landscape Maintenance and being within the Butterton Conservation Area, as indicated on the Local Development Framework Proposals Map.

The key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- If not appropriate do the required very special circumstances exist?
- The design of the proposals and the impact on the Butterton Conservation Area and wider landscape quality

Appropriate development within the Green Belt?

Although national and development plan policies restrict development within the Green Belt, there are provisions for some types of development that are considered appropriate within this area. PPG2 indicates that extensions to houses are considered acceptable in the Green Belt as long as they do not result in disproportionate additions over and above the size of the original dwelling. Policy S3 of the Local Plan indicates that *“The well-designed extension or alteration of an existing dwelling, or its replacement, may be acceptable as long it does not result in disproportionate additions over and above the size of the original dwelling....”*

The property is a detached property which dates to 1893 (according to the front of the property) and has a unique character, being of stone construction at ground floor with a mock timber framing at first floor. The property has seen a number of previous extensions, with the majority being carried out under a planning application permitted in 1991. This included two storey extensions at either end of the original dwelling.

There has been detailed discussions between the applicant and officers about the cumulative volume increase that existing extensions and proposed extensions would result in over and above the size of the original dwelling. Following these discussions the applicant has significantly reduced the size and amount of extensions proposed and has also provided the volume calculations and annotated the plans. These calculations submitted by the applicant indicate that the cumulative volume of extensions, as a percentage of the original volume of the dwelling, is an increase of 48.6%. This is considered a significant reduction compared to the previous withdrawn application. These calculations have been verified by officers and the volume increase of 49% is not considered to be a disproportionate addition to the original dwelling and would therefore be deemed appropriate development in the Green Belt, which would therefore cause no harm to the openness of the Green Belt. Therefore there is no requirement for the applicant to demonstrate that very special circumstances exist.

It will be important however, to remove permitted development rights for the property to ensure that significant alterations are not undertaken at the property that could adversely impact upon the openness of the Green Belt taking into account the cumulative extensions.

The design of the proposals and the impact of the proposal on the Butterton Conservation Area and wider landscape quality

Policy B9 of the local plan details that the Council will resist development that harms the historic character or appearance of a Conservation Area with policy CSP2 of the Core Spatial Strategy seeking to preserve and enhance the character and appearance of the historic heritage of the Borough.

The existing property has a unique character and footprint which has been extended previously but this has maintained its character. The dwelling sits in the corner of the former walled garden and has a distinctive relationship with this wall (now restored). The proposal is for a first floor side extension over a previous brick built ground floor

extension that has a lean-to roof. It is considered that the proposal would not interfere with the views of the wall and the relationship the house has with it.

The previous two storey extensions (1991) at either end of the original building have replicated the mock timber boarding which, whilst not subordinate, do help to maintain the unique character of the building. The proposed first floor extension again replicates the mock timber boarding and due to the design and location of these existing extensions it is considered that the proposed extension represents an acceptable design that would not harm the character or appearance of the Conservation Area.

Furthermore, the proposal has been set back from the front building line which would help the proposal to appear subordinate whilst also protecting the stone detailing at ground floor level of the existing two storey extensions which should be protected. This would be in accordance with policy H18 of the local plan. However, a condition requiring bricks to be agreed and a detailed scale plan of how the proposed extension would be attached to the original dwelling is considered necessary.

As well as being within a Conservation Area the site lies within an Area of Landscape Maintenance which is covered by policy N19 of the local plan. The proposal would only have a limited impact on the landscape for the same reasons outlined above.

The design, appearance and the impact on the conservation area and landscape quality of the area are considered to be in accordance with policies of the development plan. In particular policies H18, N19, B8, B9, B10, B13 and B14 of the Local Plan, policies CSP 1 and CSP 2 of the CSS.

Other Matters

Four properties have been approved within/around the walled garden, two of which have already been built. The proposed development would not have an adverse impact upon the amenity of these properties due to the separation distances present and the relationship between the properties.

Reasons for the grant of planning permission

The proposed development is of a size that would not represent a disproportionate addition which would cause harm to the openness of the Green Belt, this being classed as appropriate development within the Green Belt. The proposals are also of a scale and design that would not harm the character of the original dwelling or that of the Butterton Conservation Area. It would also not harm the character or quality of the surrounding landscape. The proposed development therefore accords with Policies S3, H18, B8, B9, B10, B13, N17 & N19 of the Newcastle under Lyme Local Plan 2010, Policy D2, D5B, NC1, NC2 & NC19 of the Stoke on Trent Structure Plan 1996-2011 and policies CSP1 & CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the aims and objectives of PPS1, PPG2 & PPS5.

Recommendation

Permit with the following conditions:

1. **BA01** - The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act

2. **BESPOKE** - The development hereby permitted shall be carried out in accordance with the following approved plans and documents;

- Drawing no. BUT42/2-001; BUT42/2-002 rev A; JNL/BR/01; JNL/BR/02 & JNL/BR/03, date stamped received by the Local Planning Authority on the 31 October 2011.
- Drawing – Lower Ground Floor Plan, date stamped received by the Local Planning Authority on the 31 October 2011.
- Drawing no. BNR/01/A; BNR/02C, date stamped received by the Local Planning Authority on the 08 November 2011.

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

3. **AE03** - Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to comply with the requirements of Policy H18 of the Newcastle under Lyme Local Plan 2011, 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 and the aims and objectives of PPS1.

4. **BESPOKE** - Prior to the commencement of development a drawing to a scale of not less than 1:5 and a construction method statement, which demonstrates how the first floor extension, hereby permitted will be attached to the existing building, shall be submitted to approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the agreed details.

Reason: To safeguard the character and appearance of the Newcastle town centre conservation area in accordance with Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policies B9, B10, B13, B14 and B16 of the Newcastle-under-Lyme Local Plan 2011, Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of PPS5.

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

Reason: To safeguard the form and character of the area by requiring consent to be obtained for such developments, and having regard to the location of the site within the Green Belt, the policies relating to extensions to dwellinghouses within the Green Belt, and the potential exercise of permitted development rights in the context of these policies.

Performance Checks	Date		Date
Consultee/ Publicity Period	02.12.2011	Decision Sent Out	
Case Recommendation Officer	22.12.2011	8 Week Determination	03.01.2012
Management check	22/12/11 GM NV		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Wilbraham House Care Home **Application No** 11/00587/FUL

Location Wilbraham House Residential Home, Audley

Description Erection of rear conservatory

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 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 ASP 6: Rural Area Spatial Policy

Newcastle under Lyme Local Plan 2011

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 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

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)

PPS 5: Planning and the Historic Environment

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

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.

National Planning Policy Framework: Consultation Draft (July 2011)

Whilst the draft NPPF is a consultation document which is subject to potential amendment, it nevertheless gives a clear indication of the Government's "direction of travel" in planning policy. Therefore the draft NPPF is capable of being a material consideration. This document gives a strong emphasis on sustainable development objectives and recognises the contribution of renewable and low carbon energy towards climate change objectives, this echoing much of PPS22.

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

Planning History

None considered relevant

Views of Consultees

Audley Rural Parish Council – Support the application

Conservation Advisory Working Party – No objections

Environmental Health Division – No objections

Representations

None received

Applicants/agents submission

A Design and Access statement has been submitted with the application, of which the main points are summarised below:

- The application is for full planning permission for a conservatory extension to the existing care home
- The conservatory would be an extension to existing dining facilities
- Minimal alterations have been made to the existing external elevations
- There is minimal landscaping in the existing courtyard
- The appearance of the existing building is traditional and influenced by the existing buildings
- Access to the individual spaces within the building will be in accordance with current requirements, low threshold approaches to main doors and full access to wc accommodation on the ground floor approaches
- The main approach to the outer areas will be via low threshold doors onto paved areas in the garden spaces
- Existing transport links to the site are well established. Audley being fully serviced by public transport, private transport and pedestrian links.
- Refuse disposal will be wheelie bins placed at the rear of the home for collection

Key Issues

Planning permission is sought for the erection of a conservatory extension at Wilbrahams Residential Care Home in Audley, which is located within the village envelope of Audley, and also within the Audley Conservation Area, as designated by the Local Development Framework Proposals Map.

The conservatory would be to the rear of the property, and would measure 8 metres in length, and project 3.4 metres from the rear elevation. It would measure 2.8 metres to eaves height at its maximum height (the ground is slightly sloping) and would have a lean to roof to a height of 4 metres above ground level.

Materials are proposed to be brick dwarf walls and upvc walls and glazing.

The key issues in the consideration of this application are:

- Design and the impact on the conservation area

- Impact on amenity

Design and the impact on the conservation area

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."*

The proposed conservatory would be visible, but not prominent in views, from Wilbrahams Walk, to the north of the proposed conservatory. Whilst it would be visible, it is not considered that it would be harmful to the character or appearance of the conservation area, due to being enclosed in a courtyard within the car home, and the care home not being of significant architectural merit in its own right.

The proposal is therefore considered in compliance with 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 B5, B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan 2011 and the guidance contained within Planning Policy Statement 5.

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.

It is considered that the proposed conservatory would not result in a loss of privacy or light to principal windows of neighbouring residential properties, and is therefore considered acceptable in this regard.

Reasons for the grant of planning permission

The development is of a scale and design that would not result in harm to neighbouring uses, in terms of visual intrusion, overlooking or loss of light. Further, the proposed conservatory would not harm the character or appearance of the Conservation Area. The proposal is therefore in accordance with Policy D2 and NC19 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, Policies CSP1, CSP2 and CSP 3 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026, and policies B5, B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan 2011.

Recommendation

Permit subject to the following conditions:

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 Plan and block plan, stamped received on 7th November 2011**

- Existing plans and elevations, Drawing No. WH/2011/1, stamped received on 31st October 2011
- Proposed plans and elevations, Drawing no. WH/2011/1 Amendment A, stamped received 31st October 2011

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

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	9/12/11	Decision Sent Out	
Case Officer Recommendation	12/12/11	8 Week Determination	4/1/2012
Management check	13/12 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr A Austin **Application No** 11/00590/FUL

Location Land to the rear of South Lodge, Clough Hall Drive, Talke

Description Erection of 3 bedroom detached dwelling and formation of new accesses

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

West Midland Regional Spatial Strategy 2008 (WMRSS)

Policy QE1: Conserving and Enhancing the Environment
Policy QE3: Creating a High Quality Built Environment for all
Policy QE6: The Conservation, Enhancement and Restoration of the Region's Landscape
Policy CF2: Housing Beyond the Major Urban Areas
Policy CF3: Levels and Distribution of Housing Development

Staffordshire and Stoke on Trent Structure Plan 1996 – 2011 (SSSP)

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 T1A: Sustainable Location
Policy NC1: Protection of the Countryside: General Considerations
Policy NC2: Landscape Protection and Restoration
Policy NC18: Listed Buildings

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

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

Newcastle Under Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development - General Parking Requirements
Policy N17: Landscape Character – General Considerations
Policy N21: Areas of Landscape Restoration
Policy B5: Control of Development Affecting the Setting of a Listed Building

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)
PPG2: Green Belts (1995)
PPS3: Housing (2006)
PPS5: Planning for the Historic Environment (2010)
PPS7: Sustainable Development in Rural Areas (2004)
PPG13: Transport (2001)

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

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.

National Planning Policy Framework: Consultation Draft (July 2011)

Whilst the draft NPPF is a consultation document which is subject to potential amendment, it nevertheless gives a clear indication of the Government's "direction of travel" in planning policy. Therefore the draft NPPF is capable of being a material consideration. This document gives a strong emphasis on sustainable development objectives and recognises the contribution of renewable and low carbon energy towards climate change objectives, this echoing much of PPS22.

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

Planning History

81/10246/N	Pair of detached bungalows	Refused
11/110/FUL	Erection of 3 bedroom detached dwelling with integral garage and new access	Refused

Views of Consultees

The **Highway Authority** has no objections to the proposal subject to conditions regarding off-site highway works and the provision and retention of the access and parking area in accordance with drawing no. 3.

United Utilities has no objection to the proposal subjects to conditions regarding drainage and the provision of an access strip to the public sewer.

The **Conservation Advisory Working Party** objected to the principle of such an imposing and intrusive building design adjacent to the listed lodge.

No comments have been received from **Kidsgrove Town Council**. As the period for comments has ended, it must be assumed that they have no comments regarding this application.

In relation to the previous scheme (Ref. 11/00110/FUL) the following additional comments were received:

The **Landscape Development Section** has no objection to the application subject to conditions requiring a landscaping scheme, tree protection, and tree replacement.

Representations

Two letters of representation have been received. Objection is made on the following grounds:

- As permission has been refused, why has this been resubmitted? Little, if anything, has changed. The previous reasons for refusal still seem valid.
- The Lodge was given a substantial grant by the National Trust to maintain it in a suitable state. The present proposal would spoil the plot.
- The house will be on green belt land.
- The house will have an adverse impact on South Lodge, a Grade II listed building.
- There will be an impact on residential amenity, particularly privacy.
- Impact on views of open countryside from Clough Hall Drive.
- The site is not and has never been used for fly tipping.

- The site has always been an open green area and has not had any building on it previously. This is not where the previous Lodge Café was sited.
- The property would be too big for the plot.
- The property is not completely encircled as it has an open aspect to the back.
- An extra house would cause extra traffic access onto a major road close to the brow of a hill.

Applicant's/Agent's Submission

A Design and Access Statement has been submitted. The main points made are as follows: -

- This is a re-submission of 11/00110/FUL. The reasons for refusal have been noted and the scheme amended accordingly in terms of its relationship to South Lodge.
- Although the site is in Green Belt it is completely encircled by existing development and as such cannot possibly be harmful in reducing openness.
- As previously developed land the site is clearly brownfield not greenfield and is in a highly sustainable location.
- There is one window to the rear of South Lodge which is a bedroom. The amended plan places the proposed dwelling 10 metres from the bedroom window and there are no proposed windows looking towards the Lodge. The single storey hipped roof of the western elevation contributes to maintaining light and minimising detriment to the rear garden of the Lodge. The neighbouring property, 'Rutlands' however, completely dominates the Lodge and its garden.

Key Issues

The application is for full planning permission for a detached dwelling and new accesses. The site is within the Rural Area and Green Belt and within an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The site lies immediately to the east of South Lodge, and Jasmine Lodge lies to the north-west. Both Lodges are Grade II Listed Buildings.

Planning permission was refused earlier this year for a similar proposal on the following grounds:

1. Adverse impact on the setting of the grade II Listed Building, South Lodge
2. Inappropriate development in the Green Belt
3. Development of greenfield site contrary to the objectives of PPS3
4. Given the site's location outside Major Urban Area, would not assist in meeting local housing needs and would not support local services contrary to Policy CF2 of the West Midlands Regional Spatial Strategy
5. Impact on residential amenity

Since the previous decision there have not been any material changes in planning policy that require further consideration of the principle of residential development in this location. However, the scheme has been amended in terms of the siting and design of the dwelling. Given the previous reasons for refusal, the key issues to be considered in the determination of this application are as follows:

- Does the amended proposal preserve the setting of the adjacent listed buildings?

- Is the proposed development appropriate development in Green Belt terms and, if inappropriate, do special circumstances exist to justify approval?
- Is the amended proposal acceptable in terms of impact on the character and appearance of the area?
- Is there any conflict with policies on the impact of development on the landscape?
- Are there any potential residential amenity issues?

Does the amended proposal preserve the setting of the adjacent listed buildings?

The site lies adjacent to South Lodge and Jasmine Lodge which are both Grade II Listed Buildings. The lodges flank the driveway to the former Clough Hall.

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

In relation to the previous scheme the proposed dwelling was to be just 7.5m from the rear elevation of South Lodge and only 1.4m from its remaining curtilage. It was considered that the development, by reason of its siting and scale, would have an adverse impact upon the setting of the Listed Building. The scheme has been amended so that the proposed dwelling has been moved away from South Lodge leaving it with a more extensive curtilage. The dwelling would now be 9.5m from its rear elevation.

Although the proposed dwelling would be smaller than in the previous scheme and the increased distance between the properties is to be welcomed, concerns remain regarding the impact of the dwelling on the Lodge. South lodge forms a pair with the adjacent Jasmine Lodge and part of their significance is the nature of the buildings as lodges flanking the entrance to the former estate. The pair is often viewed together and the buildings around them do have an impact on their setting.

Although it is acknowledged that South Lodge has been already slightly compromised by the development of three houses in Harecastle Court, albeit that this was on land which formed the site of the Lodge café and did not form part of the curtilage of the listed building, it is considered that this development would further compromise the space around the Lodge. The overall height of the dwelling remains the same as in the previous scheme and in particular, in views from the north-west, the proposed dwelling would still be imposing over South Lodge.

CAWP objects to the principle of such an imposing and intrusive building design adjacent to the listed lodge.

Notwithstanding the amendments to the siting and design of the dwelling, it remains the view that the siting and the scale of the proposed dwelling would have an adverse impact upon the setting of the Grade II listed South Lodge.

Is the proposed development appropriate development in Green Belt terms and, if inappropriate, do special circumstances exist to justify approval?

PPG2 states that there is a general presumption against inappropriate development within Green Belts and such development should not be approved except in very special circumstances. The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:-

- Agriculture and forestry
- Essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it
- Limited extension, alteration or replacement of existing dwellings
- Limited infilling in existing villages
- Limited infilling or redevelopment of major existing developed sites

Given that the current proposal for development in the Green Belt does not fall within any of the exceptions listed above, it is considered to constitute inappropriate development.

Inappropriate development is, by definition, harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant's case is limited to an argument that although the land is in the Green Belt, it is completely encircled by existing development and as such cannot possibly be harmful in reducing openness.

It is considered that this argument does not amount to the required very special circumstances and would not outweigh the harm that the proposed development would cause to the Green Belt by definition.

Impact on the Character and Appearance of the Area

PPS1 states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

PPS3 advises that Planning Authorities should have regard to achieving high quality housing and ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.

The surrounding area comprises a variety of dwelling styles but in the immediate vicinity to the south are large detached dwellings. It is considered that the amended development, in terms of its scale and density, would be commensurate with the surrounding area and it is not considered that a dwelling in this location would have any significant adverse impact on the character and appearance of the street scene generally although the harm to the setting of the listed building remains.

Any Conflict with Policies on the impact of development on the landscape?

Policies NC1 and NC2 of the Structure Plan seek to protect the countryside for its own sake and Policy NC2 sets out a list of criteria by which applications should be determined.

The site lies within an area of Landscape Restoration. Policy N21 of the Local Plan states that it must be demonstrated that development will not further erode the character or quality of the landscape.

Although the proposed dwelling would be large it is adjacent to existing development and the proposal would not adversely affect any landscape features. It is not considered that the character or quality of the landscape would be eroded to a sufficient extent to justify refusal.

Impact on Residential Amenity

PPS1 states that sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations.

The Council's Space Around Dwellings SPG recommends a distance of 10.7m between principal windows and a single storey wall. In the previous scheme, the attached garage of the proposed dwelling was to be just 7.5m from the rear principal windows of South Lodge which is a single storey property. On that basis, it was considered that the proposal would have an unacceptable overbearing impact upon the occupiers of South Lodge.

In this amended scheme, there would be a distance of 10m between the single storey garage of the proposed dwelling and the rear elevation of the Lodge. The applicant's agent has confirmed that there is one window to the rear of South Lodge which serves a bedroom. There would be no principal windows facing the Lodge. Although the distance of 10m proposed remains less than the 10.7m recommended in the Council's SPG, the proposed garage would have a hipped roof that would slope away from the existing property and on balance, it is no longer considered that an objection on residential amenity grounds could be sustained.

Recommendation

Refuse for the following reasons:

1. The development, by reason of its siting and scale, would have an adverse impact upon the setting of the Grade II Listed Building, South Lodge, contrary to Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026, Policy B5 of the Newcastle-under-Lyme Local Plan and the aims and objectives of PPS5.
2. The development is inappropriate development in the Green Belt and is harmful to the interests of that Green Belt, reduces its openness and is contrary to the purposes of including land within the Green Belt. No other material considerations exist which clearly outweigh this harm and accordingly the development would be contrary to the guidance within PPG2, Policy D5B of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, and Policy S3 of the Newcastle-under-Lyme Local Plan 2011.
3. The development of this greenfield site would be contrary to the objective of maximising the re-use of previously developed land, in sustainable locations, and would undermine the aims and objectives of PPS3 that seeks a flexible responsive supply of land managed in a way that makes effective and efficient use of land with the priority being the re-use of previously developed land and the achievement of previously developed land delivery objectives. For these reasons the proposal is contrary to Policy D1 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 - 2011, Policies SP1 and ASP6 of the Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy 2009 and the aims and objectives of PPS3.
4. The proposed development, given its location outside the Major Urban Area, would not assist in meeting local housing needs and would not support local services and if repeated elsewhere in similar locations the cumulative impact of such permissions would be so significant it would be contrary to Policy CF2 of the West Midlands Regional Spatial Strategy.

Performance Checks	Date		Date
Consultee/ Publicity Period	25.11.11	Decision Sent Out	
Case Officer Recommendation	14.11.11	8 Week Determination	19.12.11
Management check	15/11 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr S Crawford **Application No** 11/00488/FUL
Location Coachman's Cottage, Main Road, Betley
Description Demolition of ground floor rear extension and conservatory, construction of new two-storey extension, erection of new orangery, relocation of existing outhouse and installation of solar panels

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

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable Development
Policy D2: The Design and Environmental Quality of Development
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 H18: Design of Residential Extensions, Where Subject to Planning Control
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:

PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPS5: Planning for the Historic Environment

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

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

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

Planning History

None relevant

Views of Consultees

The **Conservation Advisory Working Party** welcomed the proposal to the house as an improvement but felt the design of the garden room would be improved by a smaller brick plinth and larger area of glazing. Also it was felt that it should be constructed from timber with a painted finish, colour to be agreed. The garage door should be painted an appropriate neutral colour.

No comments have been received from **Betley, Balterley and Wrinehill Parish Council**.

Representations

Nil

Applicant's/Agent's Submission

A Design and Access Statement and a Statement of Significance and Impact have been submitted. The main points are as follows:

- The new extension will involve the removal of the ground floor extension which will result in the loss of historic fabric but the scale, form and mass of the new extension takes account of the main building and the materials will match the existing property.
- The removal of the conservatory will cause no damage or loss to the historic fabric of the house. Its significance is deemed low due to its construction and appearance. The scale, form and mass of the new orangery take account of the main building.
- The relocation of the coalhouse will cause no damage or loss to the historic fabric of the house.
- The proposals will have little effect on the surroundings and neighbouring properties.

Key Issues

Planning permission is sought for the demolition of an existing ground floor rear extension and conservatory, the construction of a new two-storey extension, the erection of a new orangery, the relocation of an existing outhouse and the installation of solar panels. The property is within Betley Conservation Area as designated on the Local Development Framework Proposals Map. The southern section of the site (to the south of the rear boundaries of the properties on the southern side of The Butts) is within the Green Belt.

The scheme originally included the erection of a double garage but this has been withdrawn from the proposal.

The key issues in the determination of the application are:

- Design and impact on the character and appearance Conservation Area
- Impact on residential amenity
- Impact on the Green Belt

Design and impact on the character and appearance Conservation Area

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 H18 of the Local Plan states that the form, size and location of the extension should be subordinate to the design of the original dwelling and the materials should fit in with those of the dwelling to be extended. 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 streetscene or the setting.

The single storey extension to be demolished is a later extension to the building which originally comprised a 3 bay plan with a central rear extension. The proposed two-storey extension would sit well with the existing building. The existing conservatory is not well designed and is dated and its replacement is welcomed. Although CAWP has suggested that the design of the orangery would be improved by a smaller brick plinth and larger area of glazing, the design as submitted is considered appropriate. The applicant has stated that the orangery will have a pale cream painted finish but for the avoidance of doubt it is considered appropriate to attach a condition requiring the submission and approval of materials and paint colour.

An existing outhouse would be repositioned slightly to the north-east to allow for the construction of the orangery and a new patio area. This is considered acceptable.

The extensions would be appropriately designed and the materials would match the existing dwelling. It is not considered therefore, that there would be any material harm to the character or appearance of the Conservation Area.

The extensions are subordinate in design and accordingly the proposal is considered to comply with Policy H18 of the Local Plan.

Residential Amenity

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on residential extensions including the need for privacy, daylight standards, and environmental considerations. Taking into account the advice of the SPG it is not considered that there would be any adverse impact on residential amenity.

The impact upon the Green Belt

PPG 2 "Green Belts" states that:

"the visual amenities of the green belt should not be injured by proposals for development within or conspicuous from the green belt which, although they would not prejudice the purposes of including land in green belts, might be visually detrimental by reason of their siting, materials or design."

Whilst the application property is not within the Green Belt, the land immediately to the south is and therefore, the proposals would be conspicuous from the Green Belt. However, given the scale and design of the proposed extensions, it is not considered that there would be any detrimental impact upon the visual amenity of the Green Belt.

Reasons for the grant of planning permission

The proposed development is of a scale and design that is in keeping with the character of the main dwelling house and would not be detrimental to the character and appearance of the Conservation Area or the visual amenity of the Green Belt. Taking into account the position of the development and its scale it will not result in any significant harm to neighbouring residential amenity levels in terms of visual intrusion, overlooking or loss of light. The development is in accordance with Policies H18 and B9 of the Newcastle-under-Lyme Local Plan 2010, Policies D2 and NC19 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, and the aims and objectives of PPS1, PPG2 and PPS5.

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. No development shall commence until details of the external facing materials of the extensions hereby approved and the external paint finish of the orangery hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
- R2. In the interests of amenity to comply with the requirements of Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies H18 and B9 of the Newcastle-under-Lyme Local Plan 2011.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1:1250 scale location plan
 - Drawing No. 0001-01 Existing site layout
 - Drawing No. 0001-02 Existing plans and elevations
 - Drawing No. 0001-03 Proposed site layout
 - Drawing No. 0001-04 Proposed plans and elevations
- R3. For the avoidance of doubt and in the interests of proper planning.
4. Notwithstanding the approved plans, no consent is granted or implied for the detached double garage.
- R4. For the avoidance of doubt.

Performance Checks	Date		Date
Consultee/ Publicity Period	6.1.12	Decision Sent Out	
Case Officer Recommendation	11.1.12	8 Week Determination	15.12.11
Management check	12/1 ESM		