

## **OFFICER REPORT ON DELEGATED ITEMS**

|                           |  |                              |               |
|---------------------------|--|------------------------------|---------------|
| <b><u>Applicant</u></b>   | Mr G Richards  | <b><u>Application No</u></b> | 11/000504/FUL |
| <b><u>Location</u></b>    | Barn at Whitmore Riding School, Shut Lane Head, Whitmore   |                              |               |
| <b><u>Description</u></b> | Change of use of existing barn into a single dwelling and the erection of a brick and tile outbuilding in the style of a haybarn in the same location as an existing stable/store which is to be demolished. |                              |               |

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

#### **West Midland Regional Spatial Strategy 2008**

|              |   |
|--------------|---|
| Policy QE1:  | Conserving and Enhancing the Environment                                |
| Policy QE3:  | Creating a High Quality Built Environment for all                       |
| Policy QE6:  | The Conservation, Enhancement and Restoration of the Region's Landscape |
| Policy PA14: | Economic Development and the Rural Economy                              |
| Policy T2:   | Reducing the need to travel   |

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

|  |  |
|--|--|
| Strategic Aim 14:  | To protect and enhance the historic heritage |
| Strategic Aim 15:  | To protect and improve the countryside       |
| Policy SP2:  | Spatial Principles of Economic Development   |
| Policy ASP6:   | Rural Area Spatial Policy                    |
| Policy CSP1:   | Design Quality                               |
| Policy CSP2:   | Historic Environment                         |
| Policy CSP4:   | Natural Assets                               |
| Policy CSP5:   | Open Space/Sport/Recreation                  |
| <u>Staffordshire and Stoke-on-Trent Structure Plan 1996-2011</u> |  |

|             |   |
|-------------|---|
| Policy D1:  | Sustainable Forms of Development.                     |
| Policy D2:  | The Design and Environmental Quality of Development   |
| Policy D4:  | Managing Change in Rural Areas                        |
| Policy D5B: | Development in the Green Belt                         |
| Policy T3:  | Rural Areas   |
| Policy T12: | The Strategic Highway Network                         |
| Policy T13: | Local Roads   |
| Policy NC1: | Protection of the Countryside: General Considerations |
| Policy NC2: | Landscape protection and restoration                  |
| Policy NC6: | Important Semi-Natural Habitats                       |
| Policy NC8: | Habitats of Protected Species                         |

#### **Newcastle under Lyme Local Plan 2011**

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

### **Other Material Considerations include:**

Relevant National Planning Policy

PPS1: Delivering Sustainable Development (2005)  
PPG2: Green Belts (1995)  
PPS4: Planning for Sustainable Economic Growth (2010)  
PPS5: Planning for the Historic Environment (2010)  
PPS9: Biodiversity and Geological Considerations (2005)

PPG13: Transport (2011)

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

### **Supplementary Planning Guidance**

Newcastle-under-Lyme and Stoke-on-Trent Urban Design SPD (2010)

### **Relevant Planning History**

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

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

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

This application was refused for several reasons as specified below;

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

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

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

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

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

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

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

### **Views of Consultees**

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

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

**Natural England** has no objection to the application provided that conditions requiring the following are included within any permission;

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

The **Landscape Development Section** have no objection to the proposal subject to conditions relating to tree protection and agreement of a suitable landscaping scheme.

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

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

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

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

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

### **Representations**

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

- Inaccuracies within the application
- No mention of the location of the re-located facilities
- Contrary to local policy and national policy on Green Belts
- The existing buildings are in use by the riding school and the proposal would lead to requests for further development
- The application would lead to highway safety implications

### **Applicant/Agent's submission**

A **Design and Access Statement** has been submitted the main points of which are as follows;

- The site owner is a friend of the owner of Whitmore Riding school.
- Aim and ambition is to provide high quality guest accommodation to meet the needs of both local users of the equestrian centre and to provide high quality catered accommodation for tourists. It is proposed that the accommodation will be taken up by those undertaking horse based activity holidays or those on walking or cycling holidays.
- The conversion element complies with planning policy and the new build component is an essential, ancillary and modest part of the development proposal.

**A structural report undertaken in 2004** was also submitted as part of the proposal. This concludes that the barns are in a semi-derelict condition however there was no on-going settlement or subsidence as it stands. It then discusses that the buildings are to be remodelled in their entirety with substantial works being undertaken.

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

### **Key Issues**

The application is for a guest house involving the conversion of an existing brick and tile building for use as a dining and kitchen area, and the provision of 7 units within a new single storey timber building which will replace stables that are to be dismantled and removed from the site.

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

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

- the appropriateness of the development in the Green Belt,
- principle of the proposed use,
- impact on the listed building,
- impact on highway safety,
- impact upon Protected Species
- the impact on the amenities of neighbouring occupiers,
- the impact on the visual amenities of the Green Belt and the wider landscape,
- and finally the question of whether or not the required very special circumstances exist

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

PPG2 states that the re-use of buildings inside a Green Belt is not inappropriate development providing;

- It does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it
- Strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (eg because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing)

- The buildings are of a permanent and substantial construction and are capable of conversion without major or complete reconstruction; and
- The form, bulk and general design of the buildings are in keeping with their surroundings

With regard to new buildings PPG2 indicates that these should be considered as inappropriate unless it is for a limited number of purposes, none of which include tourist accommodation.

Policy S3 (iv) of the Local Plan indicates that the re-use of an existing building may be acceptable providing it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it. Policy S3 does not indicate that the construction of new buildings for the proposed purposes is acceptable within the Green Belt.

The structural survey that has been submitted in support of the application was completed some time ago (2004) concluded that the buildings surveyed, including the building within this proposal, were in a semi-derelict state. It would appear that repairs to the building have not been undertaken since this survey and further deterioration has occurred.

The proposal also involves a substantial element of new build as the timber elements of the proposal are a replacement of the stables currently on site.

In view of the large element of new build within the proposal, and the lack of an up to date survey to demonstrate that the building is capable of conversion without major or complete reconstruction it cannot be concluded that the development is appropriate within the Green Belt.

#### Principle of the proposed use

There is some policy support for the principle of tourist accommodation within local and national policy.

Policy E12 of the Structure Plan indicates that guest house, bed and breakfast and self-catering accommodation are acceptable where they are related the main visitor and public transport routes in urban areas, or associated with existing building development in rural areas.

Policy E12 of the Local Plan addresses the conversion of rural buildings where the proposal is for new employment purposes. It indicates that subject to amenity and highway considerations, such applications are supported as a means of providing jobs in rural area. It goes on to state that such applications should be supported by convincing evidence that the superstructure of the building is of permanent and sound construction, it does not require reconstruction, extension or substantial alterations and its form, bulk and general design is in keeping with its surroundings. In this particular case the proposal does involve new building and the application does not include convincing evidence that the building is of permanent and sound construction and as such it is not in accordance with policy.

#### Impact upon the listed building

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

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

The site is currently detrimental to the appearance of the listed building due to its semi-derelict state. The proposed reuse of the building will therefore have a beneficial impact on the setting of the listed building.

#### Impact upon Highway Safety

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

The proposal involves the conversion of an existing building and the replacement of timber stable buildings to provide a guest house with dining room and it is reasonable to assume, given that the proposal does not result in the cessation of the riding school on the site, that this will result in an increase in vehicular movements. The applicant does not have land within his ownership or control to enable improvements to the visibility splays at the junction, or the provision of passing places along Shut Lane Head and the planning application does not include such highway improvements. It must be concluded, therefore, that the application is unacceptable on highway safety grounds and should therefore be refused for the two reasons advanced by the Highway Authority.

#### Impact upon Protected Species

A Bat Presence/Absence Survey has been submitted with the application which identifies the presence of a bat roost within the building and concluding that a mitigation report/method statement for the redevelopment will be required.

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

Natural England has objected to the application on the grounds that the application contains insufficient mitigation information to demonstrate whether or not the development would have an adverse effect on legally protected species. In view of this objection, and the obligations that are placed upon the Local Planning Authority it recommended that the application is also refused on this ground.

#### Impact upon residential amenity

The proposed guest house is located adjacent to a barn which is being converted into a dwelling. There is the potential for the proposed use to have an impact on the living conditions of the occupiers of that dwelling however it is not considered that this will be to the extent that a refusal could be justified on this ground.

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

Given that the proposal involves the reuse of an existing building and the replacement of other buildings with structures of a similar scale it is not considered that the main elements of the proposal will have a material adverse impact on visual amenities of the Green Belt and the wider landscaped. The provision of car parking will have visual impact, however this will be limited as will be located where part of an existing stable block will be removed and is contained within a number of existing buildings. In addition there is scope to undertake landscaping within the site. Overall it is considered that the proposal is acceptable in this regard.

#### Do the required very special circumstances exist?

Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. 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. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

The applicant has concluded within the submission that this development is in accordance with Green Belt policy and as such has not advanced a very special circumstances case. Whilst it is acknowledged above that there will be some benefits on the setting of the listed building it is not considered this outweighs the harm arising by reason of the proposals inappropriateness and as such the necessary very special circumstances do not exist in this case.

## **Decision**

**REFUSE** for the following reasons;

1. The development is inappropriate development in the North Staffordshire Green Belt, is harmful to the interests of the Green Belt and it conflicts with policies relating to the protection of the countryside and sustainable economic development. No other material considerations exist which clearly outweighs this harm and the applicant has failed to provide the very special circumstances which are required to justify approval of inappropriate development. Therefore, the development would be contrary to the guidance within PPG2, PPS4, Policies D2, D4, D5B, and NC1 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, and Policy S3 of the Newcastle-under-Lyme Local Plan 2011.
2. The access road, Shut Lane Head, is substandard in that;
  - It is a narrow single track land of inadequate width to allow two vehicles to pass;
  - it has a sinuous alignment which affords restricted forward visibility for drivers in sections of the lane;
  - the road has insufficient capacity to accommodate the additional traffic which the proposed development would generate;and the increased use of the road would result in an increase in the likelihood of danger to road users. The proposal is therefore contrary to Policy T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and the aims and objectives of PPS13.
3. The traffic generated by the proposed development would be likely to result in an increase in highway danger owing to increased use of the existing junction of Shut Lane Head with the A53 (Whitmore Road) which affords restricted visibility for drivers and other road users emerging from this junction. The proposal is therefore contrary to Policy T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and the aims and objectives of PPS13.
4. The application is not supported by an up to date structural report that demonstrates that the superstructure of the building is of sound and permanent construction and that it does not require reconstruction, extension or substantial alteration and as such the proposal is contrary to Policy E12 of the Newcastle under Lyme Local Plan 2011 and guidance in PPG2.
5. The application contains insufficient mitigation information to demonstrate whether or not the development would have an adverse effect on legally protected species and as such the proposal is contrary to Policies NC6, and NC8 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011, Policies ASP6 and Policy CSP4 of the

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026, Policy N8 of the Newcastle under Lyme Local Plan 2012 and the aims and objectives of PPS9.

| Performance Checks          | Date                                     |                      | Date          |
|-----------------------------|--|----------------------|---------------|
| Consultee/ Publicity Period | <b>13.5.11</b>                           | Decision Sent Out    |               |
| Case Officer Recommendation | <b>10.5.11</b>                           | 8 Week Determination | <b>3.6.11</b> |
| Management check            | <b>Updated and finalised by ESM 23/5</b> |                      |               |



## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** Mr Steve Kelsall      **Application No:** 11/00579/FUL

**Location** 26/28 Curzon Street Basford Newcastle-under-Lyme

**Description** Construction of new conservatory and two new porches.  
Alterations to vehicular access and hard-standing areas.

### **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 1996 - 2011**

Policy D2: The Design and Environmental Quality of Development  
Policy T13: Local Roads  
Policy NC19: Conservation Areas

#### **Newcastle-under-Lyme Local Plan 2011**

Policy H18: Design of Residential Extensions  
Policy T16: Development – General Parking Requirements  
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 B11: Demolition in conservation Areas  
Policy B13: Design and Development in conservation Areas.

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

Strategic Aim 5: To foster and diversify the employment base;  
Strategic Aim 16: To eliminate poor quality development;  
Policy CSP1: Design Quality;  
Policy CSP2: Historic Environment.

### **Other Material Considerations**

#### **Relevant National Policy Guidance:**

PPS 1: Delivering Sustainable Development;  
Companion Guide to PPS1: The Planning System: General Principles.  
PPS5: Planning and the Historic Environment (2010).  
Draft National Planning Guidance

Statement of the Secretary of State that it is the government's intention to revoke RSS's; and the Localism Act which includes powers to give effect to that intention and which received Royal assent on 15th November 2011. 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)

### Relevant Planning History

05/00959/FUL PER 28.11.2005 Two semi-detached houses with on-site parking

### Views of Consultees

#### HIGHWAYS

Response to original consultation:

The application should be refused. The proposed parking bays are too short to accommodate vehicles which could consequently overhang onto the footway, obstructing the public highway with a subsequent risk to public safety.

No reply to the re-consultation has been received by the due date of 13.1.2012.

#### CONSERVATION ADVISORY WORKING GROUP

No objections subject to the proposed conservatory being constructed from timber with a painted finish.

#### LEISURE SERVICES.

The existing cherry tree to the front of the property is include in TPO no 88 and has high amenity values. Object to it being removed and replaced by another to the rear of the property.

The surface of the loose fill of the proposed permeable surfacing is likely to move with use a migrate down the sloped exposing the cellular grids. This would be unsightly or become and maintenance liability.

A method statement for all works proposed within the area is required before any works commence on site.

## **Representations**

None.

## **Applicant's/Agent's Submission**

None.

## **Key Issues**

This application site is a pair of newly built semi-detached houses. The application is for full planning permission for construction of a new side conservatory for one house and a porch serving both houses together with alterations to vehicular access and hard-standing areas.

The main issues for consideration in the determination of this application are visual amenity, neighbour amenity, highway safety and impact on trees.

## **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 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 conservatory would be of a standard design, the appearance of which is considered acceptable. The windows of the houses are in timber so given the request of CAWP it is considered that the conservatory should be built in this material too. The porch is set centrally in the pair and will have a tiled roof which matches the original house, again this will be acceptable.

The partial removal of the boundary wall with Curzon Street will be required. Condition 2 of Planning Permission 05/959/FUL under which the houses were built reads 'the boundary wall on the Lower Oxford Road and Curzon Street frontages shall be retained at its existing height'. Nonetheless given that the remainder of the wall is being retained the sense of enclosure will be maintained and as such the character and appearance of the Conservation Area would not be harmed. The new opening in the wall and the hardstanding areas would be appropriate in this location.

The appearance of this application is acceptable and would not detract from the character of the original house or its surroundings.

### **Residential Amenity**

Policy D2 of the Structure Plan states that development should conserve and where possible improve the quality of life and the environment and avoid hazards to health and safety.

The development will not give rise to dominance, shadowing, or overlooking. The amenity space will be improved and sufficient for the houses.

Overall it is considered there will be no material loss of amenity which could give grounds to resist the proposal.

### **Highway Safety**

Based on the originally submitted plans for this application the Highways Authority recommended refusal. This was on the ground of public safety because the parking bays were too short to accommodate a car clear of the highway. The distance from the front wall of the house to the highway boundary was measured as 5.45 metres. A Building regulation requirement was 0.9m of this to be used for a footway leading to the front doors. The minimum length of a parking space is 4.8 metres together with the provision of the footway this would require a minimum total length of 5.7 metres.

The applicant has since submitted amended plans. The parking bays for no 28 have been relocated and lengthened to 6 metres which overcomes the Highway Authority objection relating to that property. One of the parking bays for 26 has also been lengthened to 6 metres; however the only location for the other bay is between the house and highway footpath so it has the same length limitation.

Planning permission for parking four cars was granted by PP 05/959/FUL which was implemented but not completed when the house shells were built. The parking layout was poor, taking much of the amenity area, impacting on existing trees; beside all spaces being within the curtilage of 28 they were awkwardly angled and had a tandem layout making their use both difficult and unlikely. The present layout is preferable, each bay having an easy direct access from the highway so it is likely they would be used, and they will have less impact on trees. No 26 would have one bay over a metre longer than the minimum, the other bay would be at least 4.65 long. The applicant is confident that the width of the path is not critical at this point and the full 4.8 metres can be obtained. It is improbable that the occupier would have two vehicles longer than 4.5 metres, so one shorter bay is considered to be acceptable.

### **Impact on trees**

The trees within the site, although quite immature, are covered by a TPO as they were planted to replace trees that were removed from the site without consent. The trees already provide some amenity value and will over time significantly add to the character and appearance of the wider area.

The applicant has provided sufficient supporting information, including details of method of construction to confirm that the development can be undertaken without adverse impact on the trees. One of the trees will be moved and this is considered acceptable provided that the replacement tree is of the same species and size and is located in the position shown on the submitted plan. The Landscape Development Section are now supportive of the proposal subject to appropriate conditions which ensure that the development is carried out in accordance with the approved details.

### **Reasons for the grant of planning permission**

The development complies with the aim and objectives of PPS5 and Policies D2 and NC19 of the 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 of the Newcastle-under-Lyme Local Plan 2010 because it is of a scale and design that would not be detrimental to the character of the pair of dwelling houses and character or the visual amenity of the area.

Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 is further met in that the development does not result in harm to neighbouring residential amenity levels in terms of visual intrusion, overlooking or loss of light; Policy T13 is met in that road safety will not be lost through the development and the parking provision is in accord with Policy T16 of the Newcastle-under-Lyme Local Plan 2010.

### **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. (a) The materials to be used in the construction of the porch and base of the conservatory hereby permitted shall match in all respects (size, texture and colour) those of the existing houses.  
  
(b) The framework of the conservatory shall be built of wood and finished in paint matching that used on the windows and doors of the house 28 Curzon Street.

(c) The parking spaces shall be surfaced in a neoweb protection layer and filled with 20mm angular self draining gravel, coloured buff, in accordance with the details set out on Drawing 0743-04.

- R2. In the interests of amenity and to comply with the requirements of policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, policies H18, B9, B10 and B13 of the Newcastle-under-Lyme Local Plan 2011 and policies CSP1 and CSP2 of Newcastle-under-Lyme and Stoke on Trent Core Strategy 2009.
3. The permission hereby granted allows the sections of the boundary wall to be removed as detailed on Drawing 0743-03 Revision G and the remaining boundary wall on the Lower Oxford Road and Curzon Street frontages shall be retained at its existing height.
- R3 To clarify the extent of the permission, in the interests of amenity and to comply with the requirements of policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, policies H18, B9, B10, B11 and B13 of the Newcastle-under-Lyme Local Plan 2011 and policies CSP1 and CSP2 of Newcastle-under-Lyme and Stoke on Trent Core Strategy 2009.
4. The construction of the parking spaces hereby permitted shall be undertaken in strict accordance with the methods set out in the conclusions of the Arboricultural Report prepared by N & J Tree Services Ltd and dated 29<sup>th</sup> November 2011 and the details shown on drawing 0743-04.
- R4. In the interests of the protection of trees, to protect amenity and to comply with the requirements of policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, policies, B9, B10 and B13 of the Newcastle-under-Lyme Local Plan 2011 and policies CSP1 and CSP2 of Newcastle-under-Lyme and Stoke on Trent Core Strategy 2009.
5. The excavations required to construct the foundations of the conservatory hereby permitted shall be undertaken by hand as set out in the conclusions of the Arboricultural Report prepared by N & J Tree Services Ltd and dated 29<sup>th</sup> November.
- R5. In the interests of the protection of trees, to protect amenity and to comply with the requirements of policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, policies, B9, B10 and B13 of the Newcastle-under-Lyme Local Plan 2011 and policies CSP1 and CSP2 of Newcastle-under-Lyme and Stoke on Trent Core Strategy 2009.
6. Tree protection measures shall be undertaken and retained at all times during construction of the development hereby permitted in accordance with the details set out the Arboricultural Report prepared by N & J

Tree Services Ltd and dated 29<sup>th</sup> November 2011. The required tree protection barriers shall be erected around the trees in the positions detailed on Drawing 0743-03 Revision G.

- R6. In the interests of the protection of trees, to protect amenity and to comply with the requirements of policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, policies, B9, B10 and B13 of the Newcastle-under-Lyme Local Plan 2011 and policies CSP1 and CSP2 of Newcastle-under-Lyme and Stoke on Trent Core Strategy 2009.
7. The protected cherry tree is to be removed as part of this development shall be replaced with a tree of the same species and size and in the position detailed on Drawing 0743-03 Revision G within the first planting season and seeding season after completion of the development, or within 12 months of the commencement of the development, whichever is the sooner.
- R7. In the interests of amenity and to comply with the requirements of policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, policies, B9, B10 and B13 of the Newcastle-under-Lyme Local Plan 2011 and policies CSP1 and CSP2 of Newcastle-under-Lyme and Stoke on Trent Core Strategy 2009.
8. The development hereby permitted shall be carried out in accordance with the following approved plans:
- TarpeyWoodfineArchitects: Drawing 0743-00; received by the Council 22 Oct 2011.
  - TarpeyWoodfineArchitects: Drawing 0743-01 revision A; received by the Council 24 Oct 2011.
  - TarpeyWoodfineArchitects: Drawing 0743-02; received by the Council 22 Oct 2011.
  - TarpeyWoodfineArchitects: Drawing 0743-03 revision G; received by the Council 2 Feb 2012.
  - TarpeyWoodfineArchitects: Drawing 0743-04; Received by the Council 9 Dec 2012.
- R8. For the avoidance of doubt and in the interests of proper planning.

| Performance Checks          | Date              |                      | Date             |
|-----------------------------|-------------------|----------------------|------------------|
| Consultee/ Publicity Period | <b>13.01.2012</b> | Decision Sent Out    |                  |
| Case Officer Recommendation | <b>01.02.2011</b> | 8 Week Determination | <b>3.02.2012</b> |
| Management check            | <b>2/2 ESM</b>    |                      |                  |

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** Mr. Paul Rowe **Application No** 11/00618/FUL

**Location** Lower Stoney Low Farm, Three Mile Lane, Keele

**Description** Variation of condition 9 of planning permission 06/00560/FUL  
(removal of temporary buildings/structures in the courtyard)

### **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 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 NC18: Listed Buildings

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

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment

#### **Newcastle Under Lyme Local Plan 2011**

Policy S3: Development in the Green Belt  
Policy N17: Landscape Character – General Considerations  
Policy N21: Area 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 Belt (1995)  
PPS5: Planning for the Historic Environment

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

### **Planning History**

Planning permission was granted in 2006 (06/00560/FUL) for the conversion of the large barn to form one two storey dwelling and one first floor dwelling, with two storey



building also to be used for business purposes. In granting the decision the Council imposed a number of conditions to minimise the impact of the development.

### **Views of Consultees**

**Madeley Parish Council** raises no objections

**Conservation Advisory Working Party** raise no objections subject to the building being painted an appropriate colour within 3 months of the decision.

### **Representations**

A site notice was displayed with no letters of representation were received.

### **Key Issues**

The application seeks a variation to condition 9 of planning permission 06/00560/FUL.

Condition 9 requires that;

*“9. All temporary buildings and structures in the courtyard of the application buildings shall be removed from the site before either of the dwellings hereby approved are occupied.*

*R9 To safeguard the setting of the Listed Building in accordance with policy B5 of the Newcastle-under-Lyme Local Plan 2011.”*

The property is located within the open countryside on land designated as North Staffordshire Green Belt and an Area of Landscape Restoration.

Whilst the application site is located within the Green Belt the reason for the condition to be varied was to safeguard the setting of the listed building and was not to minimise the impact of the proposal on the landscape or openness of the Green Belt.

One of the dwellings has been occupied for some time and a number of structures and buildings were located within the courtyard therefore the owners were in breach of condition 9. The Council had been advising the owner to remove the structures and buildings for a number of years. This has now resulted in a large static caravan and large timber building being removed but the owner has advised that the block work stable building (the subject of this planning application) is required for the operation of the equine business.

Therefore, the key issue in the determination of this application is whether the building harms the setting of the listed building.

### **Impact on the setting of the listed building**

Policy B5 of the local plan details that the Council will resist development proposals that would adversely affect the setting of a listed building.

The adjacent farm house, barn and stables are grade II listed buildings and as indicated condition 9 was imposed due to the number of structures and buildings within the courtyard that were considered to harm the setting of these listed buildings.

The block work building occupies a less prominent position compared to the static caravan and the timber stable buildings that have now been removed. The roof of the building has been replaced recently and the block work has been rendered. This has significantly improved its appearance but there is still a requirement to paint it which could be secured via a condition. The improvement in the design/ appearance of the proposal, its size and location does not harm the setting of the listed buildings and is considered to be in accordance with policy B5 of the local plan and PPS5. Therefore the condition can be varied accordingly.

The Conservation Advisory Working Party has raised no objections subject to the render being painted within 3 months. Officers agree that this is an acceptable period for the works to be carried out due to it being winter.

**Reason for the grant of planning permission: -**

A variation of condition 9 to enable the existing stable to remain is not considered to harm the setting of the adjacent listed buildings, thus not being contrary to Policy B5 of the Newcastle under Lyme Local Plan 2011, Policies D2 and NC18 of the Stoke-on-Trent Structure Plan 1996-2011 and Policies CSP1 and CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and PPS5: Planning for the Historic Environment.

**Recommendation**

**Permit** subject to the following conditions:

1. The building shall be painted in a cream colour within 3 months of the date of this permission and no other buildings or structures shall be located within the courtyard of the site unless otherwise agreed in writing with the LPA.

Reason: To protect and setting the listed building in accordance with the requirements of Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policy B5 of the Newcastle-under-Lyme Local Plan 2011 and the guidance given in PPS5.

2. All conditions of planning permission 06/00560/FUL, other than condition 9 of that permission removed by virtue of this planning permission, shall continue to apply.

Reason: For the avoidance of doubt and having regard to the terms of the application which is made under the provisions of Section 73 of the Town and Country Planning Act 1990.

| Performance Checks          | Date               |                      | Date              |
|-----------------------------|--------------------|----------------------|-------------------|
| Consultee/ Publicity Period | <b>03.02.2012</b>  | Decision Sent Out    |                   |
| Case Officer Recommendation | <b>15.02.2012</b>  | 8 Week Determination | <b>28.02.2012</b> |
| Management check            | <b>21/2/12 ESM</b> |                      |                   |

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** Keele University

**Application No** 11/00622/FUL

**Location** Darwin Building, Keele University

**Description** Ground Floor Extension and Installation of Solar Thermal Panels

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

#### **West Midlands Regional Spatial Strategy (WMRSS)**

Policy PA4: Development Related to Higher/Further Education and Research Establishments and Incubator Units

Policy QE1: Conserving and Enhancing the Environment

Policy QE3: Creating a High Quality Built Environment for all

Policy QE5: Protection and Enhancement of the Historic Environment

Policy QE6: The Conservation, Enhancement and Restoration of the Region's Landscape

Policy T7: Car Parking Standards and Management

Policy EN1: Energy Generation

#### **Staffordshire and Stoke-on-Trent Structure Plan 2011**

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

Policy D7: Conserving Energy and Water

Policy T1A: Sustainable Location

Policy NC1: Protection of the Countryside: General Considerations

Policy NC2: Landscape Protection and Restoration

Policy NC17A: Historic Parks and Gardens: Protection

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

CSP1 Design Quality

CSP2 Historic Environment

CSP3 Sustainability and Climate Change

ASP6 Rural Area Spatial Policy

#### **Newcastle-under-Lyme Local Plan 2011**

Policy E8: Keele University and Keele Science Park

Policy T16: Development – General Parking Requirements

Policy T18: Development – Servicing Requirements

Policy N17: Landscape Character – General Considerations

Policy N19: Landscape Maintenance Areas

### **Other Material Considerations**

#### **Relevant National Policy Guidance:**

PPS1: Delivering Sustainable Development

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

PPS4: Planning for Sustainable Economic Growth  
PPS5: Planning for the Historic Environment  
PPS7: Sustainable Development in Rural Areas  
PPG13: Transport  
PPS22: Renewable Energy & Companion Guide

#### Supplementary Planning Guidance

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

Planning for Landscape Change – Supplementary Planning Guidance to the Structure Plan

Waste Management and Recycling Planning Practice Guidance Note

Newcastle (urban) Transport and Development Strategy (NTADS)

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

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

#### 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

None relevant in the determination of this planning application

#### Views of Consultees

**Keele Parish Council** have provided the following comments stating that although the applicant has highlighted that the loss of six spaces is insignificant within the wider campus, this is on top of losses proposed as part of the student union application and losses seen in other applications. This further reduction would therefore have significance in the resultant and ongoing parking problems both in the village and on campus.

They have also stated their concern on the visual impact of the proposed panels, design and materials in terms of its surroundings and matching in with the existing building. The materials should be high quality and in keeping with the surroundings.

The **Highway Authority** have no objection to the proposals.

**Landscape Development Section** have no objections to the proposal.

**Environmental Health** have no objections to the proposal.

The **Conservation Advisory Working Party** were disappointed with the design of the building however they have no objections to the proposal.

The **Garden History Society** have not responded within the statutory timeframe so it must be assumed that they have no comments to make.

### **Representations**

The application was advertised by way of a site notice and no representations were received.

### **Applicants/ Agents submission**

The requisite application forms and plans were submitted as well as the following documents;

- A design and access statement
- A heritage asset statement

### **Key Issues**

The application is for the erection of a ground floor extension and installation of solar thermal panels. The application site is within the heart of the Keele University campus located within the open countryside on land designated as an area of landscape maintenance as well as a historic park and garden as indicated on the Local Development Framework Proposals map.

The key issues in the determination of the development are:

- The design of the proposals and the impact on the surrounding area of landscape maintenance and the Historic Park and Garden
- Highway safety

### **Design of the proposals and the impact on the surrounding area of landscape maintenance and the Historic Park and Garden**

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.”*

The proposed single storey extension is a modest addition to the existing building and its considered design seeks to ensure that it assimilates well with the existing building and does not provide a competing design feature for the main building. This was also a key consideration in the choice of materials which are discussed below. The design itself was led to some extent by the functional requirements of the applicant with the proposed extension being for a lecture theatre which does not lend itself to windows. A flat roof has also been proposed to prevent upper floor windows from being adversely impacted upon in terms of outlook and more specifically loss of light. Although the proposed design does not follow with the existing building, its contrasting design is not felt to have an adverse impact upon the structure or the surrounding area taking into account its modest scale and position at lower level in

relation to the surrounding topography as well as the palette of materials chosen. It is therefore felt that the proposal adheres with the principles of policy D2 of the Staffordshire and Stoke on Trent Structure Plan as well as policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026.

In terms of the materials submitted to be used for the construction of the proposal, these are felt to have been carefully considered and would ensure that the proposal assimilates well with the existing property and does not appear prominent within the surroundings. The reconstituted stone coping was revised for a dark grey powder coated aluminium coping following input from the Conservation officer and planning officer.

The proposed scale and location of the solar thermal panels is such that they will not be prominent within the surrounding area when viewed in context of important public vistas. Views will be possible of the panels from certain parts of the adjacent car park however this will not have a detrimental impact upon the visual amenity of the area due to the general appearance of these types of panels assimilating fairly well on roofs. As no precise details have been included in relation to the appearance of these, a condition requesting prior approval of the details should be included as part of any permission.

Due to the level of development that has occurred within the areas surrounding the proposal it is not felt that the proposed extension and solar thermal panels would have an adverse impact upon either the Area of Landscape Maintenance or the Grade II Registered Historic Park and Garden. As discussed above, the extension has been designed to assimilate within the backdrop of the existing building and in its location at a lower level than the adjacent road it would not be prominent within the surroundings. As such the proposal adheres with the principles of policies NC1, NC2 and N17A of the Staffordshire and Stoke on Trent Structure Plan 1996-2011 and policies N17 and N19 of the Newcastle under Lyme Local Plan 2011.

#### Highway safety

Whilst the concerns of the Parish Council are noted it is considered that the loss of 6 parking spaces is not significant and a refusal on the loss of parking spaces and any resultant highway safety concerns within the campus or the wider area would be difficult to sustain particularly in light of the lack of objections raised by the highway authority.

#### Reasons for the grant of planning permission

The proposals represent a high standard design and finish that would have no adverse impact upon the character and quality of the surrounding landscape or historic park and garden. The proposed development therefore accords with Policies N17 & N19 of the Newcastle-under-Lyme Local Plan 2010, Policies D2, NC1, NC2 and NC17A 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.

#### Recommendation

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;

- Extension Site Plan as Proposed Drawing Number: PM2572-P04 date stamped received by the LPA on 15<sup>th</sup> November 2011
- Ground Floor Plan as Proposed Drawing Number: PM2572-P05 date stamped received by the LPA on 15<sup>th</sup> November 2011
- Extension Elevations as Proposed Drawing Number: PM2572-P06 date stamped received by the LPA on 15<sup>th</sup> November 2011

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

3. The external materials to be used in the construction of the proposed development should adhere with the information below;

- Ibstock Etruria Mix Facing Brick – Panel adjacent to windows and existing building
- Ibstock Staffs Slate Blue Smooth – Plinth
- Weber Brick Red Render – Main Building
- Syntha Pulvin RAL 7024 – Powder Coated Aluminium Framed Windows, Doors and Aluminium Coping (in lieu of the stone coping illustrated on Drawing number PM2572-P06\_

unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure the satisfactory appearance of the development in accordance with the requirements of Policy 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. Prior to the installation of the solar thermal panels details shall first have been submitted to and approved in writing by the Local Planning Authority. The panels shall then be installed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development in accordance with the requirements of 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.

| Performance Checks          | Date           |                      | Date           |
|-----------------------------|----------------|----------------------|----------------|
| Consultee/ Publicity Period | <b>7/2/12</b>  | Decision Sent Out    |                |
| Case Officer Recommendation | <b>8/2/12</b>  | 8 Week Determination | <b>17/1/12</b> |
| Management check            | <b>8/2 ESM</b> |                      |                |

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** - Butters John Bee

**Application No.** 11/00639/LBC

**Location** – 36 High Street, Newcastle

**Description** – Illuminated fascia sign and hanging sign to front of property

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

#### **West Midlands Regional Spatial Strategy 2008**

Policy QE1: Conserving and Enhancing the Environment

Policy QE3: Creating a High Quality Built Environment for all

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

Policy NC18: Listed Buildings

#### **Newcastle-under-Lyme Local Plan 2011**

Policy B5: Control of Development Affecting the Setting of a Listed Building

Policy B6: Extension or Alteration of Listed Buildings

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

Policy CSP2: Historic Environment

### **Other Material Considerations include:**

#### **National Planning Policy**

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**

There have been numerous planning applications, advertisement consents and listed building consents granted at this property. The latest advertisement consent being permitted in 2011 - 11/00502/ADV. This has resulted in the LBC being sought due to the works required to display the adverts affecting a listed building.

#### **Views of Consultees**

The **Conservation Advisory Working Party** raised no objections to the submitted proposal but is concerned that the fascia sign that has been erected is not in accordance with these plans and objects to this.



## **Representations**

No representations received.

## **Applicants/ Agents submission**

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

## **Key Issues**

The application is for Listed Building Consent for replacement advertisement signs. These proposed signs received outdoor advertisement consent in 2011. The property has a commercial use and is located within Newcastle town centre, as indicated on the Local Development Framework Proposals Map.

A previous listed building consent was also permitted in 2011 but as indicated the only works being sought for as part of this application is the signage to the front of the building.

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

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

In considering applications for alterations to a Listed Building, the Local Planning Authority is required to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. In this regard PPS5 indicates in policy HE7.5 that:-

"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."

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

The fascia approved under the advertisement consent, app no. 11/00502/ADV, is smaller than the existing fascia sign that has been erected without consent. The width of the proposed sign would match that of the display window which would help it to appear more proportionate and less dominant. The fascia sign will consist of an aluminium tray fixed to the building with individually lit letters applied to this tray. The application plans indicate that the trough light will also be removed. The proposed sign is therefore considered to represent an acceptable design that would not harm the character of the building.

The hanging sign bracket will remain (as existing) with the new sign board also appearing to have been erected. This sign would not further alter the fabric of the building and nor does it adversely affect the appearance of the building with the design preserving the character of the building.

The Conservation Area Working Party (CAWP) has raised no objections to the application but they have indicated that they object to the fascia sign that has been erected.

The applicant has detailed that the fascia sign that has been erected is a short term measure. However, officers advised the applicant that any works to the building without the relevant consent could result in prosecution. This resulted in an LBC application being submitted and should the works to replace the unauthorised development be carried out in a prompt manner then it is not considered that a prosecution is necessary in this instance. A condition requiring the works to be carried out within 2 months of the date of the permission is necessary due to the unauthorised and unacceptable nature of the existing sign.

In consideration of the above the view of officers is that the proposed signs would not harm the character of the building and would help to preserve its appearance. This being in accordance with the relevant policies of the development plan.

**Reason for the grant of listed building consent:**

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

**Recommendation**

**Grant consent subject to the following conditions;**

1. **BESPOKE** - The development hereby approved shall be carried out and completed in strict accordance with the approved plans detailed in condition 2 below within 2 months of the date of this permission unless otherwise agreed in writing with the LPA.

Reason: To protect and safeguard the historic fabric and appearance of the listed building in accordance with the requirements of Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, Policy B6 of the Newcastle-under-Lyme Local Plan 2011 and the guidance given in PPS5.

2. **BESPOKE** - This permission for development relates to the following submitted drawings and information:-

- Drawing no. 8058-05 & 8058-10 rev A, date stamped received by the Local Planning Authority on 30 November 2011

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

| Performance Checks          | Date       |                   | Date |
|-----------------------------|------------|-------------------|------|
| Consultee/ Publicity Period | 06.01.2012 | Decision Sent Out |      |

|                               |                   |                      |                   |
|-------------------------------|-------------------|----------------------|-------------------|
| Case Officer Recommendation   | <b>25.01.2012</b> | 8 Week Determination | <b>27.01.2012</b> |
| Report checked by Back Office |                   |                      |                   |
| Management check              | <b>26/1 ESM</b>   |                      |                   |

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** Aspire Housing **Application No** 11/00641/FUL

**Location** Kingsley, Brampton, Newcastle

**Description** Installation of roof mounted Solar Panels

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

#### **West Midlands Regional Spatial Strategy 2008**

Policy QE3 – Creating a High Quality Built Environment for All  
Policy EN1: Energy Generation

#### **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 CSP3: Sustainability and Climate Change

#### **Newcastle under Lyme Local Plan 2011**

Policy B9: Prevention of harm to conservation areas  
Policy B10: The requirement to preserve or enhance the character or appearance of a conservation area  
Policy B13: Design and Development in conservation areas  
Policy B14: Development in or adjoining the boundary of Conservation Areas

#### **Other Material Considerations**

##### **Relevant National Policy Guidance:**

PPS1: Delivering Sustainable Development (2005)  
PPS 5: Planning and the Historic Environment  
PPS22: Renewable Energy (2004)

Companion Guide to PPS1 “The Planning System: General Principles”  
Planning and Climate Change Supplement to PPS1  
Planning for Renewable Energy A Companion Guide to PPS22

**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)

### **Views of Consultees**

Conservation Advisory Working Party – No objections

Environmental Health Division – No objections

### **Representations**

None received

### **Applicants/agents submission**

A Design and Access Statement have been submitted with the application.

### **Key Issues**

Planning permission is sought for the installation of 29 solar panels on two south facing roof slopes at the offices of Aspire Housing, which is located within the Brampton Conservation Area and within the urban area of Newcastle under Lyme, as designated by the Local Development Framework Proposals Map. The site is within the Local Plan policy H7 area – Protection of areas of special character.

It is considered the proposal does not adverse impact on the requirements of Policy H7 and as such the key issues in the consideration of this application are:

- Design and the impact on the conservation area
- Impact on amenity
- Environmental considerations

### **Design and the impact on the conservation area**

Policy HE1 of Planning Policy Statement 5 advises that the historic environment has an important part to play in addressing climate change.

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 office building is set well back off Brampton Road and the roof slopes on which the panel would be placed run at 90 degree to this road frontage and as such the panel would not be readily visible from the road side. The roof slopes are not readily viewed from any public vantage point.

Overall, the solar panels are considered acceptable in terms of design, impact on the character and appearance of the Conservation area. 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 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 residential development and as such is not relevant to this proposal but it provided a useful starting point to assess if the proposal would result in any adverse harm to residential amenity

It is considered that the proposed solar panels would not cause a loss of privacy or light to any neighbouring uses or result in noise disturbance, and therefore the proposal is considered acceptable in terms of its impact upon amenity.

### Environmental Considerations

Policy CSP 3 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy states that "development which positively addresses the impacts of climate change and delivers a sustainable approach will be encouraged." The installation of solar panels is an attempt to generate renewable energy at the Wade Centre, which is commended by this authority. The Environmental Health Division of the Borough Council raises no objection to the proposal.

Overall, the proposed solar panels are considered to comply with Policy CSP 3 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026.

### Reasons for the grant of planning permission

The proposed solar panels would not harm the character or appearance of Brampton Conservation Area or the character and appearance of the wider street scene, and would positively address the impacts of climate change through the generation of renewable energy. 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 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:
  - Aspire Housing project no AH KINGSLEY2011 drawing no.02 Location plan, scale 1:1250, stamped received on 24<sup>th</sup> November 2011

- Aspire Housing project no AH KINGSLEY2011 drawing no.01 Block Plan scale 1:500 and Location Plan 1:1250 , stamped received on 24<sup>th</sup> November 2011.

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

The solar panels hereby permitted shall be removed from the building within 12 months of them ceasing to generate energy.

R3: 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 CSP 2 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 | <b>03.02.2012</b> | Decision Sent Out    |                   |
| Case Officer Recommendation | <b>07.02.2012</b> | 8 Week Determination | <b>13.02.2012</b> |
| Management check            | <b>8/2 ESM</b>    |                      |                   |

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** Mr and Mrs Roseff **Application No** 11/00644/FUL

**Location** 27 Betley Hall Gardens, Betley

**Description** Two storey side extension

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

#### **West Midlands Regional Spatial Strategy 2008**

Policy QE3 – Creating a High Quality Built Environment for All

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

Policy D1: Sustainable Forms of Development.

Policy D2: The Design and Environmental Quality of Development

Policy D4: Managing Change in Rural Areas

Policy NC13: Protection of trees, hedgerows and woodlands

Policy NC19: Conservation Areas

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

Policy CSP1: Design Quality

Policy CSP 2: Historic Environment

Policy ASP6: Rural Area Spatial Policy

#### **Newcastle under Lyme Local Plan 2011**

Policy B9: Prevention of harm to conservation areas

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

Policy B13: Design and Development in Conservation Areas

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

Policy B15: Trees and landscape in Conservation Areas

### **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”

**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**

None relevant

### **Views of Consultees**

**Betley, Balterley and Wrinehill Parish Council – No Objections**

**Conservation Advisory Working Party – No objections**

### **Representations**

None received

### **Applicants/agents submission**

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

- The Betley Centre Conservation Area was designated in 1970 and a character appraisal was carried out in December 2008 which identified the key positive characteristics of the Betley Conservation Area and the key issues in terms of character, Listed Buildings, development control, etc
- Betley Hall Gardens is located in the northern approach to the centre of Betley and the estate is laid out on the former grounds of Betley New Hall which was demolished in the late 20<sup>th</sup> Century.
- The proposal involves the demolition of an existing attached garage to No. 27 Betley Hall Gardens and its replacement with a two storey side extension embracing an attached garage, garden room to the rear and a bedroom and a study at first floor level
- No. 27 Betley Hall Gardens was built as part of an estate development in the 1970s and is a two storey brick built detached house built in a "mock Georgian" style with concrete pantiled roofs.
- The house is accessed via a shared private drive off Betley Hall Gardens which also serves No.s 29 and 31
- Vehicular access and parking arrangements are not altered by the scheme i.e. a double garage will replace the existing double garage and access generally will be as the current layout
- Care has been taken in the design to allow the proposed extension to be subservient to the host dwelling. This has been achieved by reducing the ridge height of the extension below that of the existing home and providing a dormer window arrangement to the principle elevation thus allowing the eaves to be set at a lower level.

- Brickwork and roof tiles will be carefully chosen to match the existing dwelling
- There are no amenity issues raised by the proposal as principle windows face the private garden to the rear or the shared private access to the site frontage
- The proposal therefore has little impact on the special character and appearance of the Betley Conservation Area as it is essentially neutral in form, and respects the host dwelling

### **Key Issues**

Full planning permission is sought for a two storey side extension to replace a single storey attached garage, at 27 Betley Hall Gardens, which is a detached two storey dwelling located within the village envelope of Betley and within the Betley Conservation Area, as designated in the Local Development Framework Proposals Map.

The proposed two storey extension would project 4.9 metres from the side elevation of the dwelling. The extension would be stepped back from the front elevation by 200 mm, and would be stepped down from the ridge height of the original dwelling by 500mm. The two storey part of the extension would be flush with the rear elevation of the original dwelling.

A dormer window is proposed to the front elevation of the extension, with the window style to match those of the existing dwelling. A single storey sunroom is proposed to the rear elevation of the extension, which would project 2.1 metres from the rear elevation of the extension.

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

The key issues in the consideration of this application are:

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

### **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.

In terms of Policy B10 of the Local Plan, it is considered that the form, scale, bulk, height and materials are all acceptable. The plot is fairly large and can easily accommodate an extension of this size. Further, the extension would not exceed half the width of the original dwelling, which will help it appear subordinate and not dominate the appearance of the dwelling.

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.

The proposal is therefore considered to comply 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 proposed two storey side extension would not result in a loss of light or privacy to any neighbouring occupiers principal windows, and is therefore considered acceptable in this regard, and in accordance with the Borough Councils Space Around Dwellings Supplementary Planning Guidance Note.

### Reasons for the grant of planning permission

The proposed development would preserve the character and appearance of the Conservation Area and would have no adverse impact upon residential amenity. The proposal therefore complies with policies D2, D4, 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 plans drawing No. 6323 06 Rev A, received 15<sup>th</sup> December 2011
  - Existing plans, drawing No. 6323 03, Rev A, Received 15<sup>th</sup> December 2011
  - Proposed elevations, drawing No. 6323 05, received 5<sup>th</sup> December 2011
  - Proposed floor plans, drawing 6323 04, received 5<sup>th</sup> December 2011
- R2. For the avoidance of doubt and in the interests of proper planning.

3. 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.

R3: 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 | <b>25/1/2012</b> | Decision Sent Out    |                  |
| Case Officer Recommendation | <b>2/2/2012</b>  | 8 Week Determination | <b>14/2/2012</b> |
| Management check            | <b>RK 6.2.12</b> |                      |                  |

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** Mr Andrew Martin **Application No:** 11/00662/FUL

**Location** Lime House, Poolside, Madeley Newcastle

**Description** Single storey side extension and associated works

### **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 1996 - 2011**

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

#### **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.

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

Strategic Aim 5: To foster and diversify the employment base;  
Strategic Aim 16: To eliminate poor quality development;  
Policy CSP1: Design Quality;  
Policy CSP2: Historic Environment.

### **Other Material Considerations**

#### **Relevant National Policy Guidance:**

PPS 1: Delivering Sustainable Development;  
Companion Guide to PPS1: The Planning System: General Principles.  
PPS5: Planning and the Historic Environment (2010).

#### **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.*

### 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)

Madeley Village Design Statement

### Relevant Planning History

|              |     |            |  |
|--------------|-----|------------|--|
| N21243       | PER | 17.12.1991 | The erection of three dwellings.   |
| 02/00768/FUL | PER | 31.10.2002 | First floor side extension and two storey rear extension. Not implemented. |

### Views of Consultees

MADELEY PARISH COUNCIL                      No objection.

### Representations

None.

### Applicant's/Agent's Submission

A Design and Access Statement has been submitted.

The existing building is a detached 4 bedroom dwelling. The proposed extension would increase the size of the ground floor kitchen/dining area. It would be finished with brickwork, tiles, floor, windows and door to match existing.

### Key Issues

This application site is a modern detached two storey house. It is set with two other houses in a private driveway off the main A525/ Poolside road through Madeley. It is within the Madeley Conservation Area.

A feature of the house as built is a single storey section on the left hand or northern side; the present application is for full planning permission to add a further single storey section to the side of this.

The main issues for consideration in the determination of this application are visual amenity, its impact on the character and appearance of the Conservation Area and public amenity.

## 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 of the Structure Plan calls for development which should be designed to relate to its surrounding context while not excluding innovative and creative designs; NC19 calls for retention of buildings which contribute to a conservation areas special character.

Local Plan policy B9 resists development that would harm the special character or appearance of Conservation Areas, B10 requires preservation or enhancement of the Character or Appearance of a Conservation Area. Policy B13 requires applicants to demonstrate have the need to preserve and enhance is taken into account in the design.

The proposed extension would closely follow the design of the original house with a side gable and double pitch roof. The roof would have the same pitch angle, barge boards and soffits as those of the original house. On the rear elevation the existing two panels of the french window would be widened to four. Bricks and other materials to match the original are specified.

It is considered that there would not have an adverse impact on the character or appearance of the Conservation Area, and the extension would not detract from the character of the surroundings.

## Public Amenity

Policy D2 of the Structure Plan states that development should conserve and where possible improve the quality of life and the environment and avoid hazards to health and safety.

The extension would bring the house to 0.9 metres of the boundary. There is a further 10 metre gap beyond this to the neighbouring house which is in Waterside Close. Shadowing or dominance of the development is unlikely to occur due to this separation and given the extension would be single storey with no side facing opening proposed it is unlikely to result in loss of residential amenity due to loss of privacy. There will be no material loss of amenity space for occupiers.

It is considered there would be no adverse loss of residential amenity if the proposal is accepted.

## **Reasons for the grant of planning permission**

The development complies with the aim and objectives of PPS5 and Policies D2 and NC19 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 B13 of the Newcastle-under-

Lyme Local Plan 2011 because it is of a scale and design that would not be detrimental to the character of the dwelling house and character or the visual amenity of the locality or Conservation Area.

Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 is further met in that the development does not result in any adverse harm to neighbouring residential amenity levels in terms of visual intrusion, overlooking or loss of light.

### **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. BE06I Materials to match existing  
The materials to be used in the construction of the development hereby permitted shall match in all respects (size, texture and colour) those of the existing buildings.
- R2. In the interests of amenity to comply with the requirements of policies D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, and CSP1 and CSP2 of Newcastle-under-Lyme and Stoke-on-Trent Core Strategy 2009; and B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - David Bailey Architect Ltd Job No: 00652, Drawing no: 1A, Date Oct 2011: Received by the Council 14.12.2011;
  - David Bailey Architect Ltd Job No: 00652, Drawing no: 5A, Date Oct 2011: Received by the Council 14.12.2011;
  - David Bailey Architect Ltd Job No: 00652, Drawing no: 6A, Date Oct 2011: Received by the Council 14.12.2011.
- R3. For the avoidance of doubt and in the interests of proper planning.

| Performance Checks          | Date                             |                      | Date              |
|-----------------------------|----------------------------------|----------------------|-------------------|
| Consultee/ Publicity Period | <b>09.02.2012</b>                | Decision Sent Out    |                   |
| Case Officer Recommendation | <b>01.02.2012</b>                | 8 Week Determination | <b>10.02.2012</b> |
| Management check            | <b>Revised PR<br/>02.02.2012</b> |                      |                   |



## OFFICER REPORT ON DELEGATED ITEMS

**Applicant** - Citizens Advice Bureau  
11/00670/FUL

**Application** \_\_\_\_\_ **No.**

**Location** – 25-27 Well Street, Newcastle

**Description** – Widening of existing door and internal alterations for improved disabled access with new UPVC windows.

### **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 QE2 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 2006-2026 (adopted 2009)**

Policy CSP1 Design Quality  
Policy CSP2 Historic Environment

#### **Newcastle-under-Lyme Local Plan 2011**

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

### **Other Material Considerations include:**

#### **National Planning Policy**

PPS1: Delivering Sustainable Development (2005)  
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.

Register of Locally Important Buildings and Structures

## **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, 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**

None directly relevant to this application.

## **Views of Consultees**

**Conservation Advisory Working Party** – No objections to the proposal but the ground floor windows should be constructed from timber.

**Disabled Access Committee** – No comments received within the appropriate timeframe so it must be assumed that they have no comments to make.

## **Representations**

None received

## **Applicants/ Agents submission**

The requisite application forms and plans were submitted. A design and access statement was also submitted.

## **Key Issues**

Full planning permission is sought for the widening of the existing door and internal alterations for improved disabled access with new UPVC windows. The application property is located within Newcastle Town Centre Conservation Area and the terrace of properties in which this is part is on the Council's Register of Locally Important Buildings and Structures.

It is considered that the main issue for consideration in the determination of this application is:-

- The design of the proposals and the visual impact of the development upon the surrounding area taking into account its position within Newcastle Town Centre Conservation Area

**The impact of the development upon the surrounding area taking into account its position within Newcastle Town Centre 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’

Due to the marginal increase in the width and lowering of the door and the general retention of its horizontal proportions it is not felt that any adverse impact would be caused to the application property or the terrace properties of which it is part.

The application proposes UPVC windows to replace the existing ground floor timber windows which are in a poor state of repair. This is an alteration to the property and as it is located within the Conservation Area it would require the benefit of planning permission. Policy B8 of the Local Plan addresses buildings which are not listed but otherwise are of historic or architectural interest, as is the case with this building which is on the Register (referred to above). Policy B8 states that the Council will ensure the conservation of locally important buildings and structures by encouraging their retention, maintenance, appropriate use and restoration. Whilst it is acknowledged that there are already UPVC windows at first floor it is considered that the replacement of the existing timber windows at ground floor, which are more prominent and have a greater affect on the character of the street scene, would not be appropriate and would not accord with Policy B8. In accordance with the views of both the Conservation Advisory Working Party and the Conservation Officer a condition should be attached specifying that the windows are timber.

The internal alterations proposed would not require planning permission and therefore the merits of such have not been discussed in this application.

### **Reason for granting planning permission**

Due to the scale and nature of the proposals it is felt that the development would not have an adverse impact upon the visual amenity or character of the surrounding Newcastle Town Centre Conservation Area subject to the requirement that the replacement ground floor windows are in timber. The development therefore accords with the principles of policies D2 and NC19 of the Staffordshire and Stoke on Trent Structure Plan (1996-2011), policies B8, B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan 2011 as well as policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (2006-2026)

### **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.
- R. 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;

- Scheme Drawing Number: CAB-02 (stamped received by the Local Planning Authority 19/12/2011)

- R. For the avoidance of doubt and in the interests of proper planning.
3. The replacement ground floor windows shall be constructed from timber, and not UPVC as stated on the application form, in accordance with the details shown on the approved drawing number CAB-02.
- R. To protect the character and appearance of this building which is on the Register of Locally Important Buildings and Structures and within Town Centre Conservation Area and to accord with policy NC19 of the Staffordshire and Stoke on Trent Structure Plan, policy CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy and policies B8, B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan as well as.

| Performance Checks            | Date           |                      | Date           |
|-------------------------------|----------------|----------------------|----------------|
| Consultee/ Publicity Period   | <b>20/1/12</b> | Decision Sent Out    |                |
| Case Officer Recommendation   | <b>6/2/12</b>  | 8 Week Determination | <b>13/2/12</b> |
| Report checked by Back Office |                |                      |                |
| Management check              | <b>8/2 ESM</b> |                      |                |



- Policy B5: Control of Development Affecting the Setting of a Listed Building
- Policy B6: Extension or Alteration of Listed Buildings
- Policy B9: Prevention of harm to Conservation Areas
- Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area
- Policy B13: Design and Development in Conservation Areas
- Policy B14: Development in or adjoining the boundary of Conservation Areas

**Other Material Considerations include:**

**National Planning Policy**

- PPS1 - Delivering Sustainable Development  
Companion Guide to PPS1 "The Planning System: General Principles"
- PPS3: Housing
- PPS5: Planning for the Historic Environment
- PPG13: Transport
- PPG24: Planning and noise

**Supplementary Planning Guidance**

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

Waste Management and Recycling Planning Practice Guidance Note

Newcastle (urban) Transport and Development Strategy (NTADS)

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

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

**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**

An application (11/400/FUL) was previously submitted for this approval however it was withdrawn due to the lack of a noise assessment with the application.

There is currently a listed building consent application (11/00681/LBC) awaiting determination for the alterations associated with this.

### Views of Consultees

The **Environmental Health Division** initially objected to the application on the basis that the noise assessment did not go far enough to allay their concerns that the residential uses would not be adversely affected by the bistro use however since speaking to the noise consultant and receiving confirmation from the agent in relation to potential conditions it is now felt that these issues can now be addressed through condition.

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

### Representations

None received

### Applicants/ Agents submission

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

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

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

### **KEY ISSUES**

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

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

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

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

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

#### The principle of the change of use

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

Policy H6 of the Local Plan encourages the conversion of existing non residential urban buildings into living accommodation provided that conflict isn't caused with nearby uses.

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

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

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

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.

The alterations required to facilitate the proposals are located primarily within the courtyard area of the application site in existing outbuildings that appear more modern than the front of the building specifically referenced within the listing description and as such it is not felt that the proposals would have an adverse impact upon the character of the listed building itself or the visual amenity of the Conservation Area. The proposals also illustrate that a door is to be bricked up as well as existing windows to be replaced on external facing elevations with materials to match the existing which would be appropriate however due to potential requirements of the noise assessment report



(discussed below) it is felt that the conditioning of the precise materials is left to the LBC application which would also be required prior to the commencement of the development. Through discussions with Environmental Health and the use of appropriate conditions it is felt that the works required by the noise assessment would not make the proposal unacceptable in terms of the Listed building consent process.

The proposed alterations to the building would have no adverse impact upon the appearance of the Grade II listed building as well as the Newcastle under Lyme Conservation Area. The proposal therefore accords with Policy D1 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, policies B6, B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan 2011 and the overarching aims and objectives of PPS 5.

### Residential Amenity

Since the original application was withdrawn, this application was re-submitted with a noise assessment however on consideration of this it was not felt that it had gone far enough to address the concerns over potential conflict between the residential uses and the bistro use. Having spoken to the noise consultant it was felt that these issues could be overcome however this may have required substantial internal alterations that may not have been acceptable from a listed building consent perspective. As a consequence it was felt that the application would need to be withdrawn or refused to allow a full assessment to be made of this however following discussions with the applicant regarding potential conditions

- Flat above the bistro linked to the bistro
- No use of the rear courtyard as a smoking area/drinking area

it was felt that the noise issues could be addressed by condition and the internal alterations required would not then be to a level that could raise issues from a listed building perspective.

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

### Other matters

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

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

### Reasons for the grant of planning permission

The principle of the additional residential property is acceptable due to its location within a sustainable location in close proximity to the services and facilities in the town centre and links to public transport network. Through the use of appropriate conditions it is considered satisfactory internal noise levels would be achieved and so the impact on the residential amenity levels of future occupiers would be limited. The proposed alterations to the building would have no adverse impact upon the appearance of the Grade II listed building as well as the Newcastle under Lyme Conservation Area. The proposal would therefore be in accordance with policies B6, B9, B10, B13, B14, H6 & T16 of the Newcastle-under-Lyme Local Plan 2011; policies D1 & D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011; the aims and objectives of PPS1, PPS5 and PPG24 and guidance contained within the Supplementary Planning Document for Newcastle Town Centre (January 2009).

### **Recommendation**

**Permit** with the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1. To comply with the provisions of Section 91 of the Town and Country Planning Act.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Existing and Proposed Floor Plans Drawing no. 06 Rev. B, date stamped received by the Local Planning Authority on the 16 December 2011.
  - Proposed and Existing Elevations Drawing no. 08, date stamped received by the Local Planning Authority on the 16 December 2011.
- R2. For the avoidance of doubt and in the interests of proper planning.
3. The flat to be located above the bistro shall be linked to the use of the bistro and at no time separated, let or sub-let to a party with no link to the afore mentioned bistro.
- R3. In the interests of residential amenity in accordance with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and PPG24 taking into account its location above a use which could cause noise issues.
4. The courtyard area shall not be utilised at anytime for any public use associated with the bistro. For the avoidance of doubt these uses include;
  - Eating Area
  - Smoking Area
  - Drinking Area
  - Dancing Area
- R4. In the interests of residential amenity in accordance with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and PPG24 taking into account its location above a use which could cause noise issues.

5. Prior to the commencement of development details shall first be submitted to and approved in writing of the noise attenuation measures to be incorporated within the scheme to protect the residential amenity of the flats hereby approved.  
For the avoidance of doubt these measures should include the following;
- Full and precise details of the internal alterations
  - Full and precise of the glazing specifications and associated mechanical ventilation if required
  - Sensitive Noise Management Policy

R5. In the interests of residential amenity in accordance with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and PPG24 taking into account its location above a use which could cause noise issues.

| Performance Checks          | Date           |                      | Date           |
|-----------------------------|----------------|----------------------|----------------|
| Consultee/ Publicity Period | <b>20/1/12</b> | Decision Sent Out    |                |
| Case Officer Recommendation | <b>10/2/12</b> | 8 Week Determination | <b>10/2/12</b> |
| Management check            |                |                      |                |

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** - Mr & Miss Grant & Tanya Emery      **Application No** – 11/00682/FUL

**Location** – Barn View, Lower Stoney Low Farm, Three Mile Lane, Keele

**Description** – Erection of a 50Kw wind turbine (maximum height to the blade tip 34.5m)

### **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 QE7: Protecting, managing and enhancing the Region's Biodiversity and Nature Conservation Resources  
Policy EN1: Energy Generation

#### **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 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 NC8: Habitats of Protected Species  
Policy NC18: Listed Buildings

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

Strategic Aim 14 – To protect and enhance the historic heritage and the unique character of the plan area by ensuring new developments are appropriate in terms of scale, location and their context

Strategic Aim 15 – to protect and improve the countryside and the diversity of wildlife and habitats throughout the plan area

Strategic Aim 17 – To minimise the adverse impacts of climate change in the move towards zero carbon growth through energy efficiency, promoting the use of renewable energy sources and green construction methods in accordance with best practice

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

#### **Newcastle-under-Lyme Local Plan 2011**

Policy S3: Development in the Green Belt  
Policy N8: Protection of Key Habitats  
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 Belt (1995)

PPS7: Sustainable Development in Rural Areas (2004)

PPS9: Biodiversity and Geological Conservation (2005) and its companion Good Practice Guide

PPG15: Planning and the Historic Environment

PPS22: Renewable Energy

PPG24 Planning and Noise (September 1994)

Planning for Renewable Energy: A Companion Guide to PPS22

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

Planning and Climate Change Supplement to Planning Policy Statement 1

English Heritage guidance Note "Wind Energy and the historic environment"

Government White Paper on Energy: Meeting the Energy Challenge

Circular 11/95: The Use of Conditions in Planning Permissions (1995)

#### Supplementary Planning Guidance

Planning for Landscape Change: Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011

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

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

#### 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)

#### Onshore Wind Energy, Planning Conditions Guidance Note: A report for the Renewables Advisory Board and BERR October 2007

### **Planning History**

Extensive planning history for planning permissions and listed building consent for the conversion of barns into residential dwellings the latest being app no. 06/00560/FUL & 06/00561/LBC

Planning permission for two 14.7m high wind turbines granted 21st October 2008 (08/00517/FUL).

Two 19.5m high turbines in place of the 12m turbines granted 31st March 2009 (09/00040/FUL).

09/00409/FUL Permit Outbuilding to house equipment associated with wind turbines

10/00386/FUL Refuse Application to remove condition CN 03 of 09/409/FUL - Outbuilding to house equipment associated with wind turbines

### **Views of Consultees**

**Madeley Parish Council** objects to the applications on the grounds that there is no indication of support from the other persons living in the locality, likely to be affected by turbine noise, and the structure itself is likely to prove to be visually intrusive.

The **Landscape Development Section** raise no objections

The **Environmental Health Division** objects to the application because the Authority cannot be satisfied that the turbine will not cause detriment to the amenity by virtue of noise across its normal operating range and that to impose a condition as suggested by BERR would be unlawful as it does not meet the test of reasonableness as set out in circular 11/95.

**NERL Safeguarding** raise no objections to the siting and height of this proposal

**Defence Infrastructure Organisation (DIO)** 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

**Natural England** - Standing Advice (February 2011)

### **Representations**

Two letters of representation have been received objecting to the application on the following grounds;

- The information submitted is not accurate in terms of the actual height of the proposal.
- Negative impact on the landscape and visual amenity of the area, including residents of Keele.
- Adverse impact on protected species/ wildlife
- Adverse impact on an adjacent equine business due to noise and shadows caused by the turbine
- Adverse impact on neighbouring properties from the turbine
- Adverse impact on an adjacent footpath which is used by ramblers

## **Applicant's/agent's submission**

In addition to the requisite application forms and plans, a design and access statement has been submitted which gives an overview of the development. An Acoustic report, noise contour maps and Zone of Theoretical Visibility maps have also been submitted.

The documents are available to view online or at the Guildhall using the "Track an application" facility on [www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk)

## **KEY ISSUES**

The application is for the erection of a single turbine that would have an overall height of 34.5 metres (to blade tip). The two barn conversions form part of Lower Stoney Low Farmstead with both the Farmhouse and outbuildings being Grade 2 listed. The application site is located within the open countryside on land designated within the North Staffordshire Green Belt and Area of Landscape Restoration as defined on the Proposals Map of the Local Plan.

A previous application was permitted for two smaller turbines (15 metres each) in 2009 however this permission has not been implemented. It is presumed (but not detailed) that the proposed turbine would result in the two smaller turbines not being required.

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 setting of a Listed Building
- would the proposals be harmful to the Area of Landscape Restoration?
- the impact of the proposal on neighbouring properties
- ecology issues raised? and
- should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist ?

### **The appropriateness or otherwise of the development in the Green Belt,**

National and development plan policies restrict development within the Green Belt with only some types of development being considered "appropriate" and PPG2 outlines the general presumption against inappropriate development in the Green Belt.

Paragraph 3.12 of PPG 2 states that the statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations, which would include the erection of structures such as turbines, are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.

Paragraph 13 of PPS22: Renewable Energy states: 'when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development, which may impact on the openness of the Green Belt'.

Given the size of the proposed wind turbine, in particular its height, the proposal cannot be considered to maintain openness. The proposals should be considered to be contrary to the purpose of including land within the Green Belt, thus being the

safeguarding of the countryside from encroachment. In conclusion the proposals constitute inappropriate development in the Green Belt.

#### The impact of the proposal on the setting of a Listed Building

The proposed wind turbine, as with the previous proposal for two turbines, is located approximately 70 metres from the converted barns which form part of outbuildings associated with a farmhouse. The farmhouse and outbuildings are Grade 2 Listed and Policy B15 of the Local Plan indicates that development proposals that would adversely affect the setting of a listed building should be resisted. Legislation requires Local Planning Authorities considering applications for planning permission for works which affect a listed building to have special regard to certain matters, including the desirability to preserve the setting of the building.

The turbine would measure 34.5 metres in total height which would be double the size of the previously approved turbines. English Heritage have suggested a number of factors that should be borne in mind when assessing the acceptability of developments within the setting of historic sites - including visual dominance, scale, vistas, sightlines and unaltered settings. In this particular case only the latter appears to be directly relevant - the farmstead group here is one where there are relatively few modern buildings, and those that do exist are small and domestic in scale. The more modern farm, with more substantial buildings, serving the land within the area, is some 200 metres to the east. However it has to be recognised that the residential conversions, and equestrian developments have all altered the setting of the farmstead, and the turbine would be seen in this context – this is not an unaltered group of buildings. The turbine is a large substantial structure which would not be viewed within the context of the buildings due to its location. Therefore it is not considered that the turbine would adversely affect the setting of listed buildings in this instance due to its location and appearance.

#### Would the proposals be harmful to the Area of Landscape Restoration?

Policy N21 states that within Areas of Landscape Restoration it will be necessary to demonstrate that development will help to restore the character of the landscape whilst not further eroding the character or quality of the landscape.

The proposed turbine would be located some distance away from the cluster of buildings that form the farmstead of Lower Stoney Low farm in what is an otherwise open landscape, albeit one with some trees and sections of hedgerow.

The two previously permitted turbines were significantly smaller in height and bulk than the proposed single turbine which would have an overall height of 34.5 metres. It is the height and bulk of the proposed turbine which would result in it now being clearly visible from a number of vantage points. In this regard the application is supported by maps which show the Zone of Theoretical Visibility (ZTV), i.e. locations within the landscape where the turbine could be viewed from. These are calculated using the hub height not the blade tip height. The maps are not clear due to their scale and colouring making it difficult to read the features of the map. This information does little to support the application and provides very limited justification for the increased height with the topography of the landscape and wind speeds seemingly being advantageous without the need for a turbine of 34.5 metres in height which is only required to serve two modest barn conversions. Aside from this, it is considered that the proposed turbine would have an unacceptable impact on the visual amenity of the area by virtue of it dominating this part of the landscape due to its height and bulk within a predominantly open landscape. The proposed turbine would be clearly



visible from immediate locations, most notably a public footpath, and wider views within the landscape due to its significantly greater height in a largely open landscape. The proposal would therefore not restore the quality or character of the landscape, this being contrary to policy N21 of the local plan.

#### Impact on neighbouring properties in terms of noise

The application has been supported by an acoustic report and noise contour maps following comments from EHD. The acoustic report is not site specific but is largely based on tests for this type of wind turbine – The Endurance Wind Power E3120.

The relevant guidance document used to assess wind farm noise for wind energy developments throughout the whole of the UK is ETSU-R-97 The Assessment and Rating of Noise from Wind Farms (1996). This provides a framework for the measurement of wind turbine noise and for deriving suitable noise limits to offer a reasonable degree of protection to neighbouring residents without placing unreasonable restrictions on wind turbine development or adding unduly to the cost and administrative burdens on wind farm developers (in this case a domestic applicant) or planning authorities.

EHD have objected to the proposal because the applicant has failed to submit a suitable noise assessment which may demonstrate that the proposed wind turbine is acceptable in this location. Therefore, it is unknown what harm would be caused to neighbouring residential properties. Therefore the proposal does not accord with the objectives of PPS22 and a reasonable condition could not be imposed to satisfy these concerns. The proposal would therefore be contrary to policies of the development plan and the aims and objectives of national planning policy guidance.

#### Ecology matters

The application has not been supported by an Ecological Survey which is considered necessary for these types of development.

Furthermore, the standing advice prepared by Natural England is a material consideration in planning applications. The standing advice provides advice to LPA's if there is a 'reasonable likelihood' of protected species being present. In this regard, whilst the landscape is quite open there is a strong likelihood that bats are evident in the area due to the landscape characteristics and presence of farm buildings in the locality. Furthermore, a representation received has indicated that a Bat report 'Bat/09/637' for application 10/00531/FUL shows that a large colony of bats fly from Keele village in the direction of the proposed wind turbine.

Whilst no ES was submitted for the two previous wind turbine applications at the application site it is considered that these were for much smaller turbines. The increased height of the proposed turbine and the likely chance of protected species being evident in the area are considered to warrant an ES to be required. In the absence of an Ecological Survey assessing these matters it is considered that the application should be refused on this ground.

#### Do the required very special circumstances exist?

The decision maker is required, in the case of inappropriate development, to consider whether there are material considerations which clearly outweigh any harm both to the Green Belt and any other interests to be acknowledged. Inappropriate development is by definition harmful to the interests of the Green Belt.

PPG2 advises that “It is for the applicant to show why permission should be granted. 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.”

As discussed, two previous applications were permitted with very special circumstances outweighing the harm to the openness of the Green Belt. The two turbines were in a similar location to the proposal, but with a smaller height and a more acceptable appearance. The very special circumstances were considered to be the marginal harm to the landscape and openness of the Green Belt and the renewable energy benefits the turbines would achieve.

PPS22: Renewable Energy indicates that the wider environmental and economic benefits of all renewable energy projects, whatever their scale, are material considerations that should be given significant weight. It also recognises that small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Paragraph 13 of PPG22 advises that in considering renewable energy proposals in Green Belts, "careful consideration will therefore need to be given to the visual impact of projects and developers will need to demonstrate very special circumstance that clearly outweigh any harm by reason of inappropriateness and any other harm if proposals are to proceed' and states 'very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'.

The primary purpose of the turbine is to serve two modest barn conversions and a bore hole pump associated with the turbines. The two previously permitted turbines appeared as domestic structures, whereas the proposal is of a more commercial appearance due to its height and bulk. Whilst it is acknowledged that these types of development provide significant wider economical and environmental benefits they should not be at the expense of the visual amenity of the area. In this instance it is considered that the proposed turbine would dominate the landscape due to its size, design and location.

The application does not detail the reason for the change from two smaller turbines to one much taller turbine, nor do they indicate the very special circumstances for this particular application. Therefore, the benefits would not outweigh the significant harm that would be caused to the openness of the Green Belt.

#### Other issues

An objection has been received on the grounds that the proposal will unacceptably affect the operation of an existing adjacent use – a commercial stables – a recognised proper material consideration. This was considered during the two previous applications for smaller turbines and whilst the proposal is bigger it is considered unlikely to have any significant harmful impact in this regard with limited substantive evidence to support the concerns raised by the objector.

#### **Recommendation**

##### **Refuse for the following reasons:**

1. The development constitutes inappropriate development in the Green Belt which, by virtue of its size, appearance and location, would have an adverse

impact on the character and quality of the landscape. The harm arising from the development is not outweighed by the benefits of developing sources of renewable energy arising from the development or any other considerations and as such very special circumstances do not exist to justify such inappropriate development in the Green Belt. The proposed wind turbine would accordingly be contrary to policies D2, D5B, NC1 and NC2 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006- and policies S3, N17 and N21 of the Newcastle under Lyme Local Plan 2011.

2. In the absence of an ecological survey submitted with the application it is not possible to properly assess whether or not the proposal will have a harmful impact on any protected species and whether appropriate mitigation could be undertaken to satisfactorily address such an impact. The development therefore fails to comply with Policy QE7 of the West Midlands Regional Spatial Strategy, Policy NC8 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011, Policies ASP6 and Policy CSP4 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026, Policy N3 of the Newcastle under Lyme Local Plan 2012 and the aims and objectives of PPS9.
  
3. The proposed wind turbine does not accord with guidance on wind turbine noise contained within ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms' as promoted in PPS22; and as it is not possible to impose a planning condition in accordance with advice contained in the BERR publication 'Onshore Wind Energy Planning Conditions Guidance Note - A report for the Renewable Advisory Board' that would achieve acceptable noise levels it is considered that the development would therefore have an unacceptable impact on the amenities of neighbouring residents due to unacceptable noise levels contrary to policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011, and the aims and objectives of PPS1, PPS22 and PPG24.

| Performance Checks          | Date              |                      | Date              |
|-----------------------------|-------------------|----------------------|-------------------|
| Consultee/ Publicity Period | <b>22.02.2012</b> | Decision Sent Out    |                   |
| Case Officer Recommendation | <b>28.02.2012</b> | 8 Week Determination | <b>28.02.2012</b> |
| Management check            | <b>28/2 ESM</b>   |                      |                   |