

LAND BETWEEN CAR PARK/BUTCHERS ARMS, CHURCH STREET, AUDLEY
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

20/00029/DEEM3

The application is for the demolition of an existing boundary wall along the northern edge of a public footpath (Audley 84) which runs along the boundary of the Butchers Arms Public House and a public car park in Audley.

The site is within the village envelope of Audley and is also located within the Audley Conservation Area, as indicated by the Local Development Framework Proposals Map. The Butchers Arms is a building on the Council's Register of Locally Important Buildings and Structures.

The statutory 8-week period for the determination expires on the 19th March 2020.

RECOMMENDATION

Permit, subject to the following conditions relating to;

- i. Time limit condition**
- ii. Approved plans**
- iii. Arboricultural impact assessment and tree protection plan**
- iv. Construction management plan**

Reason for Recommendation

The development would preserve the special character and appearance of the Conservation Area, and subject to the works being carried out in accordance with the submitted details, it is considered that the works would comply with policies B9 and B10 of the Newcastle under Lyme Local Plan 2011, policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026, and the guidance and requirements of the National Planning Policy Framework 2019.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

This is considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application seeks full planning permission for the demolition of the boundary wall which runs alongside a public footpath - Audley 84 and borders a local car park. The existing wall is leaning and cracking and represents a danger.

The demolition to the boundary wall requires planning permission as it is classed as "relevant" demolition in that it is a wall over 1 metre high adjacent to a public footpath. The site is located within the Village of Audley and is also within the Audley Conservation Area.

The main issue for consideration in the determination of this application is;

- Is the proposal acceptable in terms of its impact on the Conservation Area? and
- Is there any harm to trees?

Is the proposal acceptable in terms of its impact on the Conservation Area?

The application proposes to demolish the whole section of wall along the footpath, adjacent to the Butchers Arms and bordering a car park. This section of wall connects to the wall fronting Church Street at the back of the pavement and runs at right angles to the main road, east to west from Church Street to Dean Hollow. It is proposed to rebuild the wall using a combination of newly sourced

bricks and re-dressing the existing bricks where possible, re-pointing and matching the brick coping stones.

The NPPF emphasises that Local Authorities should recognise that designated heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Policy CSP2 of the Core Spatial Strategy seeks to ensure that buildings of particular heritage value are safeguarded. Saved Policy B11 of the NLP refers to the requirement to gain Conservation Area Consent for demolition of buildings which are considered beyond repair or where the removal would benefit the area. This is a consent regime that no longer exists or applies so it is not considered relevant to apply this policy to the current proposal. The present regime requires that Planning Permission is sought for "Relevant Demolition". In relation to a wall, Relevant Demolition is required for a wall above 1 metre adjacent to a public footpath. The Audley Conservation Area Appraisal recognises a number of positive characteristics in the area such as, boundary walls, interconnecting footpaths and trees. This wall is not identified as one of those significant walls, they generally being the more prominent walls along the road edges within the centre of the village at road intersections.

The wall to be demolished consists of a combination of smooth hard red brick and sections of original red handmade bricks. The wall is predominantly capped off with a semi-circular brick coping mainly to the original sections of wall and a red brick on edge on the more modern sections. The length of wall runs 40.85metres from the bottom of the car park on the public footpath side and along the remaining length of the footpath to where it meets the wall along the back edge of the pavement on Church Street. The wall is not readily visible from main views and vantage points within the Conservation Area. The height of the existing wall from ground level is less than 2 metres along the whole length. The wall, at its highest point is not proposed to be over 2 metres so planning permission for the rebuilding of the wall is not required and therefore does not form part of this application, only the demolition.

This wall is leaning in towards the footpath and in many places has limited mortar within the joints. Small buttresses are located on both sides of the wall but are currently providing little support as the wall can easily be moved. Part of the wall, closer to the main road, has already been rebuilt in modern bricks. Further down past the Butchers Arms the wall is lower and built from handmade bricks, many of which have begun to perish.

The stability of the wall cannot be dealt with by repointing and to ensure that the long term stability of the structure is safeguarded, demolition and rebuilding is necessary.

The works proposed are considered to be an acceptable solution given the structural instability of the boundary wall and that the location will not impact on any of the other significant heritage assets within the village such as St James the Great Church. Whilst the rebuilding of the wall does not require planning permission and is not part of this application, the wall is proposed to be rebuilt in redressed original and appropriate new bricks with lime mortar so the character and significance of this small part of Audley Conservation Area, as a heritage asset, will be preserved.

Is there any harm to trees?

Policy N12 of the Local Plan notes that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

Criterion vi) of saved NLP policy B10 notes that trees and other landscape features that contribute to the character or appearance of the area should be protected. Policy B15 further states that "Trees and landscape features which contribute to the character and appearance and are a part of the setting of a Conservation Area will be retained. Where consent is given to remove protected trees conditions will be imposed to require trees of the appropriate species and size to be planted and replaced if they die within 5 years."

It is accepted that the wall is currently structurally unstable and is a considerable safety risk given its proximity to the adjacent public footpath and car park. There are no trees on the footpath but there are a small number of trees on the car park side. The Landscape Development Section considers these to be visually significant trees within the site along the length of the wall on the car park side, however, no trees are proposed to be removed. It is recommended that these trees should be retained during the demolition works and that an Arboricultural Impact Assessment and Tree Protection Plan are submitted prior to any works. This will be dealt with by a pre-commencement condition.

Other matters

The Highways Authority have requested a construction management plan to be submitted and on balance this is considered necessary and reasonable due to the level of the works and potential impact of construction vehicles on the car park and Church Street.

An advisory note should be attached to the decision notice advising the applicant of the comments of the County Council Public Rights of Way officer.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

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

Policy CSP2: Historic Environment

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy B9: Prevention of Harm to Conservation Areas
Policy B10: Requirement to Preserve or Enhance Character or Appearance of Conservation Area
Policy B11: Demolition in Conservation Areas
Policy B15: Trees and Landscape in Conservation Areas
Policy N12: Development and the Protection of Trees

Other material considerations include:

[National Planning Policy Framework](#) (February 2019)

[Planning Practice Guidance](#) (PPG) (2018)

Relevant Planning History

None

Views of Consultees

County Council Public Rights of Way has no objections to the proposal but has drawn attention to requirements of the applicant to inform the Council of any diversion or obstruction of the path. This is outside the planning permission process.

The **Landscape Development Section** considers that there are significant trees on the site that make a contribution to the character of Audley Conservation Area which should be retained and protected during the work. A condition should be attached for an Arboricultural Impact Assessment and Tree Protection Plan prior to commencement of any work.

The **Highways Authority** raises no objections subject to a condition which secures a construction management plan.

No comments have been received from **Audley Parish Council** and the **Environmental Health Division** and given that the period for comment has expired it must be assumed that they have no comments to make.

Representations

None received.

Applicant/agent's submission

The application has been supported by a Heritage Statement. The submitted documents and plans are available for inspection at Castle House or on the Councils website by following this link;
<https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00029/DEEM3>

Background Papers

Planning File, the Development Plan and Audley Conservation Area Appraisal (2013)

Date report prepared

14th February 2020