

The application seeks to vary conditions 2 and 5 of permission 19/00708/DEEM4 for change of use of existing building from office to residential including part demolition of the existing building with external alterations, and erection of three new detached dwellings. Condition 2 lists the approved drawings and Condition 5 requires the front boundary wall to Unit 2 to be amended to enable the driveway to be widened to accommodate two parked vehicles. The variations sought are to allow changes to the front boundary wall and alterations to the access to units 2, 3 and 4.

The application site lies within the Brampton Conservation Area and the Urban Neighbourhood Area of Newcastle as specified on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expires on 24th June 2021.

RECOMMENDATION

PERMIT subject to conditions relating to:

- 1. Variation of condition 2 to list the revised plans**
- 2. Remove condition 5**
- 3. Any other conditions attached to planning permission 19/00708/DEEM4 that remain relevant at this time.**

Reason for Recommendation

The amendments proposed will not harm the character and appearance of the Conservation Area and it remains, overall, that the proposed development will enhance this heritage asset.

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

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

Key Issues

This application seeks to vary conditions 2 and 5 of permission 19/00708/DEEM4 for change of use of the existing building from office to residential including part demolition of the existing building with external alterations and erection of three new detached dwellings.

Condition 2 lists the approved drawings and the variations sought are to allow changes to the front boundary wall and alterations to the access to units 2, 3 and 4.

Condition 5 requires the amendment of the approved plans to enable the driveway to be widened to accommodate two parked vehicles in accordance with details that shall have been submitted to and approved by the Local Planning Authority.

In deciding an application under section 73 the local planning authority must only consider the condition/s that are the subject of the application, it is not a complete re-consideration of the application.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. In granting permission under section 73 the local planning authority may impose new conditions, provided the conditions do not materially alter the development that was subject to

the original permission and are conditions which could have been imposed on the earlier planning permission. For the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

The site lies within the Brampton Conservation Area.

The main issues to address are the impact of the amendment on the character and appearance of the Conservation Area and highway safety.

Impact on the character and appearance of the Conservation Area

The property is within the Brampton Conservation Area and as such there is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of its planning functions.

Paragraph 193 of the NPPF sets out that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The NPPF at paragraph 195 further states that “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”

At paragraph 196 of the NPPF it states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

At paragraphs 124 and 130 the NPPF indicates that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

Front boundary walls are a key feature of this part of the Conservation Area and this development provides an opportunity to reinstate such a feature along Sidmouth Avenue, lost in connection with the former use of the site and the associated alterations to the building.

The proposed wider accesses will reduce the extent of the front boundary wall to be constructed. Nonetheless it is considered that such amendments will not harm the character and appearance of the Conservation Area. The removal of the piers, simplifying the appearance of the wall, will also be of benefit, visually.

The Conservation Officer has asked whether permitted development rights could be removed in line with the Article 4 Direction in place within the Brampton Conservation Area. The Article 4 Direction, amongst other things, removes the permitted development rights to

demolish or erect boundary walls. Whilst the reason for such a request is understood it is considered that this is an issue that relates to the principle of the development on this site and as such is not a matter that can be considered under this Section 73 application. It would not be reasonable or appropriate to remove permitted development rights at this stage of the planning process.

In conclusion, the amendments proposed will not harm the character and appearance of the Conservation Area and it remains, overall, that the proposed development will enhance this heritage asset.

Highway Safety

The proposed changes to the front boundary wall result in each new dwelling having a wider access which would allow two cars to park at the front of each of the new build properties. The amendments will reduce the likelihood of on street parking and will therefore improve highway safety. In light of the Highway Authority not raising any objections to the proposed amendments it is considered that there are no highway safety concerns.

The amended plan provides a widened access and enables two vehicles to park on plots 2-4. If planning permission is granted this plan will be listed as approved in condition 2 as revised, and it will be a requirement that the development is carried out in accordance with the approved plans. In light of this, condition 5 no longer serves a purpose and rather than vary it, as applied for, it is considered that the condition can be removed from the permission.

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 CSP1 Design Quality
Policy CSP2 Historic Environment

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

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
 Conservation Areas
Policy B13 Design and development in Conservation Areas
Policy B14 Development in or adjoining the boundary of Conservation Areas

Other Material Considerations

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

[Planning Practice Guidance](#) (March 2014)

[Supplementary Planning Documents/Guidance](#)

[Affordable Housing SPD](#) (2009)

[Space Around Dwellings SPG](#) (SAD) (July 2004)

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

[Relevant Planning History](#)

19/00708/DEEM4 for change of use of existing building from office to residential including part demolition of the existing building with external alterations, and erection of three new detached dwellings was permitted in 2019.

[Views of Consultees](#)

The **Highway Authority** has no objections

The Council's **Urban Design and Conservation Officer** (UDCO) comments that the original intention of the front boundary wall was to reflect the character of the street which has strong boundary features and to reinstate some loss when the site was a registry office. The single garages had a single parking space in front and the walls extended along the rest of the properties. There was also a bin store for each house at the front set behind a pair of piers and short section of wall.

The amended proposal looks to allow parking for two vehicles within each of the 3 new houses. This does lose some wall on the frontage but because the bins have been relocated to the side of the properties the wall can extend along each gable, retaining the section in front of the front doors open and two parking spaces. On reflection the piers in front of the bin stores were rather fussy and this is a simplification. It is felt that this is an acceptable compromise to get two parking spaces and achieve a sense of enclosure which is part of the character of this street.

The UDCO asks whether permitted development rights can be removed for boundary features so that it is in line with the Article 4 Direction for Brampton Conservation Area.

Representations

None received

Applicant/agent's submission

Application forms and plans have been submitted which can be viewed via the following link
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/21/00446/DEEM4>

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

8th June 2021