

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr. John Turner **Application No** 11/00176/LBC

Location Newcastle Congregational Church, King Street, Newcastle

Description – Removal of one 2 seater side pew

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

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

Policy NC18: Listed Buildings

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 B5: Control of Development Affecting The Setting of a Listed Building

Policy B6: Extension or Alteration of Listed Buildings

Other Material Considerations

Relevant National Policy Guidance:

PPS1: Delivering Sustainable Development

PPS5: Planning for the Historic Environment (March 2010)

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

Planning History

None relevant to the determination of this application.

Views of Consultees

CAWP - Conservation Advisory Working Party raises no objections.

Representations

None received.

Applicants/agents submission

A statement of significance and impact has been submitted and a summary of its content is as follows;

- It is intended to remove one two seater side pew from the left of the church at the front close to the choir pew.

- The space is required to fit a fan convector heater painted to match the pews, all as part of the renewal of leaking heating pipes.
- The space can also be used for people in wheel chairs
- The pew will be retained for reinstatement if a future congregation deems it desirable.
- Every effort has been made to enable the project to cause the minimum disturbance to the significance of the buildings listing.

The full statement can be viewed on the Councils website at www.newcastle-staffs.gov.uk

Key Issues

The church is a grade II Listed Building in the Newcastle town centre conservation area.

The listing description details the following;

“Church. 1859, restored 1990. Buff brick striped with broad bands of blue stone dressings. Slate roof. Decorated style. Main range with thin turret to right. Front facing street is dominated by large rose window with stone spokes. Tall stepped projecting buttresses to sides. Below is a triple entrance arcade, the centre supported on pairs of shafts. Hood moulds and mouldings above, the latter rising to points just below the rose window. Further far-projecting buttress to left is balanced by octagonal staircase turret to right with small lancet windows and walls continued into broach spire. Tall 2-light windows to sides with buttresses between. Narrow clerestory of continuous glazing with curving mullions forming an undulating rhythm. INTERIOR not inspected but reported as retaining original fittings, though part screened off.”

This application is for the removal of a two-seater pew inside the church. The pew is located on the left hand side of the church. The church retains its original fixtures and fittings in general although there have been some changes to the interior in the past, such as the installation of a screen and modification of the front entrance and removal of a pew towards the rear of the church on the left hand side to facilitate wheelchairs.

Policies B5 & B6 are of importance in this instance. These seek to resist proposals that adversely affect the setting and character of its architectural or historic features.

The current proposal for the removal of the pew is deemed necessary to install a convector heater to heat the front of the church. Other mini radiators will replace the large heating pipes to ensure that no other modifications need to be made. Officers accept that every effort has been made to minimise the impact on the internal fabric of the building and the removal is not considered to result in harm to the character of the churches architectural or historic features. The proposal is therefore considered acceptable.

Reason for the grant of listed building consent:

It is considered that the proposal would not significantly harm the architectural or historic features of this Grade II Listed Building, and accordingly the proposal complies with policies B5 and B6 of the Newcastle-Under-Lyme Local Plan 2011 indicated in the decision notice and national guidance on works to listed buildings. The Local Planning Authority has therefore exercised its duty of preserving the setting and 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.

Recommendation

Grant consent subject to the following conditions;

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

Reason. To comply with the provisions of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

- Drawing description – Elevation plan (scale 1:50), date stamped received by the Local Planning Authority on 05 July 2011
- Photographs, date stamped received by the Local Planning Authority on 05 July 2011
- Statement of significance and impact, date stamped received by the Local Planning Authority on 05 July 2011
- Site location plan (scale 1:1250), date stamped received by the Local Planning Authority on 05 July 2011

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

Performance Checks	Date		Date
Consultee/ Publicity Period	05.08.2011	Decision Sent Out	
Case Officer Recommendation	25.08.2011	8 Week Determination	06.09.2011
Management check	1/9 ESM		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr G Morrey, NuL School **Application No** 11/348/ADV
Location Newcastle under Lyme School, Newcastle
Description Two non-illuminated signs

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

Policy QE3: Creating a high quality built environment

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

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

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

CSP1: Design Quality
CSP2: Historic Environment

Newcastle under Lyme Local Plan 2011

N/A

Other Material Considerations:

Relevant National Policy Guidance:

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

Supplementary Planning Guidance

Staffordshire County Council – Highways Standing Advice 2004

Relevant Planning History

Numerous applications and advertisement consents have taken place at this property however none are relevant to this decision.

Views of Consultees

Conservation Advisory Working Party – No objections to the proposal

Representations

No written representations received

Applicants/agents submission

The requisite application forms and drawings were submitted.

Key Issues

The application is for advertisement consent for two non illuminated signs. The signs would be erected at two different entrances to the school and would be predominantly in the school colours of black and red. The signs would be erected on free standing poles.

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

The issues to address are therefore;

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

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

The signage does not have an adverse impact upon the character of the area due to the acceptable design of the proposal. The signage is not too large or dominant and relates in scale to the entrances which they serve. Due to the scale of the school site, the signs will all be viewed independently of one another so the site would not appear cluttered. The signs are also painted in dark recessive colours (black and red) to match the school colours and it is felt that these are appropriate and would not detract from the character of the Conservation Area. The signs are also designed to match existing signage at this school site and others in the vicinity and would provide some continuity in the area. The signs are suitable in scale and size, identifying and informing visitors of the site. Due to the scale, design and materials to be used in the advertisement it is not felt that the sign would harm the overall character of the Stubbs Walk Conservation Area. The proposal would therefore adhere with the principles of policy D2 of the Staffordshire and Stoke on Trent Structure Plan.

The impact upon public and highway safety

Due to the scale, type and location of the advertisements, it is not felt that any adverse impacts upon public and highway safety would ensue.

Recommendation

Approve subject to the standard conditions

Informative

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

- Planning Application Forms
- Site Location Map Drawing No: AL01 date stamped received by the Local Planning Authority on 27th June 2011
- Site Block Plan Drawing No: AL02 date stamped received by the Local Planning Authority on 27th June 2011
- School Signage 'Sign 1' Drawing No: AL03 rev. A date stamped received by the Local Planning Authority on 27th June 2011
- School Signage 'Sign 2' Drawing No: AL04 date stamped received by the Local Planning Authority on 27th June 2011

Performance Checks	Date		Date
Consultee/Publicity Period	5/8/11	Decision Sent Out	
Case Officer Recommendation	8/8/11	8 Week Determination	31/8/11
Management check	22/8/11 GRB		

OFFICER REPORT ON DELEGATED ITEMS

Applicant Mr R Blades **Application No** 11/00365/FUL & 11/00367/LBC
Location Ravenshall Farm, Main Road, Betley
Description Conversion of farm buildings to 3 dwellings

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

West Midlands Regional Spatial Strategy 2008

Policy CF2: Housing Beyond the Major Urban Areas
Policy CF3: Levels and Distribution of Housing Development
Policy CF4: The Reuse of Land and Buildings for Housing
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 RR1: Rural Renaissance
Policy PA15: Agriculture and Farm Diversification

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

Policy D1: Sustainable Forms of Development
Policy D2: The Design and Environmental Quality of Development
Policy D4: Managing Change in Rural Areas
Policy D5B: Development in the Green Belt
Policy H6: Conversions
Policy T1A: Sustainable Location
Policy T13: Local Roads
Policy T18A: Transport and Development
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 (CSS) 2006-2026

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

Newcastle-under-Lyme Local Plan 2011

Policy S3: Development in the Green Belt
Policy H1: Residential Development – Sustainable Location & Protection of the Countryside
Policy H9: Conversion of Rural Buildings for Living Accommodation
Policy E12: The Conversion of Rural Buildings
Policy T16: Development – General Parking Requirements
Policy N17: Landscape Character – General Considerations
Policy N18: Areas of Active Landscape Conservation
Policy B4: Demolition of Listed Buildings
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B6: Extension or Alteration of Listed Buildings
Policy B7: Listed Buildings – Change of Use

Other Material Considerations

Relevant National Policy Guidance:

PPS1:	Delivering Sustainable Development (2005)
PPG2:	Green Belts (1995)
PPS3:	Housing (2006)
PPS5:	Planning for the Historic Environment (2010)
PPS9:	Biodiversity and Geological Conservation (2005)
PPS7:	Sustainable Development in Rural Areas (2004)
PPG13:	Transport (2001)

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

Supplementary Planning Guidance

Supplementary Planning Guidance relating to the control of residential development
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

Planning History

2006	05/693/OUT	Agricultural worker’s dwelling at Ravenshall Top Farm	Refused
2010	09/00705/FUL	Conversion of existing agricultural buildings to form 4 dwellings and the erection of a new stock building and silage pit	Approved
2010	09/00706/LBC	Demolition of selected agricultural buildings and the conversion of retained buildings to 3 dwellings	Approved

Views of Consultees

The **Environmental Health Division** has no objections subject to conditions regarding hours of works of demolition and construction, recyclable materials and refuse, storage and disposal arrangements and contaminated land.

The **Highway Authority** has no objections subject to conditions regarding visibility splays, surfacing of the access drive in a bound material and the provision and retention of the parking and turning areas.

Betley, Balterley & Wrinehill Parish Council supports the application.

Staffordshire County Council as the **Rights of Way Authority** has no comments to make.

Natural England states that the advice provided in their previous response to application 09/00705/FUL applies equally to this amendment. The proposed amendments relate largely to design and are unlikely to have significantly different impacts on the natural environment than the original proposal. In relation to application 09/00705/FUL they stated that they had no objection to the proposal and considered that the proposal will not have a significant effect on the interest features of the Betley Mere SSSI/Midlands Meres and Mosses Ramsar site, but may affect the Shuffers Wood and Grassland Site of Biological Importance (SBI). (In consideration of that application, it was established by the case officer that this is not the case). Natural England also draw attention to the potential that there could be protected species within the application buildings and the situation where a survey is appropriate

The **Conservation Advisory Working Party** had some reservations with the proposed amendments and insisted that the changes should respect the architectural nature of the building’s original function as an agricultural building.

Representations

None received

Applicants/agents submission

A Design and Access Statement has been submitted. A summary is as follows:

- The development proposes to convert the existing traditional farm buildings at Ravenshall Farm to three residential dwellings. The buildings are Grade II listed.
- The key alterations to the approved scheme are as follows:
 - Proposed Unit 1 – the former proposed garage has now been incorporated to provide additional ground floor accommodation. The unit has a separate parking and turning area.
 - Proposed Unit 3 – revision of ground floor layout to incorporate guest bedroom with ensuite, originally proposed as a garage unit. The roof will be altered from a flat roof to a pitched roof to enhance the layout and appearance of this elevation.
 - Proposed Unit 3 – garage originally to be removed but now the existing garage is to be retained and used for Unit 3.

The document is available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk.

Key Issues

The applications being considered in respect of this property involve an application for planning permission for the conversion of the buildings to three dwellings and an application for listed building consent for the works to the buildings. Ravenshall farmhouse is a Listed Building and therefore, the outbuildings are “curtilage listed buildings”.

Applications for planning permission and listed building consent for the conversion of the existing farm buildings at Ravenshall Farm to three dwellings and for a scheme which involved the erection of a new agricultural building and silage clamp and the conversion of traditional agricultural buildings to a new farm dwelling at Ravenshall Top Farm, were approved in March 2010 (Refs. 09/00705/FUL and 09/00706/LBC). Those permissions remain extant. The current scheme proposes amendments to the barn conversion scheme at Ravenshall Farm.

The site is within the Rural Area and Green Belt and within an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map. Given the existence of the extant permissions – a significant material consideration given the lack of any change in the interim in planning policy relevant to this type of proposal - it is only considered necessary to assess the amendments to that scheme. It is considered that the key issue in the determination of the application for listed building consent is:

- Does the amended proposal preserve the special character and appearance of this building and the setting of other adjacent listed buildings?

Key issues in the determination of the planning application are considered to be:

- Do the proposed changes preserve the special character and appearance of the building and the setting of other adjacent listed buildings?
- Whether the proposed changes are appropriate development in Green Belt terms and, if inappropriate, do special circumstances exist to justify approval?
- Whether the amended proposal accords with policies on conversion of rural buildings
- Whether there is any conflict with policies on the impact of development on the landscape.
- Whether there are any potential residential amenity issues, and
- The impact upon highway safety.

Do the Proposed Changes Preserve the Special Character and Appearance of the Building and the Setting of other Adjacent Listed Buildings?

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'.

The main changes to the buildings from the approved scheme are as follows:

- In proposed Unit 1, the former integral garage is to be incorporated as a kitchen/utility and a parking and turning area is proposed to the east of the building.
- In proposed Unit 3, the ground floor layout is to incorporate a guest bedroom with ensuite to replace a garage unit as originally proposed. The roof is to be altered from a flat roof to a pitched roof.
- For proposed Unit 3 an existing detached garage to the south which was originally to be removed is now to be retained and used for Unit 3.
- The domestic curtilage for the proposed Unit 3 is to increase in size.

The scheme has been designed to utilise as far as possible the existing openings within the fabric of the buildings. The proposal provides a new use for the buildings, which is important to the setting of the Listed farmhouse, and does so in such a manner that it is not considered to be detrimental to the setting of that building. The nature of the alterations proposed is considered acceptable and thus, subject to conditions, it is considered that the proposal would preserve the special character and appearance of the Listed Buildings.

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

PPG2 states that the re-use of buildings within the Green Belt is not inappropriate providing:

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

Policy S3 indicates that the re-use of an existing building in the Green Belt 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.

No extensions or significant alterations are proposed to the buildings. Although no Structural Survey has been submitted, the buildings are in a good state of repair and it appears that they could be converted without any significant rebuilding work.

Although the parking for Unit 1 would now no longer be within a garage in the existing building, the parking area would be within the footprint of the existing buildings. It is not considered therefore, that the proposal would have a materially greater impact on the openness of the Green Belt than the present use.

It is considered that the other criteria are similarly met and in conclusion, the view is reached that the proposal would constitute appropriate development in the Green Belt. There is no need for the applicant to demonstrate very special circumstances therefore.

Does the amended proposal accord with policies on conversion of rural buildings?

Structure Plan Policy H6 indicates that residential conversions should not create sporadic development in the countryside where first preference will be given for the reuse of existing buildings for employment purposes. Local Plan Policy H9 indicates that before the conversion of rural buildings for living accommodation can be considered, evidence must be provided to show that the applicant has made every reasonable attempt to secure a suitable business use for the premises, subject to Policy E12. Where this has been done the residential conversion of buildings in sustainable locations can be considered favourably provided a series of criteria are met that include the requirement that the building does not require reconstruction, extension or substantial alteration and its form bulk and general design is in keeping with its surroundings. In this instance, the scheme has been designed to utilise as far as possible the existing openings within the fabric of the building and no extensions are proposed. It is considered therefore, that the conversion works would be sympathetic to the character of the building and the surrounding area.

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

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

The site lies within an Area of Action Landscape Conservation. Policy N18 of the Local Plan indicates that proposals which help to conserve the high quality and distinctive character of the area's landscape will be supported, whilst those which harm that landscape will not be permitted.

The proposed changes do not raise any new issues in this regard and it is not considered that an objection can be sustained on the grounds of impact on the landscape.

Residential Amenity

Each unit in this amended scheme would have sufficient private amenity space and there would be no potential overlooking. The proposal is therefore considered acceptable with regards to residential amenity.

Highway Safety

There is sufficient space within the site to provide sufficient car parking and turning areas. It is not considered therefore that an objection on highway safety grounds could be sustained.

Conditions

Although Natural England do raise a new issue – that of the requirement for a survey of protected species within the building, there has been no material change in circumstances which would justify delaying determination of the application or imposing a new condition with respect to this matter. The applicant's attention to the requirement to the need to avoid any criminal act in relation to protective species can however be drawn to their attention

Reasons for the grant of planning permission 11/00365/FUL

The proposed amendments to the already agreed scheme preserve the special character and appearance of these listed buildings, they do not make the development inappropriate development within the Green Belt, and the scheme does meet sustainable development objectives in a manner that successfully retains these listed buildings. The landscape would not be harmed and there would be no negative effect on residential amenity. The proposal accords with Policies D2, D4, D5B and NC18 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, Policies ASP6 and CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policies S3, H1, B5 and N18 of the Newcastle Under Lyme Local Plan 2011 and the aims and objectives of PPS1, PPG2, PPS5 and PPS7.

Recommendation

Permit subject to the following conditions:

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

R1. To comply with the provisions of Section 91 of the Town and Country Planning Act.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site layout and location plan X1 – X2 received on 5 July 2011

Unnumbered elevational and layout drawing date stamped received on 5 July 2011

Proposed floor layout and proposed elevations X4 received on 5 August 2011

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

3. No development hereby approved shall commence until full and precise details of the proposed means of boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.

R3. To safeguard the visual amenities of the area in accordance with Policy D2 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 -2026 and the aims and objectives of PPS1, PPG2, PPS5 and PPS7.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no extensions, external alterations or other development within the curtilage of each dwellinghouse referred to in this permission shall take place and no means of enclosure associated with them shall be erected unless it has been the subject of a prior planning permission from the Local Planning Authority.

R4. In the interests of amenity and to comply with the requirements of Policy D2 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 -2026 and the aims and objectives of PPS1, PPG2, and PPS7.

5. Notwithstanding the window details shown on elevations “L” and “K” on the unnumbered drawing referred to in this permission, no hereby permitted conversion of a building shall commence until full and precise details of the following have been submitted to and approved in writing by the Local Planning Authority: -

- a) the external facing materials including details of the pointing for any areas of new brickwork (a sample panel of the proposed brickwork shall be constructed);
- b) any replacement or new windows and doors and the depths of their reveals;
- c) the rainwater goods;
- d) soft and hard surfacing materials;
- e) the finish of the windows and doors (to be paint rather than staining)
- f) the extent of any rebuilding
- g) window details within Unit 3.

The development hereby approved shall be implemented in full accordance with the aforesaid approved details.

- R5. In the interests of amenity and to comply with the requirements of Policy D2 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 -2026 and the aims and objectives of PPS1, PPG2, and PPS7.

6. The development hereby permitted shall not be brought into use, a visibility splay as shown on the attached plan entitled SK1 shall be provided to the south of the existing site access. The visibility splay shall be provided so that no obstruction to visibility over a height of 900mm above the adjacent carriageway remains (although retaining any existing ground below that height). Thereafter the splay shall be kept free of any obstruction to visibility over that height. Any works within the crown spread of the trees overhanging the visibility splay shall be undertaken using hand tools only

7.

- R6. In the interests of highway safety and to accord with Policy T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, and to avoid any harm to these trees which are of amenity value..

7. The development hereby permitted shall not be brought into use until the existing access to the A531 (Main Road) has been resurfaced in a bound material for a minimum distance of 6m back from the highway boundary in accordance with the details first to be submitted to and approved in writing by the Local Planning Authority..

- R7. In the interests of highway safety and to accord with Policy T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.

8. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with drawing X1-X2 (revised 4/7/11) which shall thereafter be retained for the life of the development.

- R8. In the interests of highway safety and to accord with Policy T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.

9. Prior to the commencement of development, full and precise details of the recyclable materials and refuse storage, including designated areas to accommodate sufficient recyclable materials and refuse receptacles to service the residential units and the collection arrangements for the same shall be forwarded to the Local Planning Authority for approval. Thereafter the collection arrangements for residential waste shall be carried out in accordance with the approved scheme.

- R9. In the interests of visual amenity, residential amenity and sustainability requirements in accordance with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and the aims and objectives of PPS1 and PPS3.

10. External lighting shall not be installed until full and precise details have been submitted to and approved by the Local Planning Authority. The approved scheme shall be constructed and installed in full accordance with the approved details and shall thereafter be maintained in full accordance with the approved details.

R10. In the interests of visual amenity and residential amenity in accordance with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and the aims and objectives of PPS1.

11. Development should not commence until a further investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development. The report of the findings shall include;

(i) A survey of the extent, scale and nature of any contamination;

(ii) An assessment of the potential risks to:

- Human health;
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
- Adjoining land;
- Ground and surface waters;
- Ecological systems; and,
- Archaeological sites and ancient monuments.

(iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

R11. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and objectives of PPS1 and PPS23.

12. Development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

R12. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and objectives of PPS1 and PPS23.

13. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning

Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

R13. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and objectives of PPS1 and PPS23.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition

R14 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and objectives of PPS1 and PPS23.

15. No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development, a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

R15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and objectives of PPS1 and PPS23.

16. No part of the development hereby approved shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for the site, which shall provide indications of all existing trees and hedgerows on the land, and details of any to be retained, together with details of any kerbing, drive treatment and hard landscaping..

All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting season after completion of the development, or within 12 months of the commencement of the development, whichever is the sooner and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size unless the Local Planning Authority gives written consent to any variation.

R16. To safeguard the visual amenities of the area in accordance with Policy D2 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 -2026, and the aims and objectives of PPS1, PPG2 and PPS7.

17. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling/pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (1989) Recommendations for Tree Work.

R17. To safeguard the visual amenities of the area in accordance with Policy D2 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 -2026, and the aims and objectives of PPS1, PPG2 and PPS7.

18 The development hereby permitted shall not commence until such time as a scheme for the disposal of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved

R18 To minimise the risk of pollution to controlled water, including the Betley Mere SSSI, and to comply with the aims and objectives of PPS23 and PPS9

Reason for the grant of Listed Building Consent 11/00367/LBC

The proposals would preserve the special character and appearance of these Listed Buildings. The proposals accord with the provisions of Policy NC18 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policies B4, B5, B6 and B7 of the Newcastle Under Lyme Local Plan 2011 and the aims and objectives of PPS5.

Recommendation

Grant consent subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1. To comply with the provisions of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. Notwithstanding the window details shown on elevations “L” and “K” on the unnumbered drawing referred to in this permission, no development shall commence until full and precise details of the following have been submitted to and approved in writing by the Local Planning Authority: -
 - a) the external facing materials including details of the pointing for any areas of new brickwork (a sample panel of the proposed brickwork shall be constructed);
 - e) any replacement or new windows and doors and the depths of their reveals;

- f) the rainwater goods;
- g) the proposed means of boundary treatment;
- h) soft and hard surfacing materials;
- f) the finish of the windows and doors (to be paint rather than staining)
- g) the extent of any rebuilding.
- h) window details within Unit 3

The development hereby approved shall be implemented in full accordance with the aforesaid approved details.

R2. To protect the character and appearance of the Listed Building in compliance with Policy NC18 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B5 and B6 of the Newcastle-under-Lyme Local Plan 2011.

3. This permission hereby grants listed building consent for the demolition of certain parts of the buildings referred to in this consent (as indicated on the proposal drawing), and for the alteration of those buildings. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site layout and location plan X1 – X2 received on 5 July 2011
- Unnumbered elevational and layout drawing date stamped received 5 July 2011
- Proposed floor layout and proposed elevations X4 received on 5 August 2011

R3. For the avoidance of doubt and in the interests of proper planning.

Performance Checks	Date		Date
Consultee/ Publicity Period	5.8.11	Decision Sent Out	
Case Officer Recommendation	8.8.11	8 Week Determination	30.8.11
Management check	Clrd GRB 25.8		

OFFICER REPORT ON DELEGATED ITEMS

Applicant - Mr. J Mitchell

Application No. 11/00375/FUL

Location – 11 - 15 High Street, Newcastle

Description – Alterations to shop front

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

West Midlands Regional Spatial Strategy

Policy QE1: Conserving and Enhancing the Environment
Policy QE3: Creating a high quality built environment for all

Staffordshire and Stoke-on-Trent Structure Plan 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)

CSP1: Design Quality
CSP2: Historic Environment

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 B16: Shop Fronts in Conservation Areas

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

Newcastle Town Centre SPD (January 2009) – site is part of the Town Centre Historic core referred to in the Spatial Framework. Elements of Good Design include “respect the setting”, use “relevant and durable materials”, and “address all issues of external appearance

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

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

Planning History

None relevant to the determination of this planning application.

Views of Consultees

Conservation Advisory Working Party raise no objections to the proposed but Members suggested that a watching brief be considered in case evidence existed of a previous historic shop front.

Representations

The Civic Society point out that the absence of street numbers on properties is a problem and that the final design of the shop front/fascia includes the street number

Applicants/ Agents submission

A Design & Access Statement has been submitted as part of the application and details the following;

- The proposal is to replace the two existing shop fronts to the ground floor units
- Both of the existing shop fronts are fairly dated and are unsympathetic to the existing buildings
- The proposal will include the removal of the existing timber shop fronts, ceramic tile risers, existing shop signs and the removal of the canopy blinds.
- The replacement will be new timber shop fronts with painted finish, with stool risers, new doors and signage.

Key Issues

Full planning permission is sought for a new shopfront. The property is located within the Newcastle Town Centre which is designated as a conservation area, as indicated on the Local Development Framework Proposals Map.

The proposed shop fronts would replace the existing shop fronts which serve as a chemist and shoe shop.

The key issues to address in the determination of this application are:-

- The impact of the shopfront on the building itself as well as the surrounding Conservation Area.
- Has appropriate consideration been given to access by disabled persons

The impact of the shopfront upon the building itself as well as the surrounding 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 CSP2 of the Core Spatial Strategy also seeks to preserve and enhance the character and appearance of the historic heritage of the Borough.

The current shop frontages are now quite dated in their appearance with a ceramic tile finish and painted ply panels. In contrast the proposed timber shop fronts are designed to improve the appearance of the shops fronts whilst enhancing the appearance of the conservation area.

Policy B16 of the local plan details that *“applications to adapt or replace frontages of shops or other commercial premises, the Council will take into account how the new design respects the architectural or historic interest, scale, features and materials of the existing and nearby buildings.”*

The timber shop fronts are proposed to be of a high quality and traditional design that would undoubtedly improve the appearance of the buildings and the conservation area. The high quality and traditional design is achieved by features such as wooden stallrisers, cornice detailing and pilasters. However, in order to further encourage and achieve a high quality design it is considered that conditions are necessary which secure further details to be submitted before works commence. These will include details of the finish colour of the shop fronts, glazing bar details and also further details of the security gates that are proposed on each frontage.

Historical research and records carried out indicate that this area of the conservation area has the potential to have features of architectural importance dating back to the 18th and 19th century. Therefore a watching brief would help to record and then preserve any features of historical significance and this should be secured via a condition.

The above design and details required by condition would also be required to achieve funding as part of the PSiCA scheme which the applicants may pursue with the buildings being within the PSiCA area.

In consideration of the above the high quality design and traditional appearance of the proposed frontages would now enhance the appearance of the façade of the building whilst also improving the quality of the street scene and conservation area. The development would therefore have a positive impact upon the character of the surrounding Conservation Area. This accords with the principles of policies D2 and NC19 of the Staffordshire and Stoke on Trent Structure Plan, policies B9, B10, B13, B14 and B16 of the Newcastle under Lyme Local Plan as well as policies CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy.

Whilst the concerns of the Civic Society are noted there is no policy requirement that shop fronts should include the street number of that property and as such it would not be appropriate or reasonable to require as a condition of planning permission.

Accessible by disabled persons

The position of the accesses is not proposed to change significantly but it is clear that disabled access has been taken into consideration with ramps incorporated and accessibility has been addressed when compared to the existing arrangement.

Therefore, whilst the Disabled Access Committee have not been consulted, as would normally be the case, the proposals do appear to address such considerations appropriately.

Reasons for the grant of planning permission

The proposed alterations to the building due to the high quality and traditional design would have a beneficial impact upon the appearance on the façade of the building and would maintain and enhance the character and appearance of the Town Centre Conservation Area. The proposal therefore accords with Policy D1 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, Policies B9, B10, B13, B14 and B16 of the Newcastle under Lyme Local Plan 2011 as well as Policies CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy and the overarching aims and objectives of PPS 5.

Recommendation

Permit subject to the following conditions;

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

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

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

- Drawing number 0718-09A; 0718-10; 0718-11; 0718-12 & 0718-13, date stamped received by the Local Planning Authority on 19 July 2011.
- Drawing number 0718-14, date stamped received by the Local Planning Authority on 23 August 2011.

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

3. **BESPOKE** - Prior to the commencement of development the following shall be submitted to and approved in writing by the local planning authority;

- a. Large scale architectural drawings to a scale of not less than 1:5 detailing the glazing bars together with their relationship to masonry apertures,
- b. Full and precise details of the materials, colouring, location and method of fixing (when open and closed) of the external security gates,
- c. Colour specification details for each shop front

The development shall proceed in accordance with the agreed details.

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

and Stoke-on-Trent Core Spatial Strategy 2006-2026 and the aims and objectives of PPS5.

4. **BESPOKE** – Prior to the commencement of development a timetable of the works to be carried out, including dates, shall be submitted to the local planning authority for approval and a representative of the local planning authority shall be allowed to observe the work and record any items of interest. This timetable and subsequent works shall be referred to as a watching brief.

Reason: Historical research and records carried out indicate that this area of the conservation area has the potential to have features of architectural importance dating back to the 18th and 19th century. Therefore a watching brief would help to record and then preserve any features of historical or archaeological significance in accordance with Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and PPS5.

Performance Checks	Date		Date
Consultee/ Publicity Period	26.08.2011	Decision Sent Out	
Case Officer Recommendation	07.09.2011	8 Week Determination	19.09.2011
Management check	8/9 ESM		