

Public Document Pack

Date of meeting Tuesday, 15th September, 2015
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Julia Cleary

Planning Committee

SUPPLEMENTARY AGENDA

PART 1 – OPEN AGENDA

- 4a Application for Major Development - Former Maxims, Lower Street / Stanier Street, Newcastle. (Pages 3 - 16)
15/00498/FUL and 15/00499/LBC
- 6a Application for Major Development - The King's School, Fourth Avenue, Kidsgrove. The Governors, King's School. (Pages 17 - 24)
15/00577/FUL

Members: Councillors Baker (Chair), Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Proctor, Reddish (Vice-Chair), Simpson, Turner, Welsh, Williams and Williams

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

This page is intentionally left blank

Prime Developments

15/00498/FUL & 15/00499/LBC

Maxims Lower Street and adjoining land off Stanier Street, Newcastle

The report is to consider two applications – one being an application for listed building consent and the other an application for Listed Building Consent. The Listed building consent application (15/00499/LBC) seeks consent for the repair, alteration and selective demolition (of rear extensions only) comprising internal and external works to the Listed Building Maxims, associated with the erection of a care village development

The planning application (15/00498/FUL) seeks consent for the erection of a care village development (Use Class C2) for elderly people comprising a new three and four storey building with a 74 bed care home and 28 care apartments, linked to the conversion of the former Maxims nightclub building for ancillary uses (offices, tea rooms, a hair salon, community heritage gallery and training space) including access, car parking, amenity areas, landscaping and associated works.

The application site is located within the area covered by the Newcastle Town Centre Inset as identified within the Local Development Framework Proposals Map.

The site lies beyond the boundary of the Newcastle Town Centre Conservation Area and the Newcastle Primary Shopping Area.

Within the Newcastle Town Centre Supplementary Planning Document and its Spatial Framework this site is identified as lying within the 'Northern Quarter', and as part of one of the Key sites referred to as 'Georgia Pacific'.

Maxims is a Grade II Listed Building. It lies opposite the Grade II* St. Giles Church and the Grade II Unitarian Meeting House. Trees on the site are the subject of a Tree Preservation Order. A public right of way runs through the site connecting Stanier Street with Lower Street. Stanier Street, from which vehicular access to the development is to be taken, is an unclassified one way road. Lower Street is an 'A' class road.

The site lie within the Historic Urban Character Area 2 : Upper Green as identified in the Newcastle extensive Urban Survey.

The statutory 13 week determination period for the planning application expires on 9th October 2015 whilst the statutory 8 week determination period for the Listed building consent application expired on 4th September 2015

RECOMMENDATIONS

A. With respect to the application for listed building consent 15/00499/LBC

PERMIT subject to conditions relating to the following matters

- 1) Time limit for commencement of development
- 2) Targeted building recording and any subsequent mitigation
- 3) Details of restoration of the interiors to be submitted and informed by strip out work
- 4) Mortar mix of any repointing of existing building
- 5) Timber survey to establish scope of repairs or otherwise
- 6) Details of proposed roof insulation
- 7) Window reinstatement details
- 8) Details of secondary glazing
- 9) Details of bricks (colour, size and bonding) to be used to reinstate the rear elevation
- 10) Details of means by which the cruck blade in the two storey service building is to be removed and then reinstated
- 11) Salvaging and reinstatement, and replication of cornice detailing

B. With respect to the planning application 15/00498/FUL, subject to the confirmation that the scheme cannot provide for any contributions towards affordable housing, public open space or travel plan monitoring, and consideration of the revised proposals recently received

PERMIT subject to conditions relating to the following matters

- 1) Time limit for commencement
- 2) Revised and approved plans
- 3) phasing of works
- 4) bin store revision
- 5) Window detail
- 6) Prior provision of the access, parking, servicing and turning area;
- 7) Prior close of existing vehicle accesses onto Lower Street,
- 8) Prior approval of revised access details onto Stanier Street, including road markings;
- 9) Implementation of the submitted Travel Plan,
- 10) Approval and provision of cycle parking;
- 11) Position of any gates;
- 12) Approval and implementation of a Construction Method Statement
- 13) Finished floor level,
- 14) Protection of 'controlled water' receptors from contamination during the development;
- 15) Avoidance of piling without consent (in order to protect ground water quality),
- 16) Avoidance of proposals to drain surface or roof water into the ground without consent,
- 17) Culvert survey
- 18) Construction hours,
- 19) Submission, approval and implementation of a Construction Method Statement,
- 20) Giving of notice of piling works
- 21) Internal dwelling noise limits,
- 22) Fume extraction systems,
- 23) Mechanical ventilation/refrigeration/air conditioning equipment controls
- 24) Prevention of food and grease debris entering the drainage system,
- 25) Heating and power arrangements particularly CHP arrangements,
- 26) External artificial lighting,
- 27) Waste and recycle storage and collection arrangements and timing.
- 28) Contaminated land
- 29) Additional information relating to retention of trees on Stanier Street
- 30) Full landscaping details, including appropriate tree planting to replace those lost as a result of the scheme
- 31) External materials
- 32) Archaeological evaluation and any subsequent mitigation

Reason for recommendations

The development secures the future of a significant “at risk “Grade II building in a sympathetic manner, whilst at the same time completing the development of a brownfield site close to the town centre and making provision for special housing needs. At the time of writing consideration does however still need to be given by officers to revised proposals recently received and the developer’s case that any affordable housing provision or Section 106 contribution would ‘kill off’ the scheme, such is its financial viability. The proposals are brought to the committee in view of the importance of making these decisions on the 15th August.

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

The Authority has sought and received additional information from the applicant to assist in its determination of this application.

KEY ISSUES

1. Introduction

This report concerns proposals for Maxims and adjoining land, including land that was previously part of the adjoining Georgia Pacific development and which was left over following the Lidl/ Travel Lodge development upon that site.

The proposals are for an Extra Care Village incorporating a 74 bed care home and 28 care apartments, linked to the conversion of the former Maxims nightclub building for ancillary uses (offices, tea rooms, a hair salon, community heritage gallery and training space)

The site lies within the area covered by the Newcastle Town Centre SPD and within what is termed, within that document the ‘Northern Quarter’. Within the Northern Quarter it is envisaged that *“Redevelopment opportunities could lead to a greater mix and intensity of uses. Additional residential development could be appropriate here, as well as leisure, offices and hotel development, so long as the main function of the Primary Shopping Area is maintained and enhanced. The extension of this “quarter” across the inner ring road to one of the key development sites helps to emphasise the importance of “breaking through” this barrier wherever possible. However, any development on that site would need to take account of its connectivity to the Primary Shopping Area, which is currently limited.”*

With respect to this particular site which is considered with the then undeveloped Georgia Pacific site the SPD comments that the site’s western boundary adjoins traditional two storey housing and this would need to be taken into account in any development proposals. The document expected that that residential uses would form the major part of any development. Again there is a reference to the site lying within the “Northern Quarter” and the existence of the two crossing points of Lower Street (surface and subway). The SPD indicates that attention should also be given to the pedestrian route into the Primary Shopping Area – Church Street, Pepper Street, Bridge Street and any opportunity to provide other links. Some limited improvements to that route were secured via a Section 106 agreed before the granting of the consent for the Lidl/Travel Lodge development.

With respect to vehicular access the SPD indicates that care needs to be taken in relation to vehicular access to this site, particularly given the adjoining residential uses. It is to be noted that Lidl and Travel Lodge take their vehicular access from Lower Street. The proposed development takes its access from Stanier Street.

In terms of design, the SPD directs that visual impact needs to be considered both from the inner ring road (directly across and from both travel directions) and from the residential area to the west (Stanier

Street and surrounds). The frontage is varied, including the St Giles Church and the Meeting House (both listed buildings), the modern offices and the bar/club on Bridge Street. There is a high degree of interest in the view, inviting further attention. The favourable outlook renders the site particularly suitable for residential development.

The SPD concludes that there is a potential here to create a frontage that does not turn its back to the road. There is scope for striking design, including building heights greater than had been previously achieved, (though probably only up to three storeys other than in a narrow built form). In this context the SPD indicates that account must be taken of the surroundings, which include the Maxims, as well as the adjoining development fronting onto the roundabout and Pool Dam.

Given the development plan policy context, the NPPF, the Grade II listing of Maxims, the relationship of site to the Town Centre Conservation Area and its importance to the setting of other listed buildings, it is considered that the key issues which these proposals give rise to are as follows

- With respect to the works to the Listed building itself is the approach of partial demolition and reinstatement to a new rear elevation satisfactory?
- Is the new use proposed of the Listed building acceptable?
- Does the development as a whole detrimentally or positively impact upon the setting of Maxims, the Listed buildings opposite and preserve the character and appearance of the Newcastle Town Centre Conservation and does it achieve an appropriate design?
- Is the principle of this type of development on this site acceptable?
- Would there be an adverse impact on residential amenity such as to justify refusal of the application?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?
- What contributions would normally be required to achieve a policy compliant development?
- What would be the impact of seeking such contributions on the prospects of the development proceeding and should an exception be made?

2 With respect to the works to the Listed building itself is the approach of partial demolition and reinstatement to a new rear elevation satisfactory?

The physical external appearance of Maxims on the ring road has great significance to the local streetscene, including the moulded door hood and distinctive brick façade with string courses. The internal condition of the building is however poor as a result of its former use as a nightclub. The existing rear extensions and removal of the original rear, by then internal wall, at ground floor level are all as a result of this use, as is the insertion of steel framing and reinforcement of floors. However these extensive alterations are worse at ground floor and there is more interest on the upper floors.

The other most significant feature in the next key phase of the building's history was in the late 18th century when a rear two storey bow window was added to face the 'pleasure gardens' at the rear. Archaeological investigation of the building has substantiated the existence this feature although it only exists at first floor now the conversion to the nightclub having removed the ground floor section of this. The scheme proposal plans to reinstate the bow window at ground floor as part of the re-development. This will mark the rear elevation and key feature of the new phase of the building. The two storey ancillary building or service wing is still of some interest and is also being included in the proposed refurbishment.

The building is on the Council's Buildings at Risk register. It has been vacant for around 10 years.

The proposed demolition works includes the recent rear extensions including squash courts and also including some more historic rear outriggers to the main original building, taking the building back to include the early 18th century development of the building. The archaeological drawings enable the Authority to be clear which elements in terms of age the scheme is retaining and which are being demolished. The most historic elements are being retained and restored. The elements which are being removed are mid Victorian onwards apart from a small rear outrigger which is late 18th century.

3. Is the new use proposed of the Listed building acceptable?

The new uses within the building will enable the public to come and experience the refurbished building. This will be a very positive benefit arising from the development. The uses proposed are all considered sympathetic to the building and do not present significant challenges to the features of interest.

4. Does the development as a whole detrimentally or positively impact upon the setting of Maxims, the Listed buildings opposite and preserve the character and appearance of the Newcastle Town Centre Conservation, and does it achieve an appropriate design?

The site analysis supporting this application has been thorough to ensure that the new buildings relate to their surroundings. Lower Street from historic images was densely compacted with buildings below the Unitarian Meeting House and St Giles Church and the proposal creates a strong visual massing which respects this historical pattern. The scheme provides an interesting frontage and will enliven this part of the town. The contemporary approach is the right one, which is clean and unfussy and has interest. The inclusion of four storey development along this frontage is acceptable.

The palette of materials is relatively simple brick with interesting use of brick banding. The recessed windows should be set back enough to show attention to detail and retain a high quality of design. Discussion has taken place following the Urban Vision Panel Design Review and comments from Heritage England, in order to reduce the size and impact of the new link, and revised plans have now been received and are being considered. A supplementary report will be given on them, but it is expected that they will be considered acceptable.

Much is documented from historic mapping to show the previous setting of the original building and the proposed formal garden leading to a more informal garden space will hopefully give the building enough space and an attractive setting to the rear. Consideration has been given to the comments of CAWP on whether there will be sufficient space at the rear of Maxims and given both the orientation of the space, and the way in which it then leads to another it is considered that an appropriate design has been achieved.

In terms of the wider context the scheme fully complies with the guidance set out in the Urban Design Guidance SPD and a development that significantly and positively contributes to the location is achieved.

5. Is the principle of this type of development on this site acceptable?

As indicated above the proposal is for an extra care village. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

As already indicated the Newcastle Town Centre SPD places the application site within the Northern Quarter of the Town Centre. There is nothing within the SPD which the use, in terms of principle, contravenes.

This is a previously developed site in a sustainable location within the urban area. The site is in easy walking distance of the shops and services of Newcastle Town Centre. It is considered that the site provides a sustainable location for additional residential development that would accord with the Town Centre SPD.

It is relevant to the consideration of the application that the Council is currently unable to demonstrate a five year supply of deliverable housing sites. In light of this, as set out in paragraphs 49 and 14 of the NPPF, the starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a highly sustainable location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

On the basis of all of the above, it is considered that the principle of residential development in this location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

6. Would there be an adverse impact on residential amenity such as to justify refusal of the application?

The development presents a three storey frontage onto Stanier Street and the 2 storey dwellings on its southern side. Given the width of Stanier Street, and the setting back of the new development from it, this arrangement is entirely satisfactory. The use of Stanier Street to gain vehicular access is both acceptable from a highway safety basis (there are no objections from the highway authority) and appropriate in terms of impact on residential amenity adjoining this edge of town centre street.

7. Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

Policy CSP6 of the CSS states that new residential development within the urban area, on sites or parts of sites proposed to, or capable of, accommodating 15 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. The Affordable housing SPD requires affordable housing to be sought on residential development that is designated as C3, but not within developments that fall within Class C2 (the residential institution Class).

The applicant's agent's contention is that bearing in mind the significant level of 'care' being provided within the 'village', if the development has to be ascribed a Use Class it is C2 rather than C3. He suggests that the appropriate approach is to consider the whole of the development rather than individual parts of it and he submits that the apartments are a lesser part of that whole development. Further research is being undertaken but whilst the care home is clearly a C2 or residential institutional use, it has to be observed that the scheme does include some 28 apartments which are self-contained independently occupied accommodation. On the basis of the number of apartments proposed, the affordable housing requirement for this site would be 7 units. A supplementary report may be provided on this aspect.

8. What contributions would normally be required to achieve a policy compliant development

The proposal is above the threshold where Policy C4 of the Local Plan advises that where no open space is being provided as part of the development, the Local Planning Authority should seek a financial contribution towards the provision/enhancement of open space in the area. This should be secured through a section 106 obligation requirement. This is also in accordance with CSS Policy CSP5 and the Developer Contributions SPD.

This development would include an area of open space within the site. The Landscape Development Section considers that a financial contribution is required, again with respect only to the 28 apartments rather than the care home element, of the order of £45,000 (allowing for discounting the play and outdoor sports elements of the public open space contribution that is normally sought).

Your Officer is in this case satisfied that such an obligation would comply with both Section 122 and Section 123 of the CIL Regulations.

Similarly the Highway Authority's request for a £2,200 contribution to Travel plan monitoring is considered to comply with the same Regulations.

9. What would be the impact of seeking such contributions and should an exception be made given issues of viability?

A Viability Assessment has been submitted with the application which concludes that development would not be viable with any affordable housing payment or provision or any Section 106 contributions.

The NPPF states in relation to viability that the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable. It goes on to state that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planning development being stalled.

It is acknowledged that in some circumstances an applicant may believe that what is being asked for by the Council will render a development unviable. The Developer Contributions SPD, adopted by the Borough Council in September 2007, has a section on the issue of "viability" and it starts with the point that any developer contributions required will need to comply with the tests set out in the then circular on planning obligations, which include those of fairness and being reasonably related in scale and kind to the proposed development, and reasonable in all other respects. Although the circular has since been superseded the principles continue to apply.

The Council's position is that in such circumstances, for the Council to be persuaded to reduce its requirements, the onus is upon the applicant to justify why and how special circumstances apply. A list of the type of information which an applicant might consider useful to demonstrate why the Council's requirements are too onerous is provided and it is indicated that negotiations over the level of and nature of contributions will be assessed on a 'site by site' basis, having regard to a financial appraisal (which may be informed by independent advice) and that such negotiations will need to take account of the economics of the development and other national, regional, and local planning objectives that may affect the economic viability of the proposal.

In this case there is a further consideration. The scheme is said to be dependent (financially) on the receipt of a grant from the Heritage Lottery Fund (HLF). The agent writes "*Affordable housing is not an option here – nor is any other s106-type arrangement – because it will make the development unviable. The plainest indication of this – which doesn't often happen in planning – is that the development is also dependent on an HLF grant, which we fervently hope the Council will support – and by supporting accept that the scheme is only marginally viable and therefore cannot support affordable housing or any other on or off site contributions*". They have submitted figures that they say show that (i) the scheme is dependent upon a grant from the HLF and (ii) there is no possibility of the scheme being viable if affordable housing or other s106 contributions are requested. Your officers are seeking, within the time available, to establish whether this appears to be the case and a supplementary report will be provided on this matter. The HLF are it is understood due to make a decision on whether to give a grant to this scheme on the 22nd September and it has been indicated to your officers that it is critical that, to stand any chance of being awarded that grant, that a decision on these applications be made on the 15th and decision notices of approval are provided by the 22nd, such is the competition for such grants.

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3 Spatial Principles of Movement and Access
Policy ASP4 Newcastle Town Centre Area Spatial Policy

Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable housing
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1 Residential Development : sustainable location and protection of the countryside
Policy H13 Supported Housing
Policy C22 Protection of Community Facilities
Policy N12 Development and the protection of trees
Policy N13 Felling and Pruning of trees
Policy B3 Other Archaeological Sites
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
Policy T16: Development – General Parking Requirements

Other material considerations include:

National policy and guidance

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Supplementary Planning Guidance/Documents

Newcastle Town Centre Supplementary Planning Document (SPD)

Affordable Housing SPD

Developer Contributions SPD

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

Relevant Planning History

Maxims has an extensive planning history as does the former Georgia-Pacific site. The most relevant decisions to this application are as follows

98/00602/FUL – Extension – refused and appeal dismissed 1999 – on the grounds of unsatisfactory pedestrian access and parking provision – light controlled crossing subsequently provided

08/00911/FUL - Erection of a six storey building comprising ground floor foodstore and a five storey hotel on adjoining land; associated access, car parking, landscaping and servicing –granted following completion of Section 106 agreement January 2009

15/00033/LBC - Works to expose parts of the interior of the building to allow further assessment and to facilitate the development of full renovation proposals – granted March 2015

Views of Consultees

On the planning application

The **Highway Authority** indicate that they have no objections on highway grounds subject to a number of conditions including the prior provision of the access, parking, servicing and turning area; the approval of various details, the prior close of existing vehicle accesses onto Lower Street, the prior approval of revised access details onto Stanier Street, including road markings; the implementation of the submitted Travel Plan, the approval and provision of cycle parking; the position of any gates; and the approval and implementation of a Construction Method Statement

The **Environment Agency** having been reconsulted on a revised Flood Risk Assessment indicate that they have no objections, but they do seek conditions about the finished floor level, the protection of 'controlled water' receptors from contamination during the development; the avoidance of piling without consent (in order to protect ground water quality), the avoidance of proposals to drain surface or roof water into the ground without consent,

The **Local Lead Flood Authority** recommend refusal on the grounds that the submitted FRA whilst it identifies a culvert crossing the site has provided insufficient information to assess the condition, potential flood risk, maintenance requirements and measure needed to prevent damage to it during construction. Certain additional information is required both of the culvert and the surface water drainage proposals

The **Environmental Health Division** have indicated that they have no objections to the development subject to conditions including ones referring to construction hours, the submission, approval and implementation of a Construction Method Statement, the giving of notice of piling, internal dwelling noise limits, fume extraction systems, controlling mechanical ventilation/refrigeration/air conditioning equipment so as to control noise from them, the prevention of food and grease debris entering the drainage system, any heating and power arrangements particularly CHP arrangements, external artificial lighting, waste and recycle storage and collection arrangements and timing. With respect to the issue of contaminated land the usual contaminated land conditions are sought

The **Landscape Development Section** acknowledge that most of the existing birch trees on the site whilst included in a Tree Preservation Order are now in decline although they do make an important visual contribution to the area and tree planting to mitigate their loss should be incorporated within the proposals. Whilst the stated intention to retain existing trees on the frontage with Stanier Street is supported, additional information is required. It is disappointing that there are no proposals to replace the loss of the two birch trees on the frontage with Lower Street. Any permission granted should be subject to the submission and approval of detailed landscape proposals. A contribution by the developer for capital development/improvement of off-site green space for the 28 apartments is sought – a total contribution of £1699 per unit (Total £47,572) is suggested, the intention being that this would be used to improve and enhance Queen Elizabeth Park

The **Police Architectural Liaison Officer** acknowledges that the scheme contains many positive elements which should contribute to the safety and security of the residents and staff – including good natural surveillance, the use of access control, internal CCTV and other features. The only element giving cause for concern relates to the car park which could be vulnerable to vehicle crime, in part because of the presence of a public right of way

Staffordshire and Stoke-on-Trent Fire and Rescue Services make comment about the need to provide access ways to within 45 metres of any part of the building, of a sufficient load bearing capacity and as the desirability of providing sprinklers throughout the development

Urban Vision Design Review Panel was overall supportive of the scheme. They welcomed the principle of restoring the listed building and allowing public access to it as part of a comprehensive approach. They supported the overall approach to the new care home in terms of its layout, scale, form and detailing, and commended the aspirations of the scheme in terms of the model of care for the elderly. The Panel appreciated the impressive pack of information provided, which was comprehensive and gives a good background to the proposal. The Panel's discussion had focused on some detailed points, but overall it was agreed that this is a sound proposal.

The key issues requiring some further attention are the proposed new link building, the elevational treatment of the two storey building on the Lower Street frontage, and the treatment of the end

elevations. The majority of the new building has an integrity in its design, executed in a simple but well-proportioned fashion with appropriate good quality materials.

The Panel was not convinced however about the massing and large area of blank brickwork in the new central linking block, and the missed opportunity for a more interesting north elevation to the apartment block. They also saw scope to improve the presentation of the external arrival space within the scheme. Action should be taken to address these concerns in order to remove these shortfalls in the proposed design. 4 recommendations are then made

Housing Strategy indicate that the affordable housing SPD requires affordable housing to be sought on residential development that is designated as C3, but not within developments that fall within Class C2. They observe that extra care development cannot be easily classified, and that additional information is required, it appearing to be the case that the units could be sold/ let to individuals with varying degrees of care needs and even those that may have little or not care needs.

The **Staffordshire Wildlife Trust** and **Newcastle South Locality Action Partnership** have been consulted and having not responded by the due date must be assumed to have no comments to make upon the application

The **Waste Management Division** have suggested that the waste storage requirements may perhaps be greater than indicated in the original submission.

On the application for listed building consent

The **Georgian Group (GG)** has considerable reservations regarding the design and massing of the link range which would be attached to the surviving structures on the Lower Street frontage. The link relates poorly to the listed buildings and is in need of being rethought. Whilst it is clear that this listed building is in urgent need of repair and reuse, the full impact of the proposed works on the historic fabric and special interest of the structure remains unclear. The Heritage Statement when discussing the interior of the building doesn't provide a thorough and objective overview of what survives and what would be lost. It is difficult therefore to fully judge the impact of the proposals on the special interest of the heritage assets affected. No photographs or descriptions of features referred to have been included in the Heritage Statement which is unacceptable particularly given that considerable research has been undertaken into the architectural history of the building. Should the Council be minded to grant consent the GG would recommend that a condition be placed on the consent requiring a room by room inventory of surviving features and that the Council should stipulate which of these features are to be retained. Where features such as historic cornices exist an effective methodology for safeguarding and repairing them should be agreed before the commencement of works

The **Ancient Monuments Society**, the **Council for British Archaeology**, the **Victorian Society**, and the **Twentieth Century Society** have been consulted and having not responded by the due date must be assumed to have no comments to make upon the application

On both applications

Heritage England – offer some general observations

From the supporting information submitted with the application they had not appreciated the full extent of the alterations already made to the building, and the very limited historic fabric which still remains

Whilst initially they had some reservations regarding the extent of demolition, with the benefit of the historic fabric analysis and discussions with the applicant's design panel they now concur with the approach of the Council's Conservation Officer. HE welcomes the opportunity to bring this important building back into economic use

The further strip out works should inform the detailed drawings for the restoration of the interiors – and this should be conditioned

With respect to the new build element they were encouraged to hear that the agents were already considering ways to address HE's main areas of concern – these being

- The treatment of the link block and its relationship to the adjacent modest 2 storey building
- The arrangement of the ground floor winders to promote an active frontage
- The depth of reveal of the first floor windows to increase articulation across the elevations
- The design of the prominent corner gable to generate greater visual interest, and
- The arrangement and treatment of the external spaces, including the design of the boundary treatment and the current prominence of the bin store

A condition or Sn 106 agreement should be used to control the phasing of the works to require the heritage asset to be made as weathertight as soon as possible rather than its restoration left towards the end of the development.

Essential to the success of the scheme will be the attention to detail and quality of materials and finish – conditions would be appropriate.

If the authority is minded to grant consent the Secretary of State should be notified of the application in accordance with the Arrangements for handling heritage applications Direction 2015

The **Council's Conservation and Urban Design Officer** provides detailed comments on the applications. Her conclusion is that the conversion of the building to this new use will safeguard its future and prevent any further decay & this is ultimately why HLF has also seen the value of this scheme. This scheme is timely as the building continues to be vulnerable. The scheme is in line with NPPF in that the proposal is based on a full understanding and analysis of the building's history and development which identifies its significance and enhances that significance by restoring the building including reinstating significant features like the rear ground floor bow window which includes an important phase of the buildings evolution. The demolitions of the outbuildings and 20th century extensions are not a loss to the significance of the building and no harm will be caused to the building given the proposal to reinstate lost features, and repair the physical building.

The **Conservation Advisory Working Party** welcomes the restoration of this building; it considers that the scheme looks to be of high quality; it welcomes the relatively intense use of the site which reflects the historical position; is inclined to accept the demolition of the ancillary elements although it should be remembered that these do form part of the Listed building; welcomes the making of a feature of the bay window; and is inclined to approve of the general massing of the new building. It does have a concern that insufficient space has been allowed between the rear of Maxims and the new 3 storey development and that Maxims may appear 'crowded' as a consequence. If approval is being considered conditions should be included requiring details of any new openings to the Listed building to be approved, together with floor level changes. Conditions should also be included with respect to any new fixings within the Listed building, air conditioning piping and vents, and at a minimum a watching archaeological brief be secured. The importance of a high quality palette of material is indicated and some concern expressed that the vertically aligned brick coping feature to the new building may be prone to weather damage and that the proposed flat roof construction may similarly lead to maintenance issues

The **County Archaeologist** observes that the site lies within the Historic Urban Character Area 2 : Upper Green as identified in the Newcastle extensive Urban Survey. The character assessment considers that the area of the scheme has moderate potential to contain significant archaeological remains – relating to the early development of Newcastle - which be impacted by works associated with the proposed scheme. Lower Street was a principal route for the settlement and indications are a series of irregular plots along its length. The building known as Maxims was built within one of these irregular plots. At its inception in the late 17th Century the building represented a fine property and possibly highlighted a period of wealth and expansion within the town. Bearing in mind the demonstrable archaeological potential from the area surrounding the Maxims building and the scale of development proposed, it is advised that an archaeological evaluation be carried out in advance of the groundworks. This work should be carried out sufficiently in advance to inform the need for and scope of any further archaeological mitigation. It is also advised that a Level 2 building recording be carried out. Condition recommended.

Representations

One representation has been received. In addition to expressing the importance of there being a proper archaeological investigation of the site, the writer expresses the view that the new buildings by reason of their height, flat roof form, lack of detailing and use of aluminium framing are wholly unsympathetic.

Applicant/agent's submission

The application and its drawings are supported by various documents

All of the application documents can be viewed at the Guildhall or using the following link www.newcastle-staffs.gov.uk/planning/1500498FUL and www.newcastle-staffs.gov.uk/planning/1500499LBC

Background Papers

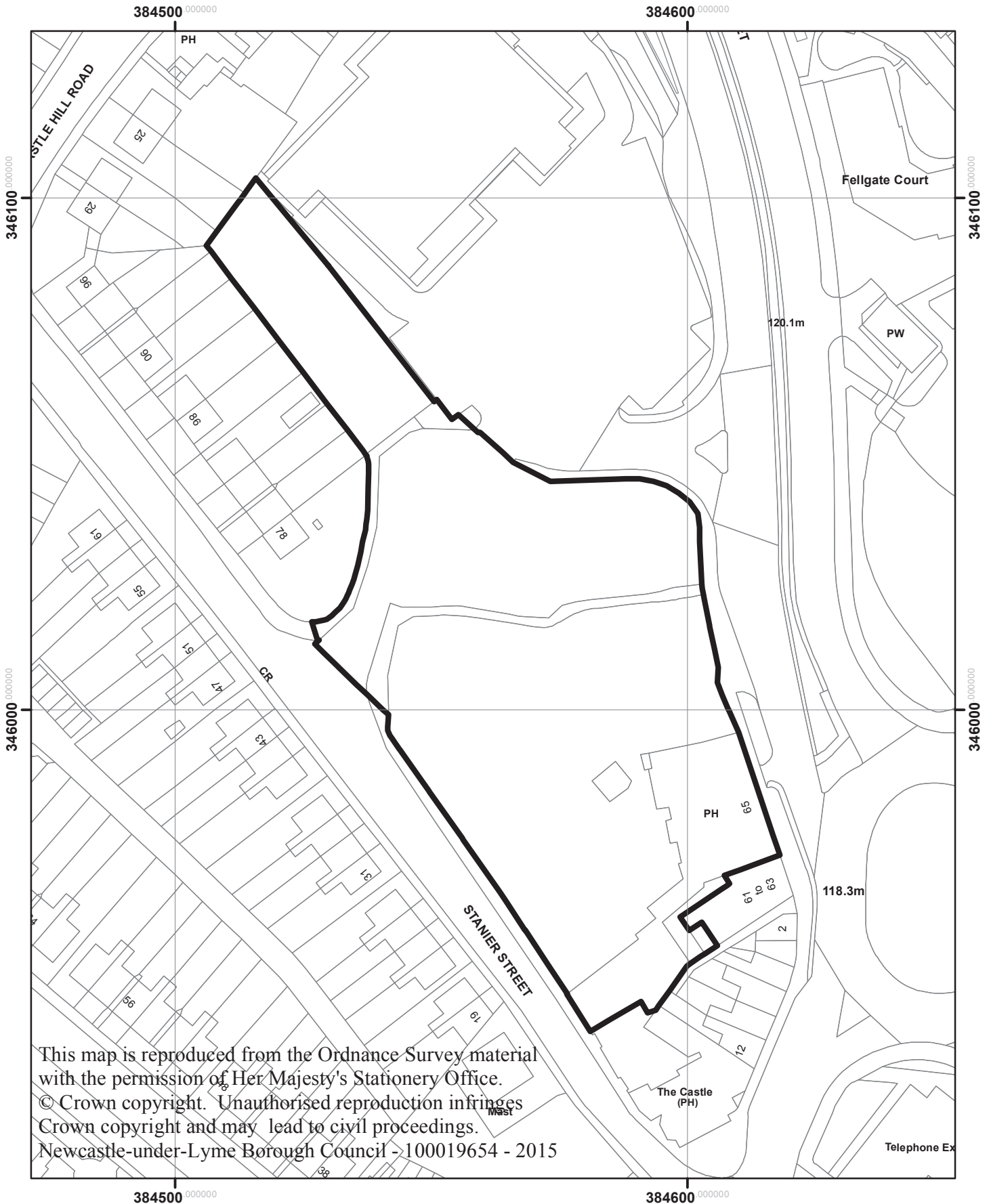
Planning File

Development Plan

Date report prepared

7th September 2015

Former Maxims, Stanier Street
Newcastle
15/00498/FUL and 15/00498/LBC



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.
Newcastle-under-Lyme Borough Council - 100019654 - 2015



This page is intentionally left blank

KINGS SCHOOL, FOURTH AVENUE, KIDSGROVE
THE GOVERNORS CLOUGH HALL SCHOOL

15/00577/FUL

The Application seeks to vary condition 1 of County Council planning permission N.14/06 for new school buildings and associated infrastructure. Condition 1 listed the approved plans and the application is now to substitute the approved plans with new plans for a proposed extension to the approved sports hall (from a 3 court layout to a 4 court layout).

The site is an established school located within the Newcastle and Kidsgrove Urban Neighbourhood and is adjacent to the Hardingswood (Trent & Mersey Canal) Conservation Area, as identified on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on 16th October 2015.

RECOMMENDATION

- 1) Subject to either confirmation being obtained that the terms of the Memorandum of Understanding of the 19th December 2014 continue to apply , or in the event of it being confirmed that they do not, subject to the prior completion by the 15th October 2015 of a Section 106 agreement securing substantially the same terms,**

Permit the variation of condition 1 to include plans of the proposed extension and subject to suitably worded conditions similar to those attached to planning permission N.14/06, unless they have already been discharged by the date of issue of the permission in which case the approved details will be referred to.

- 2) Should the Section 106 agreement referred to in recommendation 1) be required, and it not be completed by the 15th October 2015, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an agreement, appropriate assurances as to the exploration of means to sustain Kidsgrove Sports Centre will not have been secured; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured**

Reason for Recommendation

The proposed extension is considered to represent a minor extension to the buildings previously approved under Staffordshire County Council planning permission ref N.14/06 for the wider redevelopment works and the development would represent a sustainable form of development in accordance with the National Planning Policy Framework 2012.

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

The applicant's representatives have engaged with both borough and county council planning officers and the development represents a sustainable scheme which complies with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought to vary condition 1 of County Council planning permission reference N.14/06, which was permitted for the demolition of the existing school buildings and construction of new three storey Secondary School building, sports hall, playing field, hard play area, hardstanding and associated infrastructure.

The Borough Council were consulted on the original application and a report came before the Planning Committee of the 18th November 2014, ref 14/00770/CPO. Members resolved to object to the application on the grounds that the redevelopment proposals would have an adverse impact on

Kidsgrove Sports Centre and the scheme would not represent a comprehensive and sustainable solution that would provide the school and community with access to fit for purpose recreation facilities, and was thus contrary to the objective of the National Planning Policy Framework.

That application was permitted by the County as Planning Authority. The grant of that permission followed the entering into of a Memorandum of Understanding between the County Council as the Local Education Authority and the County Council as the planning authority (to be observed as if it were a Section 106 obligation). Further reference will be made to this below.

Since the granting of that permission the school has become a Voluntary aided academy and further funding has now been secured to further improve sports facilities.

Insofar as the planning position is concerned the Borough Council is now the determining authority. Normally the effect of the grant of an application for a variation of conditions is to create a further planning permission that sits alongside the original one. However in this case because the County Council no longer have any 'interest' in the school land the original permission will no longer be able to be enjoyed.

In essence this application is to enlarge the approved sports hall from a 3 court layout to a 4 court layout, with consequential changes to the site layout and landscaping to reflect the footprint of the extended sports hall. The key issues in the determination of this application are the principle of the additional sports facilities and its design and appearance. The effect of the grant of this application would be to create a new alternative standalone planning permission

The principle of the additional sports facility

Paragraph 72 of the NPPF states that local planning authorities should give great weight to the need to create, expand or alter schools. It further states in para 73 that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

The principle of the new sports hall has been accepted by the County Council previously as part of the wider redevelopment works but further funding has been secured and the application now seeks to enlarge the sports hall from a 3 court layout to a 4 court layout.

As already indicated prior to granting the permission the County Council as the Planning Authority required the entering into of a Memorandum of Understanding (MoU). That required the County Council to work in good faith to agree with the Borough Council and the school an extension to the current Joint Use Agreement (JUA) relating to Kidsgrove Sports Centre, or if those parties were unable to agree to such an extension, to in good faith to either consider offers from either the Borough Council or other parties to take over the ownership and running of the sports centre or work with others to develop a Business plan to determine the future provision of sustainable sports and leisure facilities for the benefit of Kidsgrove. The JUA extension as defined in the MoU covers the use of Kidsgrove Sports Centre (including the swimming pool) and the use of the school facilities including the Astroturf pitch, grass playing field, sports hall, car parking, (toilets/changing facilities if appropriate).

The LPA in the circumstances of this case, the planning policy considerations and the comments received from key stakeholders, considered it reasonable to conclude these undertakings within the Memorandum of Understanding were necessary, related to the development and fair and reasonably related in scale and kind to the development. Your officers are of the same view, but it is yet to be established whether the terms of the Memorandum of Understanding continue to apply.

The existing permission includes a planning condition requiring the details of the extension to the existing JUA to be submitted to and approved by the Local Planning Authority. It also requires the details of the provision and layout of a grass playingfield and Astroturf pitch referred to in the proposal to inter alia meet the requirements of the same JUA.

Sport England when consulted on the previous proposal expressed the view that the construction of a new 3 court hall on the school site would have a negative effect on the future of the Sports Centre, for example because it would reduce throughput by taking out school usage.

The report to the County Council's Planning Committee advised that the applicant's position at the time was

- 1) that the proposed 3 court hall would not be in direct competition with the Kidsgrove Sports Centre, being smaller in size and designed to meet the specification set out by the EFA for curriculum use only and below the minimum specification for community use; and
- 2) That the Kidsgrove Sports Centre would also continue to be used by the pupils for sports which require a larger hall than the proposed 3 court size hall

The County Planners themselves concluded that the school sports hall however would not be in direct competition with the Kidsgrove Sports Centre, being a smaller sized sports hall, and below the minimum specification for community use. Sport England had also stated that the school changing rooms would be unsuitable for community use.

The proposal both provides a larger sports hall and improved changing room facilities within the school building

Sport England (SE) in response to the new application observe that "the future of the KSC still appears to be uncertain".... "but given there is an opportunity to extend the sports hall and changing rooms on this site Sport England considers this should be taken as a larger hall and better changing rooms will offer benefits to the school as well as potentially the community".

In term of availability for community sport SE now states that "a benefit of this development is that the application proposes community use. Given the development increases the size of the sports hall/changing rooms this becomes a more realistic option and would be important should Kidsgrove Sports Centre close."

SE now supports the application subject to the satisfactory establishment of a Community Use Agreement through the imposition of a condition.

Whilst concerns about the potential impact of this larger sports hall on the future of Kidsgrove Sports centre may exist, the proposal does have the support of SE and in planning terms, having regard to the guidance within the NPPF there is not considered to be a sound basis for its refusal on such grounds, provided community use is achieved.

The further views of Sport England on the wording of conditions referring to joint and community use are being sought.

The design and appearance

The Borough Council accepted that the wider redevelopment works would be an improvement on the visual amenity of the area. The proposed extension to the sports hall would measure approximately 6.5 metres by 31 metres and would be two storey in height. Your officers consider that this represents a modest extension in the context of the wider redevelopment works already approved.

The location and manner of the extension would not result in the loss of valuable outdoor areas or landscaping and would not be detrimental to the wider redevelopment works proposed.

The permission which the school are seeking to vary has a number of conditions requiring approval of details, including the external materials, and the required approval for some of these has been obtained, following consultation including with the Borough Council. Materials have been agreed which would ensure that the building has a modern appearance with a mixture of materials including a dark charcoal facing brick with colour matched (black) mortar; white render, grey render Aluminium window frames with coloured render panels between (Light Green).

In summary the design and appearance is acceptable in accordance with the requirements of the NPPF.

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy CSP5: Open Space/ Sport/ Recreation

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy B14: Development In or Adjoining the Boundary of Conservations Areas
Policy B15: Trees and Landscape in Conservation Areas
Policy C22: Protection of Community Facilities

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (2012)
Planning Practice Guidance (2014)

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

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Relevant Planning History

Planning permission was granted by the County Council ref N.14/06 with conditions for the demolition of existing school buildings and construction of new three storey Secondary School building, sports hall, playing field, hard play area, hardstanding and associated infrastructure in December 2014. (NulBC reference 14/00770/CPO)

Views of Consultees

Sport England supports the application subject to the satisfactory establishment of a Community Use Agreement through imposition of the condition.

Kidsgrove Town Council have been consulted but no comments have been received. Any comments received will be reported.

The **Environmental Health Division** raises no objections with no conditions.

Sports and Active Lifestyles Manager (Leisure and Cultural Services NulBC) – comments awaited

Representations

None received

Applicant's/Agent's submission

The application has been supported by a planning statement which makes the following key points;

- At the time of submitting the original planning application funding was only available to enable the construction of a three badminton court sports hall approximately 28 x 18 metres. The size of the proposed changing rooms was also limited based on the funding available from the EFA to 56msq for males and 56msq for females,
- The school has recently been able to secure a loan in principle from the 'Church of England' which subject to planning approval will be used to enlarge the proposed sports hall from a three (badminton) court sports hall to a four court sports hall,
- The proposed extension to the building would also enable the changing rooms to be enlarged more in line with Sports England guidance and the formation of another classroom above the changing rooms,
- Sport England guidance recommends 4 court sports hall to be min 34.5 x 20 metres this provides sufficient space to accommodate up to 4 badminton courts with run off space and a 2 metre wide spectator / officials area running along one side of the sports hall,
- Due to the late stage at which this additional funding has come available it has been decided that it would be unfeasible to widen the existing sports hall design to the full 20 metres recommended by Sports England incorporating a 2 metre spectator area,
- However, it is possible to increase the length of the sports hall to 34.5 metres incorporating a full 4 court layout with run off spaces as Sport England Guidance,
- In summary the proposed extension to the existing scheme will provide a facility which better suits the needs of the school and will also provide valuably additional recreational facilities to the community.

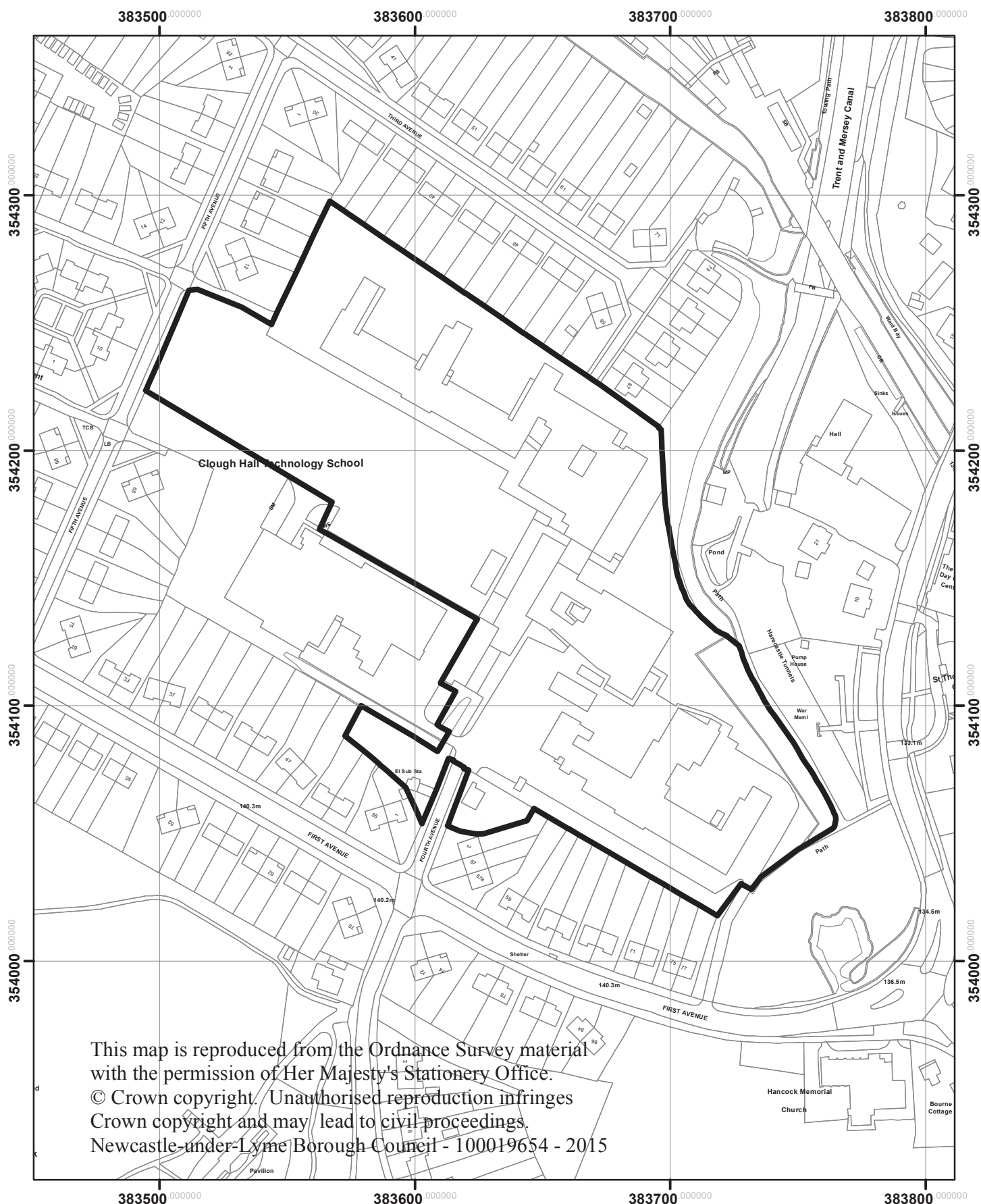
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

28 August 2015

This page is intentionally left blank



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.
Newcastle-under-Lyme Borough Council - 100019654 - 2015



This page is intentionally left blank