

The application is for full planning permission for the variation of planning permission 13/00487/FUL - to change the number of apartments within this development from 62 to 64 and amend the list of approved plans as set out in condition 6 of that permission, securing approval for a revised Silverdale Road elevation in the process.

The footprint of the development is unaltered - a 'U' shape, fronting onto High Street, and extending along the Marsh Avenue and Silverdale Road frontages. The proposal involves elevational changes on the Silverdale Road elevation and in that the development has already been undertaken the application is retrospective in nature. No changes to the on-site car park or internal landscaped courtyard are proposed.

Vehicular access to the site would remain from Marsh Avenue with pedestrian access from the street into the building from two points - at the junctions of Silverdale Road/High Street and Marsh Avenue/High Street.

The site is within the Newcastle Neighbourhood and urban area and partly within the Wolstanton District Centre as defined on the Local Development Framework Proposals Map.

**The 13 week period for this application expires on 13<sup>th</sup> June 2014. An extension to the statutory period is being sought.**

### **RECOMMENDATIONS**

**1. Subject to the receipt by no later than 10th July 2014 of a completed unilateral undertaking that achieves restriction of the occupancy of the accommodation so that it falls within the C2 Use Class, vary condition 6 so as to refer to the submitted revised plans.**

**2. Failing receipt by that date of the above unilateral undertaking, that the Head of Planning and Development be given delegated authority to refuse the application on the grounds that, in the absence of such an obligation, the proposal would be contrary to policy on the provision of affordable housing and open space for housing developments; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

### **Reason for Recommendations**

The principle of this specialised type of development on this site has already been accepted. Although the rhythm and proportions of the approved Silverdale Road elevation have been changed the Design Review Panel see merit in this given the previous scheme could be considered repetitive in the context of an area which otherwise displays considerable variety. No other material considerations or issues have been identified to justify refusal of the application, although a revised unilateral undertaking restricting the occupancy of the development would be required, as it was previously.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework no amendments have been considered necessary.

### **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 CSP1: Design Quality  
Policy CSP5: Open Space/sport/recreation  
Policy CSP6: Affordable housing

Policy CSP10: Planning obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H13: Supported Housing  
Policy C4: Open space in new housing areas.  
Policy IM1: Provision of Essential supporting Infrastructure

**Other material considerations include:**

National Planning Policy and guidance

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

Supplementary Planning Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD  
Developer Contributions SPD (2009)  
Affordable Housing SPD (2007)

Supplementary Planning Guidance

Space around dwellings

North Staffordshire Green Space Strategy

**Relevant Planning History**

There have been several previous decisions relating this site which are outlined below however the most relevant is 13/00487/FUL which is the permission which this current application looks to vary. Permission 13/00487/FUL approved the variation of condition 25 of planning permission 10/00102/FUL so as to change the elevations, floor plans, turret and balcony details. This “approved” scheme is viewable via the following link [www.newcastle-staffs.gov.uk/planninggladmanwolstanton13](http://www.newcastle-staffs.gov.uk/planninggladmanwolstanton13)

Other relevant planning decisions

07/00155/OUT – Outline application for sheltered residential accommodation comprising 76 units and car parking – refused 30<sup>th</sup> July 2007.

Appeal subsequently allowed 27<sup>th</sup> March 2008. Costs were awarded against the Council in part because it failed to provide relevant evidence to support its decision to refuse the application on design grounds.

08/00765/FUL – Development of Use Class C2 residential accommodation with care comprising 56 apartments for persons aged 55 and over. Approved 28<sup>th</sup> November 2008.

10/00102/FUL – Full planning permission for the development of Use Class C2 residential accommodation with care comprising sixty five 1, 2 and 3 bedroom apartments for persons aged over 55 with associated works – approved 24<sup>th</sup> June 2010.

**Views of Consultees**

**Highways Authority** - no objections on Highway grounds to this proposal.

**Conservation and Urban Design Officer** - comments that the Silverdale Road elevation is far more pleasing in its design and massing compared to the High Street. What the change does is alter the

proportions of the projecting elements and by giving it (the projection) more height it appears narrower. The rhythm of the elevation has been affected to the detriment of the streetscene especially when viewed down the road. When viewed up the hill at closer proximity to the development the impact is not so noticeable. It is the more distant and wider angled views which are more noticeable and the interruption of the rhythm is more obvious. The approved elevation (on Silverdale Road) appears to follow design principles – with a set back, a prominent corner turret and stepping down to (the) existing dwellings but one could argue that the change to the centre gable has confused this accepted set of principles, introducing a different element with raises the roof, eaves height – which is out of character with this side of the development and the render makes it more prominent and highlights the differences in the three gables which are the same width. To stand out as a specific feature this would need to have been designed into the original design and better thought out, not just (by) adding a storey and changing the roof to a hip.

The **East Newcastle Locality Action Partnership** having not responded by the due date must be assumed to have no observations

The **Urban Vision Design Review Panel** advise that having visited the site they consider that the deciding factor in assessing the change to the approved scheme should be whether it creates any visual harm in its setting. They note in particular that the existing buildings in the vicinity of the site comprise a variety of forms including gables, bays, and eaves roofs, the materials being mainly red brick with some rendered elements. Although it was disappointing that the scheme had been built at variance with the approved scheme ultimately they recognise that it is necessary to consider the proposal as it is and not give any weight to the fact that it has been built. The approved scheme with its 3 three storey projecting gabled bays could be regarded as repetitive and the change in one of these to a four storey hipped bay introduces an element of variation. The buildings in the vicinity have a good deal of variety in their elevations and the replacement of a gabled bay with a hipped bay could not be regarded as detrimental to the visual appearance of the building as a whole nor does it conflict with the built character of its setting. The change is acceptable from an urban design point of view. Noting that there are established hedges elsewhere in Silverdale Road the Panel thought that the use of evergreen hedging on the boundary landscaping would help soften the appearance of the building, give a firm structure to the site boundary and help integrate the development within its setting. Whilst the Panel were of the view that there had been no adverse impact for nearby occupiers they did suggest that their views be sought

### **Representations**

No comments on this application have been received from third parties, the application having been publicised by means of both site notices and a press notice

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

A covering letter from the Project Manager explains the reasoning behind the changes.

*“Construction of Adlington House is progressing well and we are well on target for completing the scheme in June this year. Whilst we have always been aware of a high demand for this type of accommodation within the Newcastle area, we could never have predicted the interest prior to completion. Last week we hosted an information day and had over 250 people attend and have 28 apartments with reservations.....*

*.....As you are aware the previous consent (10/001202) for the scheme was for 65 apartments. Last year we applied for a Variation to Condition 25 to reflect internal changes. The result of the new consent 13/00487 was that whilst the footprint of the building remained unchanged, the number of apartments was reduced to 62 due to an increase in the communal areas. ....*

*..... Experience gained from, our very successful, scheme in Heaton Chapel (now complete and almost fully occupied) has led us to make further changes to improve the accommodation for our residents. It has become apparent that the quiet lounge is not being utilised at our two other similar developments, as residents prefer to be in the larger lounge or in their own apartments, therefore in order to maximise the opportunity for the site we now wish to revert this space back to a one bed roomed apartment.....*

.....In addition to the above and to further optimise the development and maximise the operational efficiency of the scheme we are also looking to amend the third floor layout. This involves an increase of floor space of 19.9 m<sup>2</sup> than that previously approved.....”

With the submission of the application to the Urban Vision Design Review the applicants prepared a Design Report explaining the design principles behind the changes, noting that the gables in the approved scheme on the Silverdale Road are unequally spaced, with a change in building alignment responding to established building lines and the road frontage as it descends down hill, that the treatment of the revised four storey element is consistent with similar four storey elements on the internal courtyard elevations of the approved scheme, and commenting that the “informal varied rhythm successfully accommodates the amended treatment” and that photographs show that it “responds to the established character of the area”. They have provided photographs and photomontages showing the development as built from all main viewpoints and comparing the ‘as built’ with the ‘approved’ from the 2 key viewpoints on Silverdale Road and the High Street.

The application documents are all available for inspection both at the Council Offices, and at [www.newcastle-staffs.gov.uk/planning/GladmanWolstanton14](http://www.newcastle-staffs.gov.uk/planning/GladmanWolstanton14)

## **KEY ISSUES**

As compared to the existing permission 13/00487/FUL the present proposal would produce two extra flats (up from 62 to 64). One would be on the ground floor in place of the approved quiet lounge; there would be no external alterations for this alteration. The second would be on the third floor, and is achieved by taking the approved three storey projection on the Silverdale Road elevation up a further floor, and altering the elevational treatment of that elevation. The external works have already been undertaken so the application is retrospective

The main issues to address in the determination of the application are as follows:-

- Do the external alterations have an adverse impact upon the streetscene?
- Do the 2 additional units raise any issues with respect to onstreet parking demand?
- Would there be any materially greater and unacceptable impact upon the residential amenity of adjoining occupiers or the occupants of the development itself?
- Are restrictions on the occupancy of the apartments justified and necessary, and if so how could these be achieved?

### Do the external alterations have an adverse impact upon the streetscene ?

The approved scheme features 3 storey gabled and light coloured rendered projections each of which extends to around two thirds of the height of the principal building – three on Silverdale Road and three on Marsh Avenue – those on the Marsh Avenue elevation are evenly spaced, whilst those on the Silverdale elevation are not evenly spaced (along the elevation), the face of the building itself turns slightly as it follows the bend in the road. On the corner of Silverdale Road with High Street is a turreted feature attached to a full four storey corner element under a hipped roof. Further away from the High Street the Silverdale Road elevation goes down to two storeys with a gabled projection. All of the gable projections have a balcony at each level. Photographs of the development as built will be available for the Committee to consider, and in advance of the meeting can be viewed in the applicant’s design report – one of the documents associated with the application on the website.

The application seeks consent for material changes to the appearance of the elevation by extending the central projection on the Silverdale Road elevation upwards by a further floor (to make it four storey). The element has a hipped rather than gabled roof which extends up to the level of the main ridge.

Development Plan policy in the form of CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle’s unique town and landscape. New development should also inter alia contribute positively to an area’s identity in terms of scale,

density and layout and be safe, uncluttered, varied and attractive. The policy recognises that good design is both about the architecture of a building and the spaces within which the development sits, and the quality of the relationships between the development and the surrounding area. In determining a planning application the starting point is whether the development accords with the relevant provisions of the development plan.

The NPPF, a significant material consideration, identifies as one of the core planning principles that it should always seek to ensure high quality design. It is indicated that the Government attaches great importance to the design of the built environment, with good design being a key aspect of sustainable development, indivisible from good planning and something that should contribute positively to making places better for people. It goes on to indicate that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Paragraph 60 does however warn that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or style. Visual appearance and the architecture of individual buildings is recognised as a very important factor, although the NPPF is careful to indicate that securing high quality and inclusive design goes beyond aesthetic considerations. The NPPF indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

A further material consideration is the Urban Design Guidance SPD although that tends to be more concerned with urban design – buildings and the spaces between them rather than with specific individual elements of buildings.

In the opinion of the Council's Conservation and Urban Design Officer the rhythm of the elevation and its proportions has been affected - the change being to the detriment of the streetscene especially when viewed down the road (from Wolstanton High Street). When viewed up the hill (from Silverdale Road) at closer proximity to the development (the curvature and narrowness of the built form along Silverdale Road prevents longer distance views) the impact is not so noticeable.

Whether or not such concerns are such as to justify refusal is another question. The Authority has in the past been unable to substantiate concerns regarding the design of the development on this site at appeal (and had costs awarded against it). In that case the decision of the Council was expressly contrary to the views of the Urban Vision Design Review Panel. The NPPF talks about the importance of local authorities using local design review arrangements like the Urban Vision Design Review Panel and indicates that in assessing applications, local planning authorities should have regard to the recommendations from such Panels – i.e. give them appropriate weight. The Panel in this case (some 5 design professionals) rather than expressing any concern about the new design, actually see it as a positive improvement upon the previously approved scheme – in that it introduces an element of variety on the Silverdale elevation. Your Officer notes that there is on Silverdale Road, compared with say Marsh Avenue, quite considerable variety and given the clear view expressed by Urban Vision accepts that the change that has been made is not an unacceptable one.

The supplementary point made by the Panel about the importance of achieving appropriate landscaping in this scheme has been noted by both the applicant and officers - a formal submission of landscaping details is being prepared for submission to the LPA and there will thus be the opportunity to take these points into account at that time.

Do the 2 additional units raise any issues with respect to onstreet parking demand?

Whilst no change in on-site car parking provision is proposed, the number of car parking spaces is the same as was considered acceptable for the original proposal which had 65 units, whilst 64 units are now proposed. In the circumstances no sustainable objection on parking demand grounds could be made. Members will note that the Highway Authority have no objection to the proposal.

Would there be any materially greater and unacceptable impact upon the residential amenity of adjoining occupiers, or the occupants of the development itself?

The additional new apartment lies opposite commercial premises with residential accommodation above. It is not considered that the current proposal would lead to any materially greater impact on the amenity of the occupiers of that accommodation than the already approved scheme which was considered acceptable in accordance with the principles contained within the Supplementary Planning Guidance 'Space around Dwellings'.

The decision of the developer to provide less communal space within the building is considered to be a matter which, in the absence of a clear public interest, is primarily a decision for them to make – and in any case the original approved scheme envisaged a similar level of communal space anyway.

Are restrictions on the occupancy and use of the apartments justified and necessary, and if so how could these be achieved ?

The previous development granted by 13/00478/FUL to which this one relates was not considered to require a contribution towards affordable housing and open space as a unilateral undertaking was entered into ensuring that it fell within Use Class C2 (residential institutions) for which it was and is policy that no contributions are sought. Any approval of the current application is in effect the granting of a new permission. It is therefore considered necessary to ensure that a revised unilateral undertaking is provided by the applicant to ensure that the use falls within Use Class C2 otherwise there would be limited controls as to the future use of the flats for unrestricted residential use which would be considered unacceptable without the relevant contributions. This was the approach previously taken. The applicant has been made aware of this requirement and is currently looking into amending the previous undertaking to reflect the current application.

### **Background Papers**

Planning Policy documents referred to  
Planning files referred to

### **Date report prepared**

29<sup>th</sup> May 2014