

The Application seeks to vary condition 3 of planning permission 16/00008/FUL for a new Public Services Hub building and associated works. Condition 3 as worded in the decision notice is as follows:

Within 5 weeks of commencement of the construction of the building hereby permitted details of the external materials to be used in the construction of the development as shown on drawing no 6229-110 rev A, which shall specifically include details of a reddish stone where stone is proposed (rather than the buff stone indicated), shall be submitted for the approval of the Local Planning Authority. The development shall be constructed in the approved materials.

The reason given for the condition within the decision notice was "in the interest of visual amenity and to protect the character and appearance of the Conservation Area" in accordance with relevant policies.

The varied wording of condition 3 as proposed in this submission is as follows:

Within 5 weeks of the commencement of the construction of the building hereby permitted details of the external materials to be used in the construction of the development as shown on drawing no. 6229-110 rev A, which shall specifically include details of a stone where stone is proposed, shall be submitted for the approval of the Local Planning Authority. The development shall be constructed in the approved materials.

The site lies within the Newcastle Town Centre Conservation Area, the Urban area of Newcastle and the Primary Shopping Area as designated on the Local Development Framework Proposals Map. In addition it is within the Town Centre Historic Core as defined in the Newcastle Town Centre Supplementary Planning Document.

The 13 week period for this application expires on 29th July 2016.

RECOMMENDATION

- (a) Subject to the applicant entering into a S106 obligation by no later than 30th June 2016, that preserves the Council's position in respect of obligations secured through permission 16/00008/FUL (and as such secures a financial contribution to introduce Resident Parking Zones if it is demonstrated through surveys that these are required) PERMIT the variation of condition 3 so that it reads as follows:

The building hereby permitted shall be faced, on the elevations where buff stone is shown as specified on drawing no. 6229-110 rev A, in Mottled Jura Limestone. Details of all other external materials to be used in the construction of the development shall be submitted for the approval of the Local Planning Authority within 5 weeks of the commencement of the construction of the building. The development shall be constructed in the approved materials unless alternative materials are agreed in writing by the Local Planning Authority.

and subject to the imposition of all other conditions attached to planning permission 16/00008/FUL, unless they have already been discharged by the date of issue of the permission in which case the approved details will be referred to.

- (b) Should the matters referred to in (A) above not be secured by 30th June 2016 that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an obligation the required contribution to sustainable transport measures and potentially to on street parking measures the development would not be acceptable; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 emphasises the need to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The cladding of the development in Mottled Jura Limestone on the most prominent elevations would preserve the character and appearance of the Conservation Area and also the setting of nearby Listed Buildings including the Queen Victoria statue.

The effect of a grant of approval is to create a new planning permission. Subject to the requirement to provide a financial contribution to introduce Resident Parking Zones, if it is demonstrated through surveys that these are required, and the imposition of the same conditions as were imposed on 16/00008/FUL it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

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

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

Key Issues

Full planning permission was granted in March for the construction of a four storey public sector hub. The application seeks to vary condition 3 of the permission.

The Authority cannot reconsider the principle or the design of the public sector hub building in the determination of this application, but it does have the following options:-

- If it considers that a reddish stone is required, the original condition should remain and the application refused,

- If it considers that the condition should be varied then it should approve the application subject to the reworded condition or subject to a different condition as it considers appropriate.

The effect of a grant of permission upon an application to vary a condition is to create a new planning permission. Accordingly, unless there have been other material changes, such a permission should also make reference to the other conditions of the original planning permission.

The effect of a grant of permission upon an application to vary a condition is to create a new planning permission. Accordingly, unless there have been other material changes in the interim, such a permission should also make reference to the other conditions of the original planning permission. In this case the permission should also be the subject of a Section 106 obligation as was the original permission (which secured a financial contribution to be used to fund Resident Parking Zones in the event that it is demonstrated through surveys that the development results in on street parking problems).

The materials of the proposed building as indicated in application 16/00008/FUL were stated to be a buff stone on the most prominent elevations that face Queen's Gardens (front elevation) and Barracks Road (side elevation), and on part of the car park elevation (rear elevation) closest to Barracks Road, with the remaining elevations clad in a more neutral masonry effect cladding. Whilst the proposed materials were considered to be broadly acceptable a reddish stone, rather than the buff stone indicated, was specified in the condition as it was considered to be a more appropriate colour in the town centre where red brick is the predominant facing material. This was in accordance with the comments of the Conservation Officer and the Conservation Advisory Working Party.

The applicant has attempted to find materials that accord with the requirements of the condition and has identified a number of examples of reddish sandstone. The examples sourced have all been ruled out, however, primarily due to the porous nature of the material, which at the thickness that it needs to be for the proposed construction system would allow water through to the wall. All would, therefore, require annual treatment with a sealant to reduce their porosity, which would create an ongoing maintenance issue and would affect the appearance of the material. In addition one of the sourced sandstone was considered to be too dark (St Bees); one not of a sufficiently high quality (Doddington); and one could not be described as reddish (Darney).

The material that has been selected is the Mottled Jura Limestone (a sample of which will be displayed at the meeting) which is sourced from Germany, it is understood. This is a high quality material that has a smooth surface and a buff/beige background colour that is mottled with darker coloured fossils distributed across the surface. Whilst it is a material that is can be used internally, on floors for example, it is also widely used as an external cladding material. Members might wish to note that the material is used at One Staffordshire Place, Stafford – the County Council's offices.

The modern clad building that has been permitted is already a contrast to the traditional buildings within the town centre. The facing material that is now proposed will further emphasise this contrast but will not detract from the overall appearance of the development. As such the same conclusion can be reached, that the development would preserve the character and appearance of the Conservation Area and the setting of nearby Listed Buildings, including the Queen Victoria statue.

The wording of the condition as proposed by the applicant does not specify the use of the Mottled Jura Limestone. As such if the suggested wording is used it would require the developer to seek approval of that material through the submission of details to satisfy that condition, notwithstanding that if the recommendation is followed it has been accepted that this material is appropriate. Your Officer's view, therefore, is that the condition should therefore make specific reference to this material.

APPENDIX

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

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

Policy ASP4: Newcastle Town Centre Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy B5: Control of Development Affecting the Setting of a Listed Building
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

Other Material Considerations include:

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

Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)
Newcastle Town Centre SPD (2009)
Newcastle Town Centre Conservation Area Appraisal and Management Plan

Newcastle Extensive Urban Survey

Relevant Planning History

Demolition of former St Giles' and St George's School to facilitate the redevelopment of the site was permitted earlier this year (reference 15/01077/FUL). An application to vary condition 4 of that permission, which restricted when the demolition of the building could take place, was subsequently permitted in March (reference 16/00082/FUL).

Planning permission for the new public sector hub building and associated works was permitted in March (reference 16/00008/FUL). Whilst the former St Giles' and St George's Primary School building on the site has recently been demolished, such development is not a commencement of the public sector hub development given that such works under a separate permission.

Views of Consultees

The **Conservation Advisory Working Party (CAWP)** would prefer a red hue to the proposed stone cladding rather than yellow for the new building and from a sustainable perspective feels that the material should be procured locally.

Historic England indicates that on the basis that the proposal will not result in a reduction of the quality of materials or finish, it has no objections in principle. They recommend that the application is determined in accordance with national and local policy guidance, and on the basis of the Authority's specialist conservation advice.

The Council's **Conservation Officer (CO)**, considered that a reddish 'hollington' sandstone was a good material as it reflected other buildings within the Borough and the reddish hue would blend well with the red brick around the town and a smooth cut finish with the contemporary design would work well for the town giving it a robustness and quality. The CO understands that from a practical point of view this stone is not a good choice however. The chosen material does have colour variation in it and will give a clean contemporary

appearance that is a stark contrast to the setting of the gardens but has concerns that it has the appearance of an internal floor or wall tile.

The **Newcastle South Locality Action Partnership** and the **Victorian Society** have been consulted and any comments received in time will be reported.

Representations

One letter of representation has been submitted indicating that “to replace the loss of the mature trees a red stone facing for the new hub should be required as it will be a positive advantage that the stone grows green lichens and mosses on the huge north face that will be towering over the Queen's Gardens. The damp dullness in the gardens will transform them into a slimy grotto of green. This perfect shade garden will be almost unique for any urban setting in Britain and may foster a new Category for "Britain in Bloom". The Mottled Jura Limestone, if utilised, should be inside the public areas of the building. The sympathetic response to the surrounding few listed buildings, and the Bronze Sculpture of Queen Victoria is to uphold the original planning permission and utilise Red stone. If external cleanliness and low maintenance costs are the pivotal criteria just clad it all in self-cleaning glass as a symbol of the Transparency of local government”.

Applicant's/Agent's submission

The applicant has submitted a heritage assessment in support of the application in addition to the requisite forms. The reasons referred to within the heritage assessment as to the choice of the external material proposed are set out below.

- Aesthetics - this includes the before and after effects of sealing the alternative sandstone considered, vandalism etc. and the fact that Jura limestone is the most mottled alternative.
- Sustainability – the source of material was one of the most sustainable, as would be the maintenance requirements (i.e. frequency of using any harmful substances to maintain the stone).
- Properties of the material – of particular note is the stone's longevity, slow speed of corrosion and reduced porosity.
- Maintenance requirements – this stone would require less ongoing maintenance in order to enable a consistent appearance across the building (particularly in relation to the growth of mould on the north side of the building). In addition, other stones would need to be treated with a stone sealant (resulting in excessive CO₂ emissions) to reduce the porosity of the stone (on a yearly basis) which would result in a heavy reliance of the use of mechanical aids to access the façade.
- The proposed stone would best assimilate within the context of the other materials proposed for the façade.

These documents are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00362/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

5th May 2016