

**SITE OF FORMER NEWCASTLE BAPTIST CHURCH, LONDON ROAD, NEWCASTLE  
G DONLON**

**17/00162/FUL**

The Application is for full planning permission to vary condition 2 of permission 14/00477/FUL, which lists approved drawings, to allow for the enclosure of open air corridors indicated within the approved scheme and subsequent changes to the affected elevations, the car parking layout, areas available for landscaping within the development and other various design changes.

The site was previously occupied by the Newcastle Baptist Church which has been demolished.

The site lies within the Urban area of Newcastle as designated on the Local Development Framework Proposals Map.

A decision on this application was deferred at the meeting on the 15<sup>th</sup> August to enable the required revised plans to be received and an independent financial viability appraisal to be undertaken

**The 13 week period for this application expired on 30<sup>th</sup> May 2017. The applicant agreed to extend the statutory period to the 22<sup>nd</sup> August.**

**RECOMMENDATION**

**Subject to**

- a) **the receipt of satisfactory revised plans of the front elevations being received; and**
- b) **your Officer having delegated authority to determine, on the basis of a new financial assessment by the DVS, that the development still cannot finance all or part of any policy compliant contributions to offsite affordable housing provision and public open space; and**
- c) **the applicant entering into a Section 106 obligation by agreement by 30<sup>th</sup> October, to provide such policy compliant contributions as can be afforded and requiring in the event of substantial commencement of the development (as defined in the previously entered into Section 106 agreement) not being achieved within 18 months of the date of the permission, a financial reappraisal of the scheme to assess its ability at that time to fund full policy compliant contributions to offsite affordable housing provision and public open space, and the making of such contributions as are financially viable**

**PERMIT subject to conditions relating to**

- 1. The variation of condition 2 to reflect the revised drawings**
- 2. A requirement to provide for approval and implementation a car parking management scheme, and**
- 3. Any other conditions of 14/00477/FUL as continue to apply to the development**

**B. Failing completion by the above date of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that without such an obligation there would not be an appropriate review mechanism to allow for changed financial circumstances, and, in such circumstances, the potential financial contributions towards affordable housing provision and public open space; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

**Reason for Recommendation**

The revisions sought to the approved plans are generally acceptable, although there are concerns about the treatment of the two front elevations and it is expected by the date of the committee that satisfactory revised plans will have been received. The reduction in the number of car parking spaces to be provided is only slight and is unlikely to give rise to severe highway safety impacts bearing in

mind that occupiers of the flats will, in this location, have a choice of modes of travel in this location. The Committee have accepted in 2015 that a very similar development could not support any policy compliant contributions to public open space and offsite affordable housing, and accordingly delegated authority to determine on the basis of the findings of a new District Valuer financial appraisal what contributions can now be made is sought. That financial appraisal is not expected to be received by the time of the Committee.

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

There was a delay in progressing this application but officers have now confirmed their views on the substantive issue – the financial reappraisal – to the applicant.

### **Key issues**

The Application is for full planning permission to vary condition 2 of permission 14/00477/FUL, which lists approved drawings, to allow for the enclosure of open air corridors indicated within the approved scheme and subsequent changes to the elevations, the car parking layout and areas available for landscaping within the development.

In considering an application to vary a condition, the authority has to consider only the question of the conditions subject to which planning permission may be granted. If the Authority considers that planning permission may be granted subject to different conditions it can do so. If the Authority considers that the conditions should not be varied it should refuse the application. The condition which the applicant is seeking to vary is that which lists the approved drawings. No changes are being sought to the number of the units within the development. The changes sought are to the design of the development. The principle of the development is not therefore for reconsideration.

The approved development is a 22 unit apartment scheme, occupying a corner site, with a L shaped footprint around a two sided courtyard with some 22 car parking spaces indicated

In terms of the building itself, the approved scheme, envisaged a deck at first floor level incorporating a landscaped amenity space projecting out from the building at its internal corner, over some of the car parking – in order to provide some landscaped space for the residents of the flats. Access to flats at first, second, third and fourth level was to be obtained along open balustraded deck access corridors with feature framing up the elevations in question, up to the third floor.

In the revised scheme, here being considered, these open corridors have now become fully enclosed with the end units on the first, second and third floor becoming larger as a result. An external opensided 3 storey high fire escape stair is added to one of the elevations.

The above changes are all to the internal courtyard elevation, non-public elevation. The framing features that were part of the original scheme remains – helping provide vertical emphasis, although the removal of the deck access arrangement makes for simpler flatter, and frankly less interesting elevations than were previously proposed with less recessing and shadow effect. However it does have to be recognised that these are internal courtyard elevations of which there will be limited public view.

Turning to the London Road (south west) and Vessey Terrace (south east) elevations, the changes are more limited, the primary components remaining unaltered, but a positive feature, the full height apertures to each unit that previously helped give a vertical emphasis have been reduced somewhat in height and the proportion of solid wall to aperture increased. Your officer is seeking an amendment to the scheme in this respect and also a reinstatement of the depth of projection of the flat roof capping – to ensure that the development does not appear box like – these were all important positive features of the original scheme. The indications received are that the required amendments will be received before the Committee meeting.

Whilst the revised scheme has deleted the raised landscaped deck that had been proposed over part of the parking area, the new scheme takes a more conventional approach and provides a reasonable sized ground level landscaped area at the northern end of the car park. This will help improve the

ambience of the internal courtyard, by forming an attractive feature viewable upon entering the courtyard upon which some reasonably sized trees could be established, and it is quite a bit larger as well than the previous decked area (which did introduce challenges for the area below), and there will be other opportunities for landscaping within the courtyard as well.

The only downside of the rearrangement is the consequential reduction in the amount of parking. Previously the scheme had 22 spaces - one parking space per unit. That number has now been reduced to 18. Members will wish to note that on the one hand national policy does indicate that highway safety impacts have to be severe to justify refusal, whilst Ministers have also signalled a wish that developments do provide sufficient parking. As members will be aware both this section of London Road and some way up Vessey Terrace are double yellow lined already. Account needs to be taken of the edge of centre location of this development. There are opportunities here to use modes of travel other than the private motor car - the site being within easy walking distance of the town centre, on a main bus route, and close to the bus station. That the Highway Authority do not object to this relatively slight reduction in onsite parking provision is also important. It is not considered that refusal on grounds of insufficient parking could be sustained here.

In law the consequence of the granting of an application to vary a condition of a planning permission would be the creation entirely new planning permission rather than an amendment of the existing one (14/00477/FUL in this case). That previous permission was granted on the 26<sup>th</sup> October 2015 following the completion of a Section 106 agreement which included a requirement for a financial reappraisal should the development not be substantially commenced within 18 months of the date of the planning permission (ie by 25<sup>th</sup> April 2017), and the payment of such policy compliant contributions as could be afforded towards public open space and offsite affordable housing provision.

It is believed to be the applicant's position that the financial viability position remains largely unchanged from that which was established by their advisers and subsequently confirmed by the District Valuer in early 2015. The floorspace and thus the Gross Development Value and costs of the development will be different but it seems to your Officer that the changes consequent to the changed the design are likely to be fairly limited and ones which if applied to the calculations of the District Valuer would be unlikely to make material difference to his conclusions. However it is possible that other assumptions within the financial appraisal may have changed since January 2015.

The question the LPA needs to consider is whether it ought, given the passage of time, to now require a further appraisal by the District Valuer before determining this application (the application has been with the authority for some time and the applicant is pressing for a decision on the application) or whether provided a revised Section 106 agreement is entered into simply securing upon substantial commencement - whenever that may be - a reappraisal and funding of appropriate contributions if the scheme can financially support them - that would be sufficient. The developer has made it clear that they do not wish to be in a position where there will definitely will have to be a viability reappraisal upon substantial commencement of the development being achieved. They have indicated that no funder will proceed on that basis because of the degree of uncertainty that it involves. They would rather proceed with a reappraisal at this time. They recognise that there will still need to be, as there was previously, a Section 106 agreement requiring, in the event of substantial commencement not being achieved within 18 months, a yet further appraisal and, depending upon its results, the payment of appropriate policy compliant contributions. It is however critical to them that the reappraisal, which they consider will come to the same conclusion as did the previous one, takes place now.

Appendix

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

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

Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – general parking requirements

**Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

14/00477/FUL – Demolition of former Newcastle Baptist Church and erection of residential apartment development comprising 14 two bedroom units and 8 one bedroom units, formation of new access and associated car parking

Views of Consultees

The **Highway Authority** notes that the proposal reduces the number of car parking spaces within the scheme from 22 to 18, but they have no objections to this provided a car park management scheme is submitted for approval and thereafter implemented

The **Environmental Health Division** indicate that they have no objections provided the conditions they sought for the previous application continue to be applied

The **Landscape Development Section (LDS)** have no objections but they would still wish to see provision made on the north eastern boundary to act as a visual foil/screen between the development and the backs of the properties in Grosvenor Gardens

No comments have been received from the **Newcastle South Action Partnership** and given that the period for comment has expired it must be assumed that they have no comments to make.

Representations

No letters of representation have been received.

Applicant's/Agent's submission

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00162/FUL>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

31<sup>st</sup> August 2017