

**THE BRIGHTON, SNEYD TERRACE,**  
**SILVERDALE**  
**ASPIRE HOUSING**

**18/00714/FUL**

The application is for full planning permission for change of use and refurbishment of a former care home (C2) into apartments (C3) for over 55s independent living. 16 new one bed and 3 two bed apartments for affordable rent are proposed.

The site lies within the Silverdale Conservation Area and the Urban Area of Newcastle as defined on the Local Development Framework Proposals Map.

**The 13 week determination period for the application expires on the 12<sup>th</sup> March 2019.**

**RECOMMENDATIONS**

**A. Subject to the receipt and consideration of final independent advice as to what financial contribution if any this development could support, and a supplementary report to the Committee on this aspect, and in the absence of a viability case the applicant entering into a planning obligation to pay an appropriate financial contribution (£93,727) towards public open space enhancement at Silverdale Park by the 1<sup>st</sup> May:-**

**PERMIT subject to conditions relating to:**

- 1. Time limit.**
- 2. Plans.**
- 3. Materials.**
- 4. Prior approval and implementation of landscaping and bin storage.**
- 5. Prior approval and implementation of tree protection details.**
- 6. Access and car parking provision implementation prior to occupation.**
- 7. Prior approval and provision of weatherproof cycle storage.**
- 8. Prior approval and implementation of revised bin storage details.**
- 9. Restriction of construction and demolition hours to be outside of 6pm and 8am Monday to Friday, not at any time on Sundays or Bank Holidays, or outside of 8am-1pm on a Saturday.**
- 10. No external lighting without prior approval.**
- 11. Agreed noise levels for internal and external areas.**
- 12. Prior approval of a scheme for the provision of at least 5 affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of such units and the means by which such occupancy will be enforced, but not requiring such provision to be "in perpetuity".**

**B. Should the planning obligation referred to above not be secured by the 1<sup>st</sup> May that the Head of Planning be given delegated authority to refuse the application on the grounds that in the absence of such, the proposal would be contrary to policy on the enhancement of public open spaces for housing developments or, if he considers it appropriate, to extend the time period within which the obligation referred to above can be extended.**

**Reason for Recommendation**

The proposal involves the conversion of an existing disused building (a former residential care home) within a sustainable location where the broad principle of new and replacement housing is acceptable. There are also significant benefits to allowing additional new affordable housing to occur on the site through conversion– namely boosting local affordable housing

supply as well as the related economic and social advantages new affordable housing brings to the area where there is an established identified need. Subject to compliance with the conditions indicated above there would be no harm to visually significant trees, highway safety, the amenity of the area or the special character and appearance of Silverdale Conservation Area. However in compliance with the Council's Open Space Strategy a contribution of £93,727 towards the upgrade of public open space provision would be appropriate. The applicant has submitted financial information to substantiate their claim that such a policy compliant contribution would make the scheme unviable. An independent financial appraisal is being undertaken and the results of this appraisal are expected by the time of the Committee and a further report will be brought to members on this issues.

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

Scheme viability issues can be explored in detail to conclude if a policy compliant scheme can be insisted upon or reduced by an appropriate amount to secure delivery of the development.

**Key Issues**

1.0 The application property (The Brighton) is a former care home which is proposed to be converted into 16 one bedroom apartments and 3 two bed apartments.

1.1 The proposed apartments are to be let as "affordable rent" properties by Aspire. This means that future tenants will pay 80 percent of the market rate for the housing provided.

1.2 The site lies within Silverdale Conservation Area, which is part of the urban area of Newcastle as defined on the Local Development Framework Proposals Map. The key issues to consider are:-

1. Is the principle of residential use acceptable in this location?
2. Is the design and appearance of the development acceptable having regard to the special character and appearance of Silverdale Conservation Area?
3. What is the impact on trees and is it acceptable?
4. What is the impact on highway safety and is it acceptable?
5. What financial contributions are appropriate (if any) in order to secure planning permission?

**2.0. Is the principle of residential use acceptable in this location?**

2.1 Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy CSP5 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (CSS) sets out for the period 2006 – 2026, a minimum of 4,800 net additional dwellings will be provided within the urban area of Newcastle under Lyme. Within the overall urban area figure quoted the neighbourhood of Newcastle Urban Central (which includes Silverdale, Thistleberry, Knutton, Cross Heath, Chesterton and the Town Centre) a total of 3,200 are anticipated by the policy. The site is within the urban centre of Silverdale which is recognised by the Core Strategy as a highly sustainable location for additional residential development. The site presently contains a building that was a care home.

2.2 Paragraph 117 of the National Planning Policy Framework 2018 (the Framework) states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

2.3 Paragraph 11 of the Framework states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

2.4 Policies are out of date, for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

2.5 Paragraph 12 also highlights that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

2.6 The current position is that the Council considers that there is a supply of deliverable housing sites sufficient to provide a minimum of 5 years' worth of housing against its local housing need (the appropriate test given its adopted strategic policies are more than 5 years old, the Council having accepted that the Core Spatial Strategy requires updating). The 2018 Housing Delivery Test result for the Borough was not below the 75% figure.

2.7 The development entails conversion of an existing vacant building. Conversion of a building as a concept in itself is an inherently sustainable. In policy terms the scheme makes efficient re-use of previously developed land within a highly sustainable urban location (highlighted as such by the Core Spatial Strategy) within short walking distance of abundant local service provision within Silverdale and access to regular public transportation to the Town Centre and beyond. Regard is also paid to the social and economic benefits of allowing additional affordable housing in the area. There is therefore a presumption in favour of residential development on this site unless the adverse impact of granting permission outweighs other planning considerations. More detailed matters are now considered.

### 3.0 Is the design and appearance of the development acceptable having regard to the special character and appearance of the Silverdale Conservation area?

3.1 Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

3.2 Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

3.3 The Framework states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

3.4 Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, great weight should be given to the asset's conservation. The more important the asset, the

greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

3.5 Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Saved NLP Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the Framework and the weight to be given to them should reflect this.

3.6 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) states in its policy HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must:-

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.
- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

3.7 St Luke's Church a Grade II Listed building lies adjacent to the north east of the application building. The proposed changes to the building are modest and largely include alterations to existing windows and roof lights, 4 discreetly positioned dormer windows are included in the changes. The conversion works although relatively minor will give a rejuvenated appearance to the disused building and together with the detailed landscaping proposed the scheme would improve the appearance of the building and site. The proposal will not lead to any harm to the special character and appearance of the Silverdale Conservation Area.

3.8 The view is also taken is that bin storage container size and positioning amenity concerns raised by Waste Management can be overcome by an appropriately worded planning condition.

#### 4. What is the impact on trees?

4.1 Saved policy NLP N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where appropriate developers will be expected to set out what measures will be taken during the development to protect trees from damage.

4.2 The Landscape Development Section advise that canopy protection during the construction development will require to be provided for the category A Oak trees which are present along the boundary of the site. Subject to the agreement of tree protection details and full landscaping proposal details they do not have any objections to the scheme.

#### 5.0 What is the impact on highway safety and is it acceptable?

5.1 The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In 2015 the Secretary of State gave a statement on maximum parking standards indicating that the Government is keen to ensure that there is adequate parking provision both in new residential developments and around Town Centres and high streets.

5.2 Saved NLP policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The car parking standards set out in the Appendix to the Local Plan state that 2 or 3 bedroom properties should provide a maximum of 2 off road parking spaces. 1 bedroom properties are specified to provide one parking space with an extra visitor space per every three units.

5.3 The proposal provides a total of 20 car parking spaces to serve the development – an increase on the existing 9. The Highway Authority has no objections to the scheme subject to the proposed access, parking and turning areas being brought into use prior to occupation of the building and also the agreement and implementation of weatherproof cycle parking. The site is also in a very sustainable urban location close to public transportation links to the Town Centre and beyond.

5.4 There are therefore subject to planning conditions there are no highway safety objections to the scheme.

#### 6. What financial contributions are appropriate (if any) in order to secure planning permission?

6.1 Paragraph 54 of the Framework states that planning obligations must only be sought where they meet all of the following tests, which are also set out in the CIL Regulations:

- a) necessary to make the development acceptable in planning terms ;
- b) directly related to the development; and
- c) fairly and reasonably related to scale and kind to the development. .

6.2 Saved NLP policy C4 (part of the approved development plan) supports the seeking of a public open space contribution for residential developments of more than 10 units but less than 50. Policy CSP5 of the more recent Core Spatial Strategy (also part of the development plan), indicates that developer contributions will be sought to provide a key funding source to meet the needs of new residents and for the delivery interalia of the Urban North Staffordshire Green Space Strategy and any approved revisions or replacement strategies. There is such a replacement strategy, the Open Space Strategy that was adopted by Cabinet at its meeting on the 22<sup>nd</sup> March 2017. The development is for 19 units.

6.3 In this case LDS are not seeking open space on the site itself but instead are requesting a contribution of £4,933 per dwelling (£93,727 in total). The money would be used for improvements to Silverdale Park which is around 420 metres walking distance from the application site.

6.4 Both the NLP and the CSS form part of the approved development plan for the area. In addition the application of the Open Space Strategy in the determination of planning applications is consistent with paragraph 96 of the Framework which indicates that policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

6.5 The Framework advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

6.6 The contribution being sought is considered to meet the statutory tests. It is necessary to make the development acceptable in planning terms and directly related to this residential development (it seeks to address the additional demands upon open space which new residential development brings) and is fairly and reasonably related in its scale – the Open Space Strategy setting out a detailed methodology to demonstrate how the capital element of the sum (£4,427) is calculated whilst the maintenance element (£1,152) represents 60% of the costs of 10 years maintenance – a figure in line with that sought by other LPAs, according to the Strategy, per residential unit. Given the scheme is for two and one bedroom units the LDS have reduced the amount sought by an appropriate amount to take away play equipment

elements allowing for the fact that the scheme is not for family occupation, therefore reducing the values quoted within the OSS specified above.

6.7 The applicants (Aspire) have indicated that they do not expect to be able to enter into an obligation for the amount specified on financial viability grounds and in order to assess this an independent appraisal has been commissioned and its results are awaited. A further report will be given once the results of this appraisal have been received and considered.

## 7.0 Other matters

7.1 CSS Policy CSP6 states that residential development within the urban area, on sites of 15 dwellings or more will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. Within the plan area the affordable housing mix will be negotiated on a site by site basis to reflect the nature of development and local needs.

7.2 In this case, irrespective of the planning policy requirements outlined above Aspire as a Registered Social Landlord (RSL) have applied for development where all of the 19 units proposed are to be affordable (affordable rent as the product). As such the policy requirements would be more than met if the scheme were delivered, although to it would still be appropriate to ensure this by including a condition requiring at least 25% of the units to be "affordable housing" – to require this by obligation would it is understood mean that the scheme would no longer be eligible for Homes England Grant. Similarly as was decided by the Committee in the recent Birch House Road case (17/01033/FUL), given that Homes England have advised that a funding condition of their grant is that developments must be eligible for Right to Acquire, a condition which sought to secure affordable housing in perpetuity would in effect make the scheme ineligible for Homes England grant, would almost certainly prevent the development proceeding, and should not therefore be included.

7.3 Silverdale Parish Council have raised concern that the development will lead to the loss of a care home facility where there is still a potential need for that use and that the neighbouring older person's accommodation in St Luke's Close may be impacted upon by the proposal if it is granted permission. In addition they also comment that the development should not be restricted to the over 55's and other age groups be considered for the use of the building.

7.4 Whilst the concerns of the Parish Council are noted, to prevent the conversion of the building from a care home use to a form of affordable housing provision where there is an established need in the Borough would be inappropriate. The care home facility has not been in use for some time and other specialist housing needs do not, in terms of weight applied, override the benefits of the form of housing proposed.

7.5 Moreover it is not necessary as a planning requirement to restrict the development specifically for the over 55's. There is no Development Plan or Framework policy basis to support such a restriction on the development taking into account the fact that the development is for one and two bedroom flats rather than family accommodation has been factored into in calculating public open space requirements. This issue of the age restriction is largely subject to Aspire's own housing criteria policy for future tenants, and the affordable housing provided would not be any significantly less or more favourable if wider age groups were to be included in rental agreements.

7.6 As so far as the impact to the neighbouring development at St Luke's Close there is no significant impact on that arising from this development proposal. The additional parking spaces are formed within an area accessed through St. Luke's Close that would previously have been used to service the care home and would have involved the types of vehicles associated with a care home use.

## 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 SP1	Spatial principles of Targeted Regeneration
Policy SP3	Spatial principles of Movement and Access
Policy CSP6	Affordable Housing
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open space, sport, recreation
Policy CSP10	Planning Obligations

#### [Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy H1	Residential development: sustainable location and protection of the countryside
Policy H13	Supported Housing
Policy N12	Development and the Protection of Trees
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements
Policy C4	Open Space in New Housing Areas
Policy B9:	Prevention of Harm to Conservation Areas
Policy B10:	The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13:	Design and Development in Conservation Areas
Policy B14:	Development in or Adjoining the Boundary of Conservation Areas
Policy B15:	Trees and Landscape in Conservation Areas

### Other Material Considerations

[National Planning Policy Framework](#) (July 2018)

[Planning Practice Guidance](#) (PPG) (March 2014)

[Supplementary Planning Documents/Guidance](#)

[Space Around Dwellings SPG](#) (SAD) (July 2004)

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

[Developer contributions SPD](#) (September 2007)

#### Planning History

N15810	32 place social services home for the elderly	Permitted 1986
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#### Views of Consultees

The **Landscape Development Section** have no objections subject to the following conditions:-

1. The developer submits proposals for canopy protection during the construction phase for retained category A Oak trees in Group 6.
2. Full landscaping proposals.

A contribution by the developer for capital development/improvement of offsite open space (less the element for play areas) which would amount to £4,933 per dwelling is also requested. This will be used to improve facilities and surfacing at Silverdale Park which is around a 420m walk from the site.

**Housing Strategy** understand that the proposal is for Aspire's aims to convert and modernise the existing development into apartments for an over 55's Independent Living scheme.

The Newcastle Borough Council Housing Strategy acknowledges that the population of the Borough is ageing and it is projected that there will be at least 10,000 additional older persons, over the aged of 65, in 2039 compared to 2014.

This development by providing 19 units for older persons housing within the borough, all of which are affordable, will make a valuable contribution in meeting the housing need of this demographic group.

**Staffordshire Police Crime Prevention Officer** notes several design improvements with crime prevention in mind:-

1. Addressing the wall along Sneyd Terrace which is low and provides a negligible barrier to casual and unwanted intrusion into the grounds. In addition, the low wall provides a perfect seat, which if used for gathering could create a nuisance to the residents. Therefore consideration should be given by the applicant to add some railings along the leading edge of the wall to discourage casual intrusion and eliminate the potential seating.
2. Use of some fencing and gating could be provided close to the site entrance and that of the new path adjacent to apartment 15.
3. It would be highly desirable for new door sets within the scheme to have third party certification to one of the recognised attack resistant standards.

The **Highway Authority** have no objections subject to conditions requiring:-

1. Provision of access, parking and turning areas as submitted.
2. Details of secure weatherproof cycle parking.

**Environmental Health Division** have no objections subject to conditions relating to the following:-

1. Restriction of construction and demolition hours to be outside of 6pm and 8am Monday to Friday, not at any time on Sundays or Bank Holidays, or outside of 8am-1pm on a Saturday.
2. No external lighting without prior approval.
3. Agreed noise levels for internal and external areas.

**Lead Local Flood Authority** comments that where a site has an existing right of discharge unless a drainage strategy confirms otherwise the proposal would normally be considered to have adequate drainage provision. They do not raise any objections to the submitted scheme in giving their advice.

**Conservation and Urban Design Officer** has no objections to the amendments to the building and comments that the improvement of the landscaping and modernisation proposed will be an improvement to the appearance of the area. The additional roof lights and introduction of 4 dormers are discreet and will not be harmful to the church or the surrounding Conservation Area.

The **Conservation Area Working Party** has no objections to the scheme which is respectful within the Conservation Area and supports the communal use of the former laundrette. The Working Party raised questions over a landscaping scheme and bin storage as it seems inadequate for the number of units and is also some distance away from them. The Working Party would also like to ensure more information is provided for the detailing of the door surrounds to ensure a high quality and sympathetic design.

**Silverdale Parish Council** regrets the loss of the existing facility, which is within a setting that is special for Silverdale and Newcastle. A number of residents have raised concerns with the Parish Council regarding the availability of the apartments to a lower age range. It was resolved that it be requested that, if approved, a planning condition is put in place that ensures the facility is only occupied by the over 55s, as intended. There is also concern about the impact on the residents of the neighbouring older person's accommodation in St Luke's Close and how this scheme will affect the future of that site. The Local Planning Authority is asked to consider this aspect within this application to ensure there is no negative impact.

**Waste Management** object to the scheme on the information presently provided. On the basis that the dimensions of the bin store are not submitted. Or detail as to whether it will contain refuse and recycling containers.

#### Representations

1 letter of representation has been received raising the following concerns:-

- The lack of consultation by Aspire Housing on the scheme.
- The appropriateness of bedsit accommodation.

#### Applicant/agent's submission

Application forms and indicative plans have been submitted along with a Tree Survey, Drainage Survey, Topographical Survey, Heritage Statement, Tree Protection Plan, Design and Access Statement. The application documents are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00714/FUL>

#### **Background Papers**

Planning File.

Planning Documents referred to.

#### **Date Report Prepared**

11<sup>th</sup> March 2019.