

**SITE OF FORMER NEWCASTLE BAPTIST CHURCH, LONDON ROAD, NEWCASTLE
WISH DEVELOPMENTS**

19/00825/FUL

This application seeks to vary Condition 2 of permission 14/00477/FUL which granted consent for the demolition of the former Newcastle Baptist Church and the erection of a residential apartment development, formation of a new access and associated car parking. Condition 2 lists the approved drawings and the variations are to allow for changes to the site layout and to the building footprint and elevations.

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

The 13 week period for the determination of this application expired on the 20th January 2020 but an extension of time to the 6th March has been agreed.

RECOMMENDATION

- A. Subject to the applicant entering into a planning obligation by 10th April that preserves the Council's position in respect of obligations secured prior to the grant of permission 14/00477/FUL, PERMIT subject to conditions relating to:**
- 1. Variation of condition 2 to list the revised plans**
 - 2. Window frames and door colour materials**
 - 3. Car park management scheme**
 - 4. Details of position of gates**
 - 5. Details of cycle parking**
 - 6. Glazing and ventilation**
 - 7. Any other conditions attached to planning permission 14/00477/FUL that remain relevant at this time (which includes facing materials)**
- B. Failing completion by the date referred to in the above resolution (A) of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning 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 proposed changes would have no adverse impact on the character and appearance of the area. Subject to conditions regarding glazing and ventilation it is considered that an acceptable level of amenity would be provided to the future occupiers of the development. The reduction in the number of car parking spaces to be provided is unlikely to give rise to severe highway safety impacts bearing in mind that occupiers of the flats would, in this location, have a choice of modes of travel. The previous permission was granted following the entering into of a Section 106 agreement and therefore a Deed of Variation is now required. Subject to this and the imposition of the same conditions as were imposed on 14/00477/FUL that remain relevant at this time, the proposal is considered to be acceptable.

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

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

Key Issues

This application is for full planning permission to vary Condition 2 of permission 14/00477/FUL which granted consent for the demolition of the former Newcastle Baptist Church and the erection of a residential apartment development, formation of a new access and associated car parking. Condition 2 lists the approved drawings and the variations are to allow for changes to the site layout and to the building footprint and elevations.

The Baptist Church has been demolished and the Local Planning Authority is satisfied that a material commencement was made within the required time period and the planning permission is extant.

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 principle of the development is not therefore for reconsideration.

The main issues in the consideration of the application are as follows:

- Are the proposed changes to the design acceptable in terms of the impact on the character and appearance of the area?
- Would there be any adverse impact on the amenity of the occupiers of the development?
- Is the proposed level of car parking acceptable?
- Is a planning obligation required?

Are the proposed changes to the design acceptable in terms of the impact on the character and appearance of the area?

The approved development is a 22 unit apartment scheme, occupying a corner site, with an L-shaped footprint around a two sided courtyard with 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. 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 this revised scheme these open corridors have now become fully enclosed and rather than forming an L-shape around the corner of the site, the building would comprise one single block on the A34 frontage of the site with car parking to the rear. The elevational treatment now proposed is more crisp and contemporary than in the previously approved scheme and is considered appropriate for the site.

A series of 3D images have been submitted with the application which illustrate the quality of the design now proposed and subject to appropriate facing bricks and fenestration details being secured the proposed development would enhance the appearance of the area and comply with policies of the development plan, national policy and the urban design guidance.

Would there be any adverse impact on the amenity of the occupiers of the development?

Whilst in the approved development, a raised landscaped deck was proposed, no outdoor amenity space would be provided within the revised scheme. Given that occupiers would be within close proximity to a number of open spaces and parks within and around the town, including the Lyme Valley Parkway, no objection is raised.

The application is accompanied by a Noise Assessment which recommends glazing specifications and a full overheating assessment. The Environmental Health Division objects on the grounds that it is not considered appropriate to require the details by condition. The applicant has advised that it is not possible to accurately design a detailed scheme at this stage as it would need to be designed in accordance with the working drawings once planning permission is received. They have provided a

basic guide to the nature of the type of system proposed and have requested that the detail is required by condition. The Environmental Health Division has informally advised that such a proposal is acceptable and their formal comments are awaited.

Is the proposed level of car parking acceptable?

Previously the scheme had 22 car parking spaces (one parking space per unit) but that number has now been reduced to 14.

Policy T16 of the Local Plan 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 NPPF, at paragraph 109, states 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 of development would be severe. In March 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.

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. The Highway Authority does not object to the reduction in on-site parking provision acknowledging that the site is on the edge of the town centre, with access to shops, services and the bus station, and that there are parking restrictions on the roads in the vicinity of the site including double yellow lines and Residents Parking Zones.

It is not considered that a refusal on grounds of insufficient parking could be sustained.

Is a planning obligation required?

In law the consequence of the granting of an application to vary a condition of a planning permission would be the creation of an 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 26th 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 (i.e. by 25th April 2017), and the payment of such policy compliant contributions as could be afforded towards public open space and offsite affordable housing provision.

Subject to the applicant entering into a Deed of Variation to the original Section 106 agreement that ensures the Council's interests would be protected i.e. a financial reappraisal of the scheme once the trigger of substantial commencement has been achieved, then the application can be permitted.

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](#)

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

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

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

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 – Approved

17/00162/FUL Application for the variation of condition 2 of 14/00477/FUL (Demolition of former Newcastle Baptist Church and erection of residential apartment development containing 14 no. 2 bed units and 8 no. 1 bed units, formation of new access and associated car parking) to allow for the enclosure of the open air corridors and subsequent changes to the elevations - Approved

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding the provision and retention of the parking and turning areas, submission and approval of a car park management scheme, gates to be sited a minimum of 6m back from the carriageway edge and only open inwards and submission of details of secure weatherproof cycle parking for 22 cycles.

The **Landscape Development Section** has no objections subject to conditions regarding detailed landscaping proposals which should include tree planting to the rear of the building to act as a visual screen between the development and the adjacent properties.

The **Environmental Health Division** objects on the grounds that additional information is required regarding the acoustic performance of glazing and overheating.

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

None received.

Applicant's/Agent's submission

The application is accompanied by an Acoustic Survey. This document and the application plans are available for inspection at the Castle House and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00825/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

14th February 2020