

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

**20/00336/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 expires on the 11<sup>th</sup> August 2020.**

**RECOMMENDATION**

**A. Subject to the applicant entering into a planning obligation by 28<sup>th</sup> August 2020 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. Provision and retention of the access, parking and turning areas**
- 5. Details of gates to refuse and cycle store**
- 6. Closure of redundant site access on Vessey Terrace**
- 7. Provision of surface water drainage interceptor**
- 8. Submission of Construction Management Plan**
- 9. Details of cycle parking for 22 cycles**
- 10. Maximum noise levels**
- 11. Glazing and ventilation**
- 12. 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.

Planning permission was refused earlier this year (Ref. 19/00825/FUL) to vary Condition 2 of 14/00477/FUL for the following reason:

*The insufficient level of parking proposed within the site is likely to create significant additional on-street parking demand that would lead to an exacerbation of congestion and related harm to highway safety on streets in the vicinity of the development contrary to Policy T16 of the Newcastle-under-Lyme Local Plan (2011) and the guidance and requirements of the National Planning Policy Framework (2019).*

The applicant has sought to address the reason for refusal through the submission of a Technical Note relating to highway matters and by increasing the number of parking spaces within the site. The impact of the design changes on the character and appearance of the area and on residential amenity were considered acceptable in relation to the previous scheme and therefore, it is not necessary to revisit those matters now. Although the Environmental Health Division recommends a condition regarding electric vehicle charging, given that this was not required in relation to the previous application, it would not be reasonable to require it now.

The issues for consideration are as follows:

- Is the proposed level of car parking acceptable?
- Is a planning obligation required?

### **Is the proposed level of car parking acceptable?**

The approved scheme had 22 car parking spaces (one parking space per unit). In the recently refused scheme (Ref. 19/00825/FUL), 14 spaces were proposed and the number is now proposed to be 17. The application is accompanied by a Technical Note from a Highway Consultant and a summary of that document is as follows:

- Parking on the local roads surrounding the application site is already controlled by the Highway Authority via a mixture of residents' parking zones and traffic regulations.
- Given the close proximity to the Town Centre the site has an excellent level of accessibility, particularly for pedestrians. There are a number of local cycle routes, nearby bus stops provide a number of frequent bus services and Newcastle Bus Station is within a short walking distance of the site which provides a number of additional services.
- The level of movement associated with the development proposals is minimal and would have an insignificant impact upon the pre-existing highway conditions in and around the application site.

- The development proposals now include secure cycle parking for 22 no. cycles and this provision is in line with the minimum requirements from the current Local Plan.
- The general thrust of National and Local planning policy is to reduce car borne trips and encourage travel by sustainable modes such as public transport, walking and cycling. In particular, policy advocates locating developments where there is high quality infrastructure and sustainable transport modes can be maximised. The proposed development takes full advantage of this highly accessible location and, by providing a level of parking below the Council's standards and in line with existing car ownership levels, will help to reduce the reliance on the use of the private car and meet these policy objectives.
- To assist in reviewing the anticipated level of parking demand associated with the application proposals, similar apartment schemes across the country have been interrogated using the Industry Standard TRICs database. The results show that for the TRICS car park assessment there was an average of 58% ratio of maximum observed occupancy to number of dwellings. The proposed parking provision is 77% with the application proposals and would be more than sufficient to accommodate the anticipated demand associated with the proposals.
- An alternative method to use is based upon the total number of bedrooms on the site which would be 37 (7 no. 1-bed and 15 no. 2-bed) and using the data above, the anticipated demand, based upon the number of bedrooms, would be 36% whereas the scheme proposes a parking ratio of 46% per bedroom. In either calculation the anticipated demand for parking at the application site would be around 13 spaces.

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.

The Highway Authority raises no objections stating that the submitted Technical Note (TN) which assesses the level of parking and access by alternative modes of travel to the private car concludes that the site is in a sustainable location for travelling by walking, cycling and public transport. They point out that the main bus station and town centre is 350m walk away, with Morrisons 500m and Aldi 600m from the site, there is a subway at the Grosvenor Road roundabout which allows a traffic free access route to the town centre and there are parking restrictions on the roads in the vicinity of the site including double yellow lines and Residents Parking Zones. They state that in their assessment of this application, they have considered the location of the site on the edge of the town centre and reviewed the TN which demonstrates that the development can be accessed by walking, cycling and public transport.

It is the case that parking on the local roads surrounding the application site is already controlled via a mixture of residents' parking zones and traffic regulations. Account needs to be taken of the edge of centre location of this development and the opportunities available for occupiers 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 on-site parking provision and it is not considered that a refusal on the 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
- 19/00825/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 – Refused

### **Views of Consultees**

The **Highway Authority** has no objections subject to conditions regarding the provision and retention of the access, parking and turning areas, submission and approval of a car park management scheme, submission of details of secure weatherproof cycle parking for 22 cycles, details of gates to refuse and cycle store, closure of redundant site access on Vessey Terrace, provision of surface water drainage interceptor and submission of Construction Management Plan.

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 as well as amenity planting to the front of the building.

The **Environmental Health Division** has no objections subject to conditions regarding a Construction Environmental Management Plan, maximum noise levels, ventilation of habitable spaces and electric vehicle charging points.

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 a Transport Technical Note. This document and the application plans are available for inspection via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00336/FUL>

### **Background papers**

Planning files referred to  
Planning Documents referred to

### **Date report prepared**

3 July 2020