



Appeal Decision

Site visit made on 25 February 2020

by **S R G Baird BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th May 2020

Appeal Ref: APP/P3420/W/19/3242136

Newcastle-under-Lyme School, Mount Pleasant, Newcastle-under-Lyme, Staffordshire, ST5 1DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by The School Governors of Newcastle-under-Lyme School against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 19/00042/FUL, dated 16 January 2019, was refused by notice dated 29 May 2019.
 - The development proposed is an extension to the existing school sports centre to form a new sports hall including the demolition of existing outbuildings and the formation of a new car park with a new vehicular access point off the highway.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to the existing school sports centre to form a new sports hall including the demolition of existing outbuildings and the formation of a new car park with a new vehicular access point off the highway at Newcastle-under-Lyme School, Mount Pleasant, Newcastle-under-Lyme, Staffordshire, ST5 1DB in accordance with the terms of the application, Ref 19/00042/FUL, dated 16 January 2019, subject to the conditions contained in the attached Schedule of Conditions.

Application for costs

2. An application for costs was made by The School Governors of Newcastle-under-Lyme School against Newcastle-Under-Lyme Borough Council. This application is the subject of a separate Decision.

Main Issue

3. Whether the proposal would preserve or enhance the character or appearance of the Stubbs Walk Conservation Area (CA).

Reasons

4. The development plan includes the Core Strategy (CS) and saved Local Plan (LP) policies¹. CS Policy CSP1 and CSP2 seek to high quality development and the preservation and enhancement the character and appearance of the historic environment. LP Policies B9, B10 and B14 have similar objectives. Policy B10 highlights the requirement to preserve or enhance the character or appearance of CAs. When assessing development matters such as form, scale bulk, height materials and detailing are all considered important. The Council have adopted the Newcastle-under-Lyme and Stoke-on-Trent Urban Design

¹ Newcastle-under-Lyme & Stoke-on-Trent Core Spatial Strategy and Newcastle-under-Lyme Local Plan.

Guidance Supplementary Planning Document 2010. Policy HE1 indicates that should contribute to the identity and heritage of the area through its quality of design in terms of the strength and sensitivity of its design concept and well detailed use of high-quality materials; and its contribution to the composition of the townscape. Policy HE3 says that new development in or adjoining CAs should demonstrate how it will contribute to the character or appearance with reference to the relevant Conservation Area Appraisal and Management Plan.

5. The CA covers an extensive area and its architectural and historic significance appears to relate largely to the historic educational buildings associated with the school and the distinctive 19th century residential architecture in the northern and eastern parts of the CA. The CA Appraisal identifies Stubbs Walk Park, an open space area between Victoria Road and the school grounds as a Significant Open Space and the view northwards from the southern edge of the park as an Important View.
6. The new sports hall would be in the south-western corner of the school grounds and replace a multi-use games area and a group of single-storey prefabricated buildings. The new building would form an extension to the school swimming pool and sports hall. Whilst the external appearance of the swimming pool and sports hall is best described as nondescript, they are not as the Council assert recessive and unobtrusive. This existing group is prominent in views from the east across the playing fields, the private laneway along the southern boundary of the school and in various views from Stubbs Walk Park and Victoria Road. The new sports hall would be just inside the CA on its southern boundary and adjoin Stubbs Walk Park to the west. The swimming pool and existing sports hall are 2 of the few modern buildings within the CA and the CA Appraisal identifies that they neither contribute to nor detract from the character of the area.
7. The new building would be set back slightly from the boundary with the Park and fill the open gap between the swimming pool and the southern boundary. The proposed building is, unashamedly, of contemporary design and its scale, height and massing has been determined by its proposed function as a multi-use sports hall. The building is tall and key views would be obtained from the pathways that run along the western and eastern edges of the Park and from its southern entrance and the private laneway that runs along the southern boundary of the school. The Park is an important local feature and contains a substantial number of trees, which limit views out from and through the park particularly in summer and in winter filter those views.
8. The appellants have carefully selected the palette of finishing materials to complement this CA, which would include facing brick at low level, vertical timber boarding on the Park elevation and grey metal cladding for the remaining walls and roof. The existing sports hall would be re-clad in similar grey cladding to create a coherent group of buildings in this southern corner. As such I consider there would be no impact on the architectural or historic significance of this CA. In views from the Park, the western elevation would exhibit a simple rhythm that would not detract from the quality and tranquillity of the area. In views from the south and from the laneway, the impact of the building would be acceptably mitigated by the existing tall dense hedge on the boundary and the extensive open aspect to the south formed by the detached playing fields to the south. When viewed from Lancaster Road to the east, the building would be a high-quality contemporary addition to the school estate

and, with the recladding of the existing sports hall, form a coherent group of buildings in this part of the site.

9. Drawing all the above together, the proposed building would be a high quality and contemporary addition to the CA. Along with the recladding of the existing sports hall, this development would materially improve the visual quality of the southern part of the school site. The simple frontage to the Park using facing brick and timber boarding would not harm the spaciousness or ambience of the Park. In this context, I conclude the proposed sports hall would not affect the historic or architectural significance of the CA as a whole and would preserve its character and appearance. Accordingly, I find no conflict with CS Policies CSP1 and 2 and LP Policies B9, 10 and 14.

Other Considerations

10. There would be adequate separation between the proposed development and residential properties on Lancaster Road and Parkstone Avenue so that there would be no impact in terms of privacy, overshadowing or disturbance. The laneway along the southern boundary of the school is owned by the school and the proposal does not envisage vehicular access other than for maintenance vehicles from this lane. The intention is to provide retractable bollards at the Lancaster Road end to limit vehicular access.

Conclusions

11. For the above reasons, I conclude that the proposed sports hall would preserve the character and appearance of the Stubbs Walk Conservation Area and would not conflict with the development plan. Accordingly, having taken all other considerations into account, the appeal is allowed.

Conditions

12. In the interests of certainty, a condition specifying the approved plans is imposed. In the interests of protecting existing trees and hedgerows, conditions relating to footpath construction, works to retained trees and a tree protection plan have been imposed. In relation to tree protection, the appellants consider a pre-commencement condition is unnecessary but do not object to its imposition. I have retained this condition as a pre-commencement condition given that the appellants' suggested alternative lacks clarity. In the interest of protecting neighbours' living conditions, conditions relating to construction activities and a construction management plan, piling, noise attenuation and lighting are imposed. In the interest of appearance, a condition requiring details of finishing material to be submitted is imposed. In the interests of encouraging sustainable travel conditions relating to cycle storage and electric vehicle charging are imposed. In the interests of highway safety conditions relating to the proposed access and car parking areas are imposed. Where necessary and appropriate in the interests of enforceability, I have amended the suggested conditions.
13. A landscaping scheme has been submitted with the proposal and the requirement to submit further details is unnecessary. The suggested condition is amended to provide for implementation of the landscaping and replacement planting where necessary. Conditions relating to the availability of additional parking have not been imposed as there is no evidence to suggest that on-

street parking has or would result in an unacceptable impact and there is no highways justification for these conditions.

George Baird

Inspector

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4396-03-46 - Location plan; 4396-03-54 - Site block plan; 4396-03-41E Rev E - Proposed site plan; 4396-03-42D Rev D - Proposed elevations; 4396-03-63 Design Review Proposal – Perspectives; 4396-03-47A Rev A - Pedestrian & Vehicle Movement Plan; 4396-03-50A Rev A - Site Sections; 4396-03-53 - Entrance Gate & Railing Details; 4396-03-55 - Footpath Alternative Proposal; K729-100 Rev C - Strategic Drainage Plan; K729-101 Rev A - Car Park Impermeable Area plan; K729-103 Rev C - Road Markings; K729-105 Rev A - Car Park Levels; K729-106 Rev C - Car Park Kerb Types; K729-107 Rev B - Car Park Finishes; P109-2965-V17-A - Lighting Plan; THL-0704-5 NULS Sports Hall Tree Protection Plan and THL-0704-7 NULS Sports Hall Planting Scheme.
- 3) No development shall commence until a detailed method statement for construction of the proposed footpath, including any special measures required to carry out the works to ensure that there will be no impact on the adjacent Construction Exclusion Zone other than a minor spreading of topsoil, has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 4) No development shall commence until a schedule of any works required to retained trees within the site has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 5) No development shall commence until a detailed BS5837:2012 Tree Protection Plan has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 6) The approved landscaping scheme shall be implemented in accordance with the approved details and shall be carried out in the first planting season after completion of the development, or within 12 months of the commencement of the development, whichever is the sooner. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted unless otherwise agreed in writing by the local planning authority.
- 7) Construction activities which are audible beyond the site boundary, including deliveries, ground works and earth movements, shall be restricted to the following days and times: 08:00 – 18:00 Monday to Friday; 08:00 – 13:00 Saturday. Construction shall not be undertaken on a Sunday or a public holiday.
- 8) No piling works shall take place until details of the method of piling to be used have been submitted to and approved in writing by the local planning authority. The method of piling shall be

- selected to minimise noise and vibration at neighbouring properties. The development shall then be carried out in accordance with the approved method.
- 9) No development shall commence until details of a scheme which specifies the provisions to be made for the control of noise emanating from the sports hall extension has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved scheme.
 - 10) Prior to installation, an assessment of the potential noise impacts at the nearby residential premises arising from use of the refrigeration and air conditioning plant noise, shall be carried out using the methodology described within BS 4142:2014 Method for rating and assessing industrial and commercial sound. Where this assessment indicates that the noise rating level will exceed the background noise level by 5dB(A) or more, details of the noise mitigation measures to be taken shall be submitted to the local planning authority for prior approval. Following approval, the approved noise mitigation measures shall be implemented before the equipment is first operated and shall thereafter be maintained.
 - 11) The lighting scheme shall be designed, maintained and operated so as not to exceed the maximum values specified for an E3 zone within table 2 of the Institute of Lighting Professionals publication Guidance Notes for the Reduction of Obtrusive Light GN01:2011. Additionally, ground level lux values attributable to the lighting scheme shall not exceed 5 lux.
 - 12) At least 25% of the additional parking spaces must be provided with a fully operational dedicated electric vehicle charging point. All other parking spaces shall be provided with passive wiring to allow future charging point connection. Charge points shall be a minimum of 32Amp with Type 2 Mennekes connections, Mode 3 (on a dedicated circuit).
 - 13) The development shall not be brought into use until the access to the site within the limits of the public highway has been completed.
 - 14) The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans with the parking spaces clearly delineated and shall thereafter be retained for the life of the development.
 - 15) The gates shall be located a minimum of 5m rear of the site boundary and shall open away from the highway.
 - 16) Before the proposed development is brought into use full details of secure weatherproof cycle parking, shall be submitted to and approved in writing by the local planning authority. The cycle parking shall thereafter be provided in accordance with the approved details before the development is first occupied and be retained for the life of the development.
 - 17) The development hereby permitted shall not be commenced until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The approved CMP shall be adhered to throughout the construction period and shall provide for:
 - i. a site compound with associated temporary buildings;
 - ii. the routing of construction vehicles to and from the site;

- iii. the timing of deliveries;
 - iv. the parking of vehicles for site operatives and visitors;
 - v. the loading and unloading of plant and materials;
 - vi. storage of plant and materials used in constructing the development;
 - vii. measures to prevent the deposition of deleterious material onto the highway.
- 18) No development shall commence until full and precise details of all external materials shown on Drawing reference 4396-03-63 dated 12 April 2019 by Wood Goldstraw Yorath Architects have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.