



Appeal Decision

Site visit made on 17 May 2023

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/P3420/W/22/3308015

Morston House, The Midway, Newcastle under Lyme, ST5 1QG

- 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 WUKPG against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref 22/00300/FUL, dated 1 April 2022, was refused by notice dated 21 July 2022.
 - The development proposed is change of use and upward and side extensions to Morston House to provide student living accommodation in the form of cluster bedrooms (48) and studios (146), with new personnel entrance to The Midway with ancillary concierge, communal rooms, gym, laundry, cycle store and associated works including landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the Newcastle Town Centre Conservation Area. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have given special attention to the desirability of preserving or enhancing the character or appearance of the CA.
3. The Council's decision notice does not refer to the effect of the proposal on the setting of the nearby Grade II* listed St Giles Church, although this issue is mentioned in the Council's statement. In any case, I have a statutory duty, under section 66(1) of the Act, to have special regard to the desirability of preserving the setting of the listed building. This requirement is reflected in the first main issue below.

Main Issue

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area, including the effect on the Newcastle Town Centre Conservation Area (CA) and the setting of the Grade II* listed St Giles Church.
 - Whether the development would accord with local policies with regard to accessibility.

Reasons

Heritage assets

Newcastle Town Centre Conservation Area (CA)

5. Newcastle has its origins in the twelfth century, and gradually grew and evolved as a thriving market town. The town centre is centred around the wide, pedestrianised shopping streets of High Street and Ironmarket, the layout of which reflects the medieval street pattern. A large number of historic buildings remain, many of which are listed. These include the Georgian and Regency buildings which form part of the defining character of the town centre.
6. Although centred around the historic core, the CA covers a larger area which is diverse in character. The CA contains a wide variety of buildings of different ages, and reflects the evolution and growth of the town over time. Included in the CA are the large scale 1960s and 70s developments which front onto the inner ring road. The appeal site is within this area, which includes a number of buildings which fail to reflect the finer grain of the historic core, and detract from the character and appearance of the CA.
7. The significance of the CA is derived from its largely intact historic street plan, attractive historic buildings and continued historic use of the principal streets for commerce and outdoor markets.

Grade II Listed St Giles Church*

8. St Giles Church is one of the most important historic buildings in the CA. The attractive sandstone parish church with landscaped churchyard was largely rebuilt in the 19th century, but has foundations dating to medieval times, and a refaced 13th century tower. The Church, which forms a focal point at the end of High Street, is sited in a prominent and elevated position, at the corner of Church Street and Lower Street.
9. The Church can be seen from many public vantage points, both within and outside of the CA. It is highly visible from the adjacent roundabout and nearby sections of Lower Street, forming an attractive entrance to the historic core of the town centre.
10. As an important focus of religious and community life of the town over hundreds of years, the Church has historic, evidential and communal significance. The attractive building in its green landscaped setting also has aesthetic significance.
11. The Church is identified as a key focal building in the Newcastle Town Centre Conservation Area Character Appraisal 2008 (CACA). As well as having heritage significance in its own right, the listed Church contributes to the historic/aesthetic values of the CA and its significance.

The appeal site

12. Morston House is a vacant modern office building which occupies a prominent corner position fronting onto Church Street and Lower Street. Together with St Giles Church, the appeal building frames an important gateway into the historic core of the town centre.

13. The appeal property forms one of a group of buildings built in the 1960s and 1970s which front onto Lower Street, a busy dual carriageway which forms part of the inner ring road. It is identified within the CACA as forming part of Character Area 7 - '1960s development – The Midway and Paradise Street'. The appeal building itself, like most of the others in Character Area 7, are identified as being negative contributors in the CACA.
14. I agree that some of the modern buildings around the appeal site are unattractive and detract from the CA and its setting. In particular, the large, brutal appearance of the Midway multi-storey car park, immediately adjacent to Morston House, makes a negative contribution. From Lower Street, Morston House is seen in the context of the unsightly car park, and is strongly influenced by it. Viewed on its own, however, the appeal property is not inherently unattractive.
15. I acknowledge that the mid brown brickwork of Morston House is bland, and the windows look tired. The vacant building would undoubtedly benefit from a programme of refurbishment. Despite that, the strongly horizontal pattern of fenestration, divided by regular vertical brick banding, presents a coherent and unified appearance to the appeal building.
16. Whilst there are some taller buildings within the CA, the majority of modern buildings in the surrounding area are no more than four to five stories, and the older buildings are generally lower. The scale and height of the majority of buildings in and around the CA contribute to our understanding of Newcastle as a market town, rather than a more urban centre.
17. At five to six stories, Morston House is already one of the larger buildings in the area, but it is an established feature of the townscape which sits reasonably comfortably in its setting. Its stepped form helps to visually break up the scale and mass of the building, and from Lower Street, the appearance of the building is considerably softened during the summer months by mature trees and landscaping within the site boundary and adjacent roundabout.

Effect of the proposals

Conservation Area

18. The proposed development would involve the conversion and extension of Morston House to provide student accommodation, comprising of 48 cluster bedrooms and 146 studios, with associated facilities including communal rooms, gym and laundry.
19. The existing car park underneath the building, fronting onto Lower Street, would be enclosed and converted to living accommodation. The removal of the car park, and the installation of a new glass balustrade around the lower terrace, would improve the appearance of the building.
20. However, the proposal would also involve a three storey upward extension across the full extent of the building. The significant increase in scale and bulk would alter the proportions of the building, so that it would lose its existing horizontal emphasis, which would be replaced by a more vertical form. The character of the building would be changed significantly, exacerbated by the proposed pattern of fenestration to the upper floors. Although they would align with the windows below, the proposed square windows would fail to reflect the existing horizontal emphasis of the building.

21. The use of brickwork to match the existing building on the first level of the proposed extension, and the continuation of the vertical banding, would help to tie the new addition in to the original building to some extent. However, the overall effect would be to lose the coherent appearance to the building, with an addition that would not relate well to the existing form and appearance of building.
22. Following the proposed extension, Morston House would appear significantly higher than the surrounding buildings, to the extent that it would appear out of scale in its setting. The effect would be exacerbated by its already elevated position above Lower Street. When approaching the town centre from north, the presence of the extended building in this key gateway location would contribute to a more urban appearance, which would fail to reflect Newcastle's character as a historic market town.
23. The appellant's Townscape Visual Impact Assessment (TVIA) has assessed the effect of the proposal on the CA from 21 viewpoints, which had been previously agreed with the Council. The TVIA shows that, from many areas within and outside the CA, the proposed extension would not be visible, due to a combination of screening by existing buildings, and topography.
24. Whilst the proposal would not be readily apparent from the most sensitive parts of the historic core, there would be a number of locations within the CA from which it would be seen. This would include vantage points along Church Street, Merrial Street and Pepper Street. The submitted photomontages show that, from Church Street and Merrial Street, the proposed development would be seen in the context of other modern buildings. Even so, the extension would appear as a significant addition which would relate poorly to the scale of the surrounding buildings, and the historic character of the CA.
25. From outside the CA looking in, a number of viewpoints within the TVIA, particularly locations to the west of the site, show that the extended Morston House would appear as a building of significant scale and height. The photomontages show that it would appear as an isolated and overly large addition, which would be out of scale with surrounding development.
26. I acknowledge that, following the proposed extension, the building would be a similar height to Keele House and lower than the Met building. However, Morston House is separated from those buildings by the expanse of the multi-storey car park, and is not viewed in the same context. The Met building is set back from Lower Street and, despite its height, does not appear as an unduly prominent feature in the streetscape. Keele House fronts onto the inner ring road and is a prominent building in the streetscene. However, it is in a less sensitive location than Morston House, surrounded by large modern buildings, and much further away from St Giles Church.
27. Section 5.6 of the Supplementary Planning Document for Newcastle Town Centre 2009 (SPD) explains that, in order to respect the setting of the town centre's historic character and identify, the key factor is the creation of well-mannered buildings, that enhance their setting and are well resolved in terms of their own architecture. For the reasons set out above, the development would fail to achieve this.
28. I acknowledge that, in its current condition, Morston House does not make a positive contribution to the CA. However, this does not justify an extension of

this scale and design, which would cause harm to the character and appearance of the CA, and which would diminish its significance.

Listed St Giles Church

29. The appeal site is also just across the road from the Grade II* Listed St Giles Church. Owing to its proximity, scale and prominence in the streetscene, Morston House forms part of the setting of the listed building.
30. In near views, including Lower Street, and its junction with Pool Dam (A525) and the adjacent roundabout, Morston House is seen alongside St Giles Church. The elevated positions of both buildings means that, when viewed from the other side of Lower Street and Pool Dam, the Church and Morston House can be seen on the skyline. From here, Morston House appears to be of a similar height to the listed building, but this existing comfortable visual relationship between the Church and Morston House would alter as a result of the proposed three storey upward extension.
31. The proposed use of darker materials on the upper floors would help to reduce the impression of the additional height to some extent. Even so, from some vantage points, the increased scale and bulk of the extended building would visually compete with the listed Church. Such a large extension, so close to the Church, would detract from the setting of the listed building, and diminish its significance as a key focal point within the CA.
32. The result of the proposed upward extension would be to cause harm both to the character and appearance of the CA, and to the setting of the Grade II* listed St Giles Church. In the context of paragraph 202 of the National Planning Policy Framework (the Framework), the harm to the setting of the listed church and the significance of the CA would be less than substantial.

Heritage balance

33. Framework paragraph 202 requires that the harm to the significance of the heritage assets must be weighed against the public benefits of the proposal.
34. In this case, the appeal scheme would make use of a vacant building to provide new student accommodation. This would provide additional choice for students, and bring life and increased pedestrian activity to this part of the town centre. Living within the town centre, it is likely that students living in the proposed accommodation would make use of the wide range of local services and facilities it provides, contributing to the vitality of the town centre.
35. The proposal would have social benefits for the area too. Additional students living in the area may also contribute to the local community in various ways, which might include attending services at St Giles Church.
36. Without investment, the vacant building would continue to detract from the area. By bringing the site back into active use, and removing the understorey car park, the scheme would improve the condition and security of the building. This would reduce opportunities for crime and antisocial behaviour which have occurred in the past. Increased activity and passive surveillance may also help to make the area immediately surrounding the site, including the nearby underpass entrance, feel safer and less threatening.

37. Construction work would provide local economic benefits, and the incorporation of photovoltaic cells and air source heat pumps would improve the sustainability of the building.
38. I agree that the refurbishment of the building is needed to improve the surrounding area and the CA, and acknowledge that the scheme has considerable public benefits.
39. However, whilst I have no objection to the principle of the development, it is unclear why such a large extension to the building is required. There is nothing before me to indicate that there are no other design options, that might have a lesser impact on the heritage assets. As such, and in the absence of any clear justification to the contrary, I am not persuaded that the proposed scheme is the only way to bring the building back into active use, with the associated benefits identified above.
40. In light of the above considerations, I am unable to conclude that the public benefits of the scheme would outweigh the harm to the significance of the heritage assets. In coming to this conclusion, I have had regard to the need to give great weight to the conservation of designated heritage assets, set out in Framework paragraph 199.
41. Consequently, the proposed development would fail to comply with the requirements for design quality contained in Policies CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2009 (Core Strategy). In particular, the proposal would fail to respect Newcastle's built heritage, and would not protect important views of historic landmarks. The scheme would not comply with Core Strategy Policy CSP2 and Policies B9, B10 and B14 of the Newcastle-under-Lyme Local Plan 2003, which together seek to preserve or enhance conservation areas and the historic environment.
42. The proposal would not reflect the requirements for development in Conservation Areas contained in policies HE3 and HE4 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document 2010 (Urban Design SPD).
43. There would be further conflict with sections 72(1) and 66(1) of the Act, and with Framework paragraph 130, which requires that new developments are sympathetic to local character and history.

Accessibility

44. Core Strategy Policy CSP1 is concerned with design quality and requires, amongst other considerations, that development is accessible to all users. This objective is consistent with Framework paragraph 130f), which promotes the creation of places that are safe, inclusive and accessible.
45. The appeal scheme does not make any provision for car parking, including accessible spaces. However, to do so would introduce conflict with Local Plan Policy T17, which specifically precludes new private parking as part of developments within the ring road, and is silent on the need for accessible parking spaces. Policy T17 predates the Core Strategy and the Framework, but is consistent with the objective of promoting sustainable transport contained in Framework section 9. The Council has not explained why a different approach would be appropriate here.

46. The Highways Officer has not objected to the lack of parking spaces, and there is no suggestion that the proposed accommodation would fail to accord with policies in respect of inclusivity.
47. According to the submitted information, the building has been designed to ensure inclusive access in accordance with Building Regulations Approved Document M, with level access from the main entrance to the building onto The Midway. The appeal site is in a central location, from which local shops and services can be reached on foot or in a wheelchair. Public transport links to the Universities are close by, and a layby outside the building would allow for pick-up or drop-off by car or taxi.
48. Given the above, the provision of dedicated on-site parking is not necessary to make the appeal development accessible. However, should a specific need arise, the appellant has explained that there would be an opportunity to provide dedicated parking close to the main entrance.
49. I am satisfied that the proposal would comply with the requirements for accessibility contained in Core Strategy Policy CSP1 and Framework paragraph 130. I have identified no conflict with the Urban Design SPD, which identifies the need to ensure inclusive access across sites, but does not specifically set out a requirement to provide accessible car parking.

Other Matters

50. The Council has indicated that, if the development was otherwise acceptable, the proposed scheme would be required to provide a financial contribution towards off-site open space provision and travel plan monitoring. A signed planning obligation, which provides for these matters, has been provided as part of the appeal proposal.
51. The appellant has indicated that they do not agree with the level of open space contribution requested, given that the proposal is for student accommodation rather than permanent housing. I note the alternative assessment provided, but as I am dismissing the appeal for other reasons, I have not considered this issue any further.

Conclusion

52. Whilst no harm would result from the lack of parking provision, this would not outweigh the harm to the character and appearance of the area and the designated heritage assets. The proposal would conflict with the development plan, the Framework and the Act, and no material considerations would outweigh this harm. Consequently, the appeal is dismissed.

R Morgan

INSPECTOR