

The application is for the change of use of the former children's home to student accommodation. No building works are proposed that would affect the external appearance of the building.

The property is located on Sidmouth Avenue which is located within the Brampton conservation area and within the urban area of Newcastle.

The application has been called to Committee by two Councillors due to concerns about the harm to the conservation area, the quality of life of local residents, highway safety and the lack of consultation with residents by the applicant.

The 8 week period for the determination of this application expires on 17th March 2015.

RECOMMENDATION

Permit subject to the following conditions;

- 1. Time limit and plans,**
- 2. Construction hours,**
- 3. Design measures to minimise noise,**
- 4. Submission and approval of drainage plans,**

Reason for Recommendation

The site is located within a sustainable location and whilst it would increase the number of residents within the building it is a use which is predominantly residential in nature with an acceptable level of off street car parking and is unlikely to result in any material detriment to the residential amenity levels of neighbouring properties through noise or anti-social behaviour. Therefore the development is considered to comply with the requirements of the National Planning Policy Framework (2012) and development plan policies, subject to conditions

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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

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 (adopted 2009)

- Policy SP1: Spatial principles of Targeted Regeneration
Policy SP2: Spatial principles of Economic Development
Policy SP3: Spatial principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Newcastle-under-Lyme Local Plan (NLP) 2011

- Policy H6: Encouragement of provision of living accommodation by the conversion of existing non-residential urban buildings
Policy H7: Protection of Areas of Special Character
Policy T16: Development - General Parking Requirements
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area

Other material considerations include:

Relevant National Policy Guidance:

National Planning Policy Framework (March 2012)
Planning Practice Guidance (2014)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Relevant Planning History

None

Views of Consultees

The **Highways Authority** has been consulted and as the period for comments has expired (11.02.2015), it must be assumed that they have no observations to make upon the proposal.

The **Environmental Health Division** raises no objections subject to conditions for construction hours and internal noise levels.

Severn Trent Water raises no objections subject to a condition securing drainage details being submitted.

The **Housing Strategy** section has advised that the owner will need to comply with relevant HMO requirements.

The Council's **Urban Design and Conservation Officer** advises that the area is characterised by large Victorian villas often set in extensive and mature grounds. Sidmouth Avenue forms part of the special character of this Conservation Area but in itself has a special character and ambience. The character is a quiet leafy Arcadian one. The level of intensification will of course have some impact on this character and perhaps a reduction in the proposed intensification of this property and consideration to utilisation of the other access points will help to alleviate the potential harm that might be caused to this quiet suburban historic environment.

The **Conservation Advisory Working Party (CAWP)** feels that the good management of this facility, given the high number of units, will be paramount to controlling any adverse effects on the character of the area due to the intensification

Representations

29 letters of representation, including from the residents association – R.A.G.G.S (Residents at Northcote Place, Gower, Granville and Sidmouth), have been received raising the following objections;

- The road is a quiet cul-de-sac not suitable for student accommodation,
- The proposal would result in increased traffic using Sidmouth Avenue, and would have an adverse impact due to parking on neighbouring streets,
- Students are not suitable neighbours for this area,
- Students would increase noise and litter within the area,
- The proposal would cause increased anti-social behaviour,
- The proposal would adversely impact the existing community spirit,
- The number of flats is considered to represent over-intensification of the building,
- The proposal would put strain on the existing sewer system,
- The use would adversely affect the character of the Brampton conservation area,
- The owner is cutting down trees without permission,
- The application is not supported by a planning or transport statement,
- The applicant has not engaged with the community,
- The junction of Sidmouth Avenue and Queen Street is not suitable to take the volume of traffic,

- The main motivation for the proposal is financial gain,
- There is a covenant on the building which limits its purpose,
- It would have a detrimental effect on the residents of the women's refuge at Elizabeth House.

Applicant/agent's submission

The application is supported by the requisite applications forms, existing and proposed floor plans.

These documents are available for inspection at the Guildhall and at www.newcastle-staffs.gov.uk/planning/1500047COU

KEY ISSUES

The application is for full planning permission for the change of use of the former children's home to student accommodation comprising 17 bedrooms (each with shower room) situated on two floors of the building with each floor having a communal lounge/ kitchen.

The building is large located within a spacious plot at the end of a predominantly residential cul-de-sac which is within the Brampton conservation area. No significant external alterations are proposed and so the key issues in the determination of this application therefore are:

- The principle of the change of use of the building and whether such a change of use would adversely affect the character of the Conservation Area,
- Parking and the impact on highways safety, and
- Anti-social behaviour and the impact on neighbouring residential amenity levels.

The principle of the change of use of the building

Paragraph 69 of the NPPF indicates that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

The building is located within the urban area of Newcastle near to the town centre and at the end of a predominantly residential cul-de-sac.

A number of representations have been received raising a number of concerns about the acceptability of this type of use in this area. Parking matters, anti-social behaviour and the impact of the development on neighbouring residential amenity levels will be discussed later in the report but a concern has also been raised about whether this type of use is appropriate in this location? In this regard the building has a large footprint spanning two floors and is set within a spacious plot. The building would provide 9 bedrooms each with a shower room, a communal kitchen and lounge at ground floor and a further 8 bedrooms (each with shower room), a communal kitchen and lounge at first floor. Toilets and wash basins have not been identified but it is assumed that these will be within each of the shower rooms.

Whilst the number of units proposed is high at 17 it is recognised that student accommodation is a use that is primarily residential in nature. The existing/ previous use was a children's home which falls within use class C2: Residential institutions. Another use falling within the same use class could occupy the building without planning permission being obtained from the Council. Therefore there is fallback position whereby if this application is refused a new use falling within the same C2 use class could occupy the building with a similar number of residents to the amount proposed by this application. To assist members other uses within the C2 use class are a residential boarding school, college, hospital or training centre which may involve care of the residents.

At paragraph 14, the NPPF states that unless material considerations indicate otherwise where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

In consideration of the identified fallback position, the proposed use having predominantly residential in character and the building being within a sustainable location your officers are of the view that the

principle of this change of use is acceptable. It is also not considered that a change of use with no external alterations would significantly harm the character and appearance of the conservation area despite the number of residents being increased. Furthermore there are no development plan policies which the proposed use would be contrary to and it should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

Parking and the impact on highways safety

As discussed the site is located within a sustainable location due to it being within walking distance of the town centre. There are also a number of bus services that run in the locality.

Objections have been raised to the amount of traffic that could be generated and the highway danger this would cause to residents whilst also exacerbating on street car problems due to other uses within the locality and the quiet residential nature of the street.

The building occupies a spacious plot with a large private driveway off Sidmouth Avenue. A plan has been submitted which details 13 off street car parking spaces. A separate cycle and motor bike parking area has also been identified on the submitted plans.

There is a traffic regulation order on certain parts of Sidmouth Avenue and further restricted parking also.

Policy T16 of the local plan details 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 car parking or traffic problem. It also details that development will not be permitted to provide more parking than the maximum specified levels.

There are no maximum specified levels for student accommodation detailed within the development plan but it is considered that 13 spaces for a 17 bedroom building (1 space per 1.3 bedrooms) is an acceptable level that would encourage sustainable modes of travel and walking. The cycle storage/ parking area would also encourage sustainable travel.

Furthermore a C2 use (the fallback position) requires 1 space per 3 beds (6 spaces) and the proposal achieves 50% more.

The sustainable location of the building would encourage future residents to use public transport. It is accepted that there may be some demand for on street car parking at certain times due to neighbouring uses but the traffic regulation order is in force to prevent people parking illegally. It is the responsibility of the parking attendants to police illegal parking within the area and this is being done where possible. The building is also at the opposite end of Sidmouth Avenue to the other potential traffic generating uses within the street.

In consideration of the above and despite residents' concerns it is considered that the proposed development would not create or aggravate a significant local on street car parking or traffic problem. Therefore it is in accordance with policy T16 and the guidance and requirements of the NPPF.

Anti-social behaviour and the impact on neighbouring residential amenity levels.

As discussed above paragraph 69 of the NPPF indicates that local planning authorities should involve all sections of the community in planning decisions and should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Policy H6 of the Local Plan indicates that proposals for the conversion and adaption of existing non-residential buildings in urban areas to provide additional living accommodation will be considered favourably so long as there is no conflict with nearby uses or damage local amenity.

Residents have expressed objections to the use of the building and the increase in students within a residential street that would cause increase noise and anti-social behaviour. Therefore this type of use should be located elsewhere.

As discussed the nature of student accommodation is residential in nature albeit one which would increase the number of residents within the street. There is no clear evidence to suggest that students cause levels of anti-social behaviour to the extent that would justify a refusal and similar concerns could be expressed about the reuse of the building for Class C2 purposes which, as explained above, would not require planning permission. Therefore the development is considered to be in accordance with the broad principles of policy H6 and the guidance and requirements of the NPPF.

Conclusion

It is acknowledged that the proposal would increase the population within the street and there would be increased traffic movements and noise. However, these would not significantly and demonstrably outweigh the benefits of the development by virtue of the development bringing back into use a large building within a highly sustainable location. The proposed use is unlikely to have any greater impact than a use falling within class C2 that could be carried out without the benefit of planning permission.

A construction hours condition and design measures to improve noise impacts is recommended by EHD and considered justified in this instance.

Matters such as the applicant not carrying out pre application consultation with residents, the applicants motivations for the development and land/ building covenants are not material planning considerations that hold weight in the determination of a planning application.

Background Papers

Planning File
Development Plan

Date report prepared

18th February 2015