

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

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

The application was originally 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.

Members may recall that the item was deferred at the last Planning Committee Meeting dated 3rd March in order to request the submission of additional information from the applicant, namely:

1. The submission of management of accommodation and waste/recycling arrangements details.
2. That the applicant speaks to local residents (making representation) about the proposal.
3. Floor plans showing toilet provision (which is currently unclear) be submitted.

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**
5. **Parking, access and turning areas**
6. **12 cycle parking spaces**

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. The development complies with the requirements of the National Planning Policy Framework (2012) and relevant 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.

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.

The building is a large two storey property set within a spacious plot. It 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 now been identified on a revised plan showing such facilities 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 and the existing floor plans shows that it had 11 bedrooms. There are no planning controls in place to limit the number of occupants of the existing facility or to stipulate that it can only be utilised as a children's home. At any time a new residential institution could take over the building which would accommodate a similar number of adults as proposed and there would be no planning controls to prevent it as it would be considered that no development had taken place. Therefore there is fallback position and this must be taken into consideration in the determination of 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. In principle, therefore, the proposal is acceptable and should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

Parking and the impact on highway 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 information that has recently been provided on behalf of the applicant indicates that the occupants will be provided with travel packs giving information of alternative modes of transport to the car and car parking will be managed on a permit system. 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.

Policy T16 of the local plan indicates 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 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.

The sustainable location of the building would encourage future residents to use public transport. It is not envisaged that the proposed use will result in off-site parking however there are parking controls on Sidmouth Avenue and in the wider area which would discourage this.

In addition the applicant has advised that the current practice of refuse vehicles turning in the site to avoid reversing down Sidmouth Avenue will continue.

Overall it is not considered that it could be demonstrated that the proposal will create or aggravate any on street car parking problem and as such would not breach policy.

The risk of anti-social behaviour and the impact to neighbouring living conditions

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.

In response to the request by Members of Planning Committee for additional information it has been indicated that the site will be let and proactively managed by a North Staffordshire accredited landlord in accordance with the relevant statute. Contracts are to be reviewed by Keele University to ensure that they are appropriate. In addition the site is secured by electronic gates and fixed boundary treatments. The existing CCTV system will be used.

The information provided demonstrates that the accommodation will be managed and there is no evidence that the proposed use of the building will result in unacceptable levels of anti-social behaviour or unacceptably affect the living conditions of neighbours. As such the proposal is acceptable in this regard.

Other matters

The applicant has indicated that in this case they did not consider it appropriate to make representation direct to local residents as the issues have been adequately address in the report to the planning committee. It should be noted that there is no formal planning requirement for further separate consultation to take place between the applicant and residents in consideration of the proposal and whilst the applicant did not consult neighbours in accordance with Members request this does not form the basis of a reason for refusal.

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

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 **Highway Authority** has advised that they have no objections to the proposal subject to conditions relating to the provision of:-

1. access, parking and turning areas in accordance with the approved plans; and
2. weatherproof parking for a minimum of 12 cycles.

Environmental Protection has 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

30 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 and would generate noise, litter within the area and increased anti-social behaviour.
- The proposal would adversely impact the existing community spirit and the applicant has had a careless attitude to the local community having not engaged with them.
- The number of flats is considered to represent over-intensification of the building and would put strain on the existing sewer system.
- The use would adversely affect the character of the Brampton conservation area and trees have been cut down without permission.
- The application is not supported by a planning or transport statement.
- The junction of Sidmouth Avenue and Queen Street is not suitable to take the volume of traffic and the increase in traffic arising from the proposal will exacerbate parking problems and will be hazardous to highway safety.
- 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.
 - There is no identified need for student housing in the area.
 - The proposal will operate as a house in multiple occupation (HMO) which will undermine the Council's aim of achieving an appropriate balance of housing provision mix in the locality.
 - There are already too many HMO's in the locality which is beyond an acceptable level.

Applicant/agent's submission

Property Management Proposals have been submitted and this and all other application documents are available for inspection at the Guildhall and at www.newcastle-staffs.gov.uk/planning/1500047COU

Background Papers

Planning File.
Development Plan.

Date report prepared

17 March 2015