

13A KING STREET NEWCASTLE
MR TOMER SPITKOWSKI

15/01144/FUL

The application is for full planning permission for the change of use from office accommodation to a House in Multiple Occupation (HMO) comprising of 10 bedrooms each with ensuite facilities. A shared kitchen proposed on the first floor and a kitchen and utility room on the ground floor.

Some modest external alterations are also proposed. These relate to a new door and window on the front elevation using existing openings and a revised door position on the side elevation of the property which removes a set of steps currently used for access.

The application site lies within a Conservation Area and the Urban Neighbourhood Area of Newcastle as specified on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to concerns about over development within the Conservation Area, highway and parking issues, and lack of space for recycling and refuse storage.

The 8 week period for the determination of this application expired on 15th February 2016.

RECOMMENDATION

PERMIT subject to conditions relating to:

- **Standard time limit;**
- **Approved plans;**
- **Window and door design details;**
- **Bin storage to be provided in accordance with the submitted details;**
- **Details of cycle storage;**
- **Noise assessment and any mitigation measures deemed to be appropriate;**
- **During conversion works no machinery is operated or process carried out on the site between the hours of 18.00pm and 07.00am Monday to Friday and not at any time on Sundays or after 13.00om on any Saturday.**

Reason for Recommendation

The site is within a sustainable location very close to Town Centre services and facilities. Due regard must be paid to requirements to protect the special character and appearance of Conservation Areas as well as listed buildings in the vicinity. Subject to appropriately worded conditions to secure acceptable door and window detailing the appearance of the building would not be harmed. Adequate bin storage arrangements can also be secured which if otherwise left on the front elevation would lead to a poor visual appearance in a busy main road location. There would be no material detriment to highway safety or to neighbouring amenity. Overall there are no negative factors which outweigh the benefits of the development scheme applied for.

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

The proposal 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 to change the use of office accommodation to a House in Multiple Occupation (HMO) consisting of 10 bedrooms each with ensuite facilities. There is a kitchen proposed on the first floor and a kitchen and utility room on the ground floor. Some external alterations are also proposed.

The main issues for consideration in the determination of this application are:

1. Is the principle of the proposed use in this location acceptable?
2. Is the impact upon the special character and appearance of the Conservation Area, acceptable?
3. Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?
4. Is the impact on highway safety acceptable?
5. Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

1. Is this an appropriate location for the proposed use?

As indicated above the proposal is for a HMO. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

The Newcastle Town Centre SPD places the application site within the Live Work Quarter of the Town Centre where the main focus is offices, with any housing development likely to be marketed for those who wish to live in a bustling business community.

This is a previously developed site in a sustainable location within the urban area. The site is in easy walking distance of the shops and services of Newcastle Town Centre with regular bus services to destinations around the borough and beyond. It is considered that the site provides a sustainable location for additional residential development that would accord with the Town Centre SPD.

The residential accommodation proposed will make a limited contribution to the supply of housing land, which can be taken into account when calculating the 5 year supply of deliverable housing sites within the Borough. However, it is still relevant to the consideration of the application that the Council is currently unable to demonstrate such a supply, as concluded in a report elsewhere on this agenda. In light of this, as set out in paragraphs 49 and 14 of the NPPF, the starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a highly sustainable location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

On the basis of all of the above, it is considered that the principle of residential development in this location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

2. Is the design of the proposal, with particular regard to the impact upon the special character and appearance of the Conservation Area, acceptable?

In terms of the Development Plan, Core Strategy Policy CSP1 – Design Quality lists the broad criteria of how new development will be assessed which includes amongst other things the need to promote the image and distinctive identity of Newcastle through the enhancement of strategic and local gateway locations and key transport corridors. It also requires a positive contribution to an area's identity and heritage through the use of appropriate vernacular materials. The Urban Design Supplementary Planning Document gives additional detailed design advice to be read in conjunction with the broad requirements of Policy CSP1.

Core Strategy Policy CSP2 – Historic Environment states that the Council will seek to preserve and enhance the character and appearance of the historic heritage of the Borough.

Saved Local Plan policy B9 of the Local Plan states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B13 also requires applicants applying for planning permission to demonstrate how they have taken into account the need to preserve and enhance character or appearance of Conservation Areas.

Paragraph 17 of the Framework sets out various Core Planning Principles for Local Authorities to adhere to which includes the need to secure high quality design. Heritage protection policies defined in the Framework are consistent with that of the Development Plan.

The introduction of a residential use in a mixed use area that includes a number of residential properties would not in itself be harmful.

The existing unsympathetic extensions to the front and side elevations of the property are to be retained with only modest changes to be made to the door and window on the front elevation. Whilst the proposal therefore does not take the opportunity presented to improve the appearance of the building, as encouraged by the Conservation Officer and the Conservation Advisory Working Party, the amendments proposed will not be harmful to the character and appearance of the Conservation Area and as such accords with local and national policy.

3. Is the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development acceptable?

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook.

Local residents have raised concerns in relation to the potential for antisocial behaviour to arise from future occupants of the development who may be students living together as a single household. Whilst issues of unneighbourly behaviour can arise in any residential there is no basis upon which to conclude that such issues will arise in this case. It is considered that refusal of planning permission due to concerns about anti-social behaviour are therefore unjustified in a location where the broad principal of residential use is acceptable.

Concerns about the visual impact of recycling material and waste bin storage have been addressed by the applicant with an amended layout which incorporates an enclosed readily accessible storage area.

There is the potential for traffic noise to affect the living conditions of the occupiers of this development; however it is considered that suitable design measures can be utilised to address such concerns and these can be secured by condition.

There is no outdoor amenity space provided on site for the occupiers of the property. Given the proximity of the site to public open space on Station Walk and the Brampton it is not

considered that the lack of amenity space on site would result in unacceptable living conditions for the occupiers of the development.

4. Is the use of the access and parking provision proposed acceptable in highway safety terms?

The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on transport grounds where the impact of development is severe. Last year 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 proposal does not provide any onsite parking. There are car parking restrictions along King Street and the scope for on street car parking in nearby residential roads is limited. The Highway Authority has assessed the car parking situation in the locality and have determined that they have no objections from a public safety perspective. In their assessment they have given significant weight to the fact that the building is very close to the town centre and within easy reach of all public transport – with bus stops next to the development. There is a public car park on the opposite.

In addition to the above it should be noted that the parking requirements for the previous use of the building, as an office, would be 10 spaces based upon the maximum car parking standards as set out in Appendix 3 of the Local Plan. There are no car parking standards in the Local Plan for HMOs, but it would be unreasonable to expect more than one space per bedroom and as such the maximum requirement would also be 10 spaces. Parking for the proposed use would therefore be similar to the existing lawful use.

Overall there are no adverse impacts which warrant a decision to refuse planning permission for the proposal.

Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

In conclusion, subject to the imposition of suitable conditions, it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

APPENDIX

Policies and Proposals in the Approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 -2026 (adopted 2009) (CSS)

Policy SP1	Spatial principles of Targeted Regeneration
Policy SP3	Spatial principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1	Residential development: sustainable location and protection of the countryside
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements
Policy B9	Prevention of Harm to Conservation Areas
Policy B10	The Requirement to Preserve or Enhance the Character or Appearance of Conservation Areas
Policy B13	Design and development in Conservation Areas
Policy B14	Development in or adjoining the boundary of Conservation Areas
Policy C4	Open Space in New Housing Areas

Other Material Considerations

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Supplementary Planning Documents/Guidance

Space Around Dwellings SPG (SAD) (July 2004)

Newcastle Town Centre SPD (2009)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

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

Relevant Planning History

15/00350/COUNOT	Prior notification of a proposed change of use of existing office building (Use Class B1) to dwellinghouse	Permitted	2015
00/00820/FUL	Internal and external alterations	Permitted	2001
N1374	Office extensions	Permitted	1975
N579	Extensions to office	Permitted	1974

Views of Consultees

The **Highway Authority** has no objections indicating that the development is within the town centre and within easy reach of public transport, with bus stops next to the development. The parking standards for the previous use of the building, an office, are similar to that for a House in Multiple Occupation. There is a public car park opposite the development.

The **Conservation Advisory Working Party (CAWP)** thinks that the return to domestic use for this building needs to be reflected in the design of the revised doors and windows. They should be redesigned to leave a greater distance between them and in a more appropriate material.

The **Councils Urban Design and Conservation Service** comments that:-

- The property lies within the Brampton Conservation Area which is characterised by large villas and terraces. The property in question fronts onto King Street and was originally a well-proportioned large red brick villa but has been modified considerably with an ill-thought flat roof extension on the front elevation and an even less successful flat roofed side and rear extension. The proposal to change the use of the building offers an opportunity to sweep away these unsympathetic extensions and make a better development, putting some character back into the building, if the side extension was removed, the house would then have some amenity and storage space. The side elevation is highly visible given Station Walks, an important route of green space within the Town Centre Conservation Area. There are some timber sashes remaining and ideally these could be overhauled and repaired and others reintroduced even if it is with a double glazed unit.
- The number of units is large and whilst the internal accommodation and layout appears to support this many units there is concern about the number of waste receptacles that will be required and the fact that there is no room to do that. There is no room to put them on the frontage with the ramp. The management of such issues need to be carefully controlled or the general ambience and character of the Conservation Area can be compromised.

The **Environmental Health Division** has no objections subject to conditions:-

1. No machinery is operated or process carried out on the site between the hours of 18.00pm and 07.00am Monday to Friday and not at any time on Sundays or after 13.00om on any Saturday.
2. A noise assessment be undertaken to take into account any road traffic and any mitigation measures necessary to achieve adequate noise levels be fully implemented prior to occupation of the building.

Waste Management has no objection and comments that from a purely operational point it would be easier if bins were presented for collection on the frontage of the property. However the section understands that this would not be acceptable visually, and therefore internal bin-store is a preferable option. Due to the size of the proposed internal store, having a bin for each flat is not practical, and therefore we would propose using an 1100 litre Euro container for the none recyclable waste, and five 240litre wheeled bins for recycling. These can be accommodated in the proposed store, as indicated on the applicant's plans. The only other concern is access to the bin store, in terms of any steps, and the condition of the surface of the access pathway, which could cause manual handling difficulties for operatives moving the Euro bin.

If planning permission is granted, a condition is required, that full and precise details for storage and collection arrangements for recycling and refuse is agreed prior to development taking place.

Taking into account further details from the developer of 13A King Street, which show the floor of the proposed internal bin store has been lowered, therefore removing any steps, and the surface of the access pathway is being improved to an acceptable standard.

Representations

9 letters of representation have been received objecting to the proposal on the following grounds:-

- The proposal does not preserve or enhance the character or appearance of the Conservation Area in relation to the changes to elevations proposed there is no suggestion of introducing windows that are in character with the area.
- The proposal will exacerbate existing car parking problems.
- There are already a number of multiple occupancy buildings in the vicinity and additional provision of such accommodation will result in over intensification.
- The proposal could be let to students which could lead to noise and disruption problems or other forms of antisocial behaviour lowering amenity levels.
- Bin and cycle storage would generate a cluttered and visually harmful appearance.
- Cycle storage facilities would not be used in the way intended and is likely to create access problems for future occupants.
- Temporary lets would create a transient community which would be at odds with policies which encourage safer and stronger communities.
- The owner of the building is an absent landlord with no interest in improving the area which the proposal reflects.

The impact to rental and property values in the area has also been raised but that is not a material planning consideration.

A further representation has been received stating that initial objections to the proposal (which related to the unsightly appearance of waste and recycling receptacles) have been addressed through the submission of plans

Applicant/agent's submission

Application forms and indicative plans have been submitted along with a Design and Access Statement and Tree Report. The application documents are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/Plan/15/01144/FUL>

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

10th February 2015.