

The application is for full planning permission construction of a 273 room student development on six floors comprising 165 self-contained rooms and 108 en-suite rooms in clusters of 2 and 4 with shared lounge/kitchen areas. Ancillary accommodation including an IT suite, gymnasium, meeting room and cinema room is provided.

Vehicle and cycle access is proposed from School Street accessing a below ground parking area for 19 vehicles and cycle storage for 110 cycles. Two communal landscaped areas are proposed along School Street raised above street level.

Planning permission was granted in 2015 for a scheme with a fundamentally unchanged external appearance comprising amongst other elements 244 rooms of student accommodation with some 21 car parking spaces.

The site lies within the Newcastle Town Centre Conservation Area and the Urban area of Newcastle as designated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within a Live-Work Office Quarter.

The 13 week period for this application expires on 15th July 2016.

RECOMMENDATION

- A. Subject to the applicant entering into a Section 106 obligation by no later than 30th June , to secure the following:**
- (i) a financial contribution to the enhancement and maintenance of an area of public open space of £219,172 and a travel plan monitoring fee of £2,200.**
 - (ii) a financial contribution of £50,000 to be used to fund Resident Parking Zones in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems.**

Permit subject to conditions relating to the following matters:-

- 1. Approved plans**
- 2. Materials**
- 3. Occupation to be restricted to students only**
- 4. Details of landscaping to be agreed, to include details of boundary treatment/security fence to the landscaped areas.**
- 5. Landscape management plan**
- 6. Residential parking survey of streets to be agreed prior to first occupation of the development and a second survey 12 months later when fully occupied.**
- 7. Provision of parking, turning areas and pedestrian visibility splays**
- 8. Replacement of disabled parking spaces that will be lost to accommodate the site access.**
- 9. Prior approval of the details of the management of the parking area and measures to prevent occupiers having cars.**
- 10. Implementation of Travel Plan**
- 11. Gymnasium, IT suite, cinema room and any other accommodation for the students use only**
- 12. Prior approval of ground floor glazing to rooms to ensure adequate privacy**
- 13. Prior approval of window treatment within the whole building to ensure consistency of approach**
- 14. Provision of the security measures set out in the submission, or other measures that have been agreed.**
- 15. Construction hours**
- 16. Construction Management Plan**
- 17. Implementation of measures to reduce the impact of noise as set out in the submitted noise assessment.**
- 18. Prior approval of plant and machinery, including a noise assessment and mitigation measures**
- 19. Piling operations, including a noise and vibration assessment, to be carried out in accordance with details that are agreed beforehand. The Council and residents of Brunswick Street and Hanover Street to be notified at least 14 days in advance of the commencement of the piling operations.**
- 20. Submission of an air quality impact assessment and details measures to minimise air pollution before installation of biomass and CHP systems and adherence to approved details for the life of the development.**
- 21. Details of ventilation system to ensure appropriate indoor air quality**
- 22. Waste storage and collection arrangements**
- 23. Implementation of security/crime prevention measures**
- 24. Importation of soil**
- 25. Removal of permitted development rights for telecommunication apparatus**

B. Failing completion, by the date referred to above, of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that in the absence of a secured planning obligation the public open space needs of the development, the required contributions to sustainable transport measures and potentially to on street parking measures, would not be met; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

This is an application that follows the granting of planning permission for the construction of a 244 room student development on this site (application reference 15/00166/FUL). The development remains acceptable in principle within the urban area of Newcastle close to the town centre - a sustainable location for student housing. The scale, massing and external appearance of the building remains fundamentally unchanged from the permitted development and as such the proposed development would preserve the character and appearance of the Conservation Area and the setting of nearby listed buildings, as was the conclusion in respect of the permitted development.

The current application involves additional student rooms, and a reduction in parking spaces. Whilst, as with the previous application, it is not considered that the highway safety consequences arising from any additional on-street parking demands will be severe appropriate controls that were secured in association with the permitted development should be secured in association with the revised development. As such, as stated within the National Planning Policy Framework, the development should not be prevented or refused on transport grounds.

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.

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

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

Key Issues

Full planning permission is sought for the erection of a block of student accommodation comprising 273 bedrooms with ancillary accommodation, with the formation of a new access onto School Street and associated car and cycle parking.

This follows planning permission for a 244 bedroom student accommodation block in 2015 reference 15/00166/FUL - a planning permission that remains extant. Some work has been undertaken on the site including the demolition of the former Jubilee baths building. The additional bedrooms replace duplex (over two floor) single person accommodation that was permitted.

In granting planning permission for the development permitted under reference 15/00166/FUL it was concluded that the principle of the proposed development was acceptable in this location. That remains the case. In addition it was accepted that the building would not harm the character and appearance of the Conservation Area. In this regard the development has not fundamentally changed in the current application from that permitted in respect of its scale, massing and appearance. The limited changes are the introduction of a door on the School Street elevation, serving a substation, and the inclusion of a perforated roller shutter door on the entrance to the car park (although it was always anticipated that there would be a barrier of some kind at this access point). In addition on where the glazing is for the full height between the ground and first floor, an opaque glazed panel has been introduced so that the floor that has been introduced is not visible externally.

In light of the limited nature of the changes to the appearance of the building it is not considered necessary to reconsider this issue in any detail at this time as the conclusion that the development would not harm the character and appearance of the Conservation Area remains valid in this case.

Other issues that were addressed in the consideration of the development permitted under reference 15/00166/FUL were residential amenity of the occupiers and crime prevention/security. The conclusions reached, that the development was acceptable in respect of such issues subject to conditions, also remain valid, there having been no material change in circumstances.

The introduction of additional student rooms as currently proposed, however, requires further consideration in respect of highway safety and what, if any, planning obligations are necessary to make this development acceptable. These will be addressed below.

Is the impact of the development on highway safety acceptable?

The access to the site would be via School Street. Based on the maximum parking standards in the Local Plan relating to student accommodation expected to be provided by Keele University (the closest comparison), the development should not be permitted to provide more than 69 spaces. 19 spaces are proposed. Policy T16 of the Local Plan states 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 parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The NPPF, at paragraph 32, states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In March 2015 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.

In permitting the previous application on the site it was accepted that the level of parking within the development (21 spaces or 8.6%) was acceptable. It was accepted that students accommodated within the building would be discouraged from having a car with them, as they would not be permitted to bring a car to Keele University and would not be given a parking space at the development. In addition, they would have easy access to a very good bus service which would influence students to leave any vehicle they may have at home.

There were concerns, however, that some students will nevertheless bring their car and will park remotely from the premises on residential streets where there are no parking restrictions thereby aggravating on street parking problems. In light of such concerns, and in accordance with the advice of the Highway Authority, the permission was conditional upon a parking survey of residential streets being undertaken in an agreed area, followed by a second survey 12 months after full occupation to ascertain whether there are any parking issues. In addition, if the surveys demonstrated that the development had created parking issues then a residents parking zone should be established paid for from £50,000 which would be deposited by the developer through a legal agreement.

The current scheme involves a 12% increase in the number of student bedrooms from 243 to 273 within the development, and a small reduction in the level of parking to be provided from 21 to 19 (a reduction in onsite provision from 8.6% to 6.9%). Whilst this would not materially increase the likelihood of highway safety issues arising from the development as a result of on street parking, all conditions that were imposed on the permitted development and the associated planning obligation remain appropriate and necessary for the current proposal.

What, if any, planning obligations are necessary to make the development policy compliant?

The only planning obligations that was considered necessary to make the permitted development policy compliant, in addition to the requirement to provide a financial contribution to enable the creation of a residents parking zone, were a Travel Plan monitoring fee and a contribution towards the improvement and maintenance of nearby public open space (Queen's Gardens). Given that there have been no changes in planning circumstances it remains the case that in principle of such obligations would comply with CIL Regulations and the Council's adopted Developer Contribution SPD.

The development as currently proposed involves an overall increase in the number of student bedrooms and any contribution secured should be recalculated to reflect this, making the same adjustments that were made in respect of the permitted scheme. Such adjustments were in recognition that the standard contribution sought is based upon there being on average 2.5 people occupying each dwelling which isn't the case for the type of accommodation proposed. In addition the occupiers of the development are of an age where they should not use equipped play areas and as such the development should not be expected to provide this element of the standard contribution.

As indicated above the public open space contribution secured in the permitted scheme was to be spent on improvements to Queen's Gardens. It is not known whether the additional contribution secured from this scheme could all be spent within Queen's Gardens or whether it would need to be split between Queen's Gardens and another nearby area of public open space (of which there are a number). As such further information will be reported in this regard.

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 and obligations, 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 (CSS) 2006-2026

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
Policy CSP1:	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3:	Sustainability and Climate Change Policy
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing
Policy CSP10:	Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1:	Residential Development – Sustainable Location & Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy B3:	Other Archaeological Sites
Policy B5:	Control of Development Affecting the Setting of a Listed Building
Policy B9:	Prevention of Harm to Conservation Areas
Policy B10:	The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B11:	Demolition in 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
Policy C22:	Protection of Community Facilities
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)
Planning Practice Guidance (PPG) (2014)
The Community Infrastructure Levy (CIL) Regulations 2010, as amended

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)
Developer Contributions Supplementary Planning Document (SPD) (September 2007)
Affordable Housing SPD (2009)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)
Newcastle Town Centre SPD (2009)
Newcastle Town Centre Conservation Area Appraisal and Management Plan

North Staffordshire Green Space Strategy – adopted December 2009

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

Relevant Planning History

09/00734/DEEM3 Proposed Health and Wellbeing Centre which includes a 25m swimming pool, learner pool, spectator gallery, changing facilities, climbing wall, fitness suite, children's activity zone, dance studio and multi-purpose room (Jubilee 2) permitted and constructed on the adjoining site on Brunswick Street.

15/00166/FUL Demolition of former swimming baths and construction of 244 room student development with associated communal area and car parking has been permitted on the application site, following the completion of a related Section 106 agreement. The permission is extant.

Views of Consultees

The **Environmental Health Division** indicates that it has been demonstrated that land contamination does not present a risk to future site occupiers and as such the standard contaminated land conditions are not required. A condition in respect of imported soil forming material is, however, considered necessary to ensure appropriate soils are used in the landscaped areas. (Further comments regarding noise and air quality are to be sent separately and will be reported).

The **Police Architectural Liaison Officer** welcomes the broad proposal to create modern attractive student accommodation at this landmark location. Providing a safe and secure environment for the students as well as an attractive and functional one should be at the heart of the proposals and notes that the submission includes information where crime prevention and security is addressed.

The Council's **Conservation Officer** has no objections to the proposal.

The **Conservation Advisory Working Party** (CAWP) has no objections.

The views of the **Highway Authority** have been sought and as the last date for their comments has passed without a response it must be assumed that they have no observations to make upon this application.

The deadline given to **Historic England** to comment on this proposal has not yet been reached, any comments received from them will be reported.

Representations

None

Applicant's/Agent's submission

The applicant has submitted the following

- Transport Statement and Draft Framework Travel Plan
- Air Quality Assessment
- Asbestos Report, Survey and specification for abatement works
- Site investigations into contaminated land
- Heritage Statement
- Archaeological building recording and paleo-environmental analysis
- Design and Access Statement

These documents are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00244/FUL>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

10th May 2016