

The report considers two applications. One is a hybrid application for full planning permission for conversion of the former Orme Centre/School into student accommodation involving demolition of a single storey toilet block and outline planning permission for a new building for student accommodation (giving a total of 96 rooms across the site) (16/00796/OUT) replacing a part two storey/part single storey building; and the other application is for listed building consent for the alteration and selective demolition of part of the Listed Building (16/00798/LBC). The site backs onto Buckley's Row, and has frontages to Higherland, Pool Dam, and Orme Road.

The application site is within the Newcastle Urban Area as indicated on the Local Development Framework Proposals Map.

The Orme Centre is a Grade II Listed Building.

The 13 week period for the planning application expires on 13th April 2017, and the 8 week determination period for the listed building consent application expired on 9th March 2017 but the statutory period for both has been extended by the applicant to the 28th April 2017.

RECOMMENDATIONS

A) With respect to the application for listed building consent 16/00798/LBC

PERMIT subject to conditions relating to the following:

1. Time limit for commencement of development
2. Approved plans
3. Demolition works not to proceed until planning permission granted for redevelopment and a contract let for that development
4. Details and materials for the making good of the main building following the demolition of extensions
5. Method statement for repair and consolidation of stonework
6. Further details of internal doors and window architraves where alterations are being made
7. Details of repair work to existing windows and details including samples of proposed new windows
8. Details of any secondary glazing systems
9. Details of suspended ceilings system
10. Details of the mezzanine floor
11. Details of the treatment of internal corridors and internal windows/fanlights
12. Details of drainage requirements to service the en-suites
13. Details of all other proposed external materials
14. Any repointing to be in lime mortar

B) With respect to the planning application 16/00796/OUT

- 1) Subject to the receipt and consideration of independent advice as to what financial contributions this development could support, and a supplementary report to the Committee on this aspect, the applicant (providing they first agree in writing, by noon on 28th April to extend the statutory determination period to the 9th June 2017) entering into a Section 106 obligation by agreement by 6th June 2017 to require:
 - a. financial contributions to the enhancement and maintenance of Queen Elizabeth Park of £93,408 and a travel plan monitoring fee of £2,200
 - b. a financial contribution of £50,000 to be used to fund a Resident Parking Zone in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems

and subject to revised parking layout proposals being received (which address the concerns of the Landscape Development Section)

PERMIT subject to conditions relating to the following matters:

1. Standard time limits for submission of application for approval of reserved matters and commencement of development
2. Reserved matters submission
3. Approved plans
4. Occupation to be restricted to students only
5. 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
6. Provision of access
7. Off-site highway works
8. Details of surfacing materials, surface water drainage and delineation of parking bays
9. Closure of existing access
10. Car park access to remain ungated
11. Provision of secure weatherproof cycle parking
12. Travel plan
13. Construction method statement

14. Landscaping and tree protection conditions
15. Contamination conditions with respect to controlled waters
16. Building recording
17. Written scheme of archaeological investigation
18. Construction and demolition hours
19. Piling
20. Dust mitigation
21. Dwelling noise levels
22. External materials
23. Drainage conditions
24. Implementation of security/crime prevention measures
25. Building wide ventilation system for Main Building
26. Heating system of both Main and New buildings

- 2) Failing completion by the date referred to in the above resolution B(1) of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that in the absence of a secured planning obligation the public open space needs of the development would not be met and the development would fail to ensure it achieves sustainable development outcomes; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendations

- 1) Taking into account the requirement for the decision-maker to pay special attention to such matters the loss of a curtilage Listed Building would improve the setting of the principal Listed Building and subject to conditions it is considered that the alterations to the Listed Building would retain its character and features.
- 2) Taking into account the requirement for the decision-maker to pay special attention to such matters it is considered that the new building would be acceptable in terms of its scale, design and appearance and it would preserve the setting of the Listed Building. It is considered that whilst revised parking proposals are required to address the concerns of the Landscape Development Section, sufficient parking would still be provided within the application site to ensure that significant additional on-street parking demand is not created by the development that may lead to an exacerbation of congestion and related harm to highway safety on streets in the vicinity of the development. An Air Quality Assessment has been submitted which demonstrates that road traffic emissions from the surrounding road network will not exceed statutory levels at the development. It is considered therefore that the reasons for refusal of the previous scheme have been overcome.

The applicant has submitted financial information to substantiate their claim that the Council's requirements as a Local Planning Authority would render a policy compliant scheme unviable. The draft report of an independent valuer setting out his appraisal of the development's viability is awaited and a further report will be brought to members on this issue.

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

Amendments have been sought from the applicant and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

These proposals seek full planning permission for the conversion of part of the former Orme Centre into student accommodation (29 rooms) and outline planning permission for a new building for student accommodation (67 rooms) (Ref. 16/00796/OUT). In practical terms the only "reserved matter" absent from the outline element of the application is the landscaping of the site. The Orme Centre is a Grade

II Listed Building and listed building consent is also sought for the works of alteration and partial demolition of the existing buildings that are involved (Ref. 16/00798/LBC).

It is appropriate to consider the application for listed building consent first.

1. 16/00798/LBC - Listed building consent for demolition of curtilage listed buildings and conversion of former Orme Centre into student accommodation

1.1 Listed building consent is sought for demolition of curtilage listed buildings and the conversion of the former Orme Centre into student accommodation. The key issues for consideration are whether the principle of the demolition of the buildings is acceptable and whether the physical works to the Listed Building are acceptable.

1.2 The site comprises a Grade II Listed former school building dating from 1850 fronting onto Pool Dam with a 2-storey attached curtilage building dating from 1908 projecting to the rear along Orme Road. The proposal includes the demolition of both the 2-storey curtilage building (referred to as the Edwardian building), a single storey flat-roofed extension to the main building, and a single storey later element or 'range' attached to the Edwardian building.

1.3 Saved Policy B4 of the Newcastle Local Plan (NLP) states that the Council will resist total or substantial demolition of a listed building, unless exceptionally, an applicant can convince the Council that it is not practicable to continue to use the building for its existing purpose and there is no other viable use. Demolition will not be permitted unless there are approved detailed plans for redevelopment and, where appropriate, an enforceable agreement or contact exists to ensure the construction of the replacement building. The weight to be given to such a policy depends on how much it is in accordance with the National Planning Policy Framework (NPPF).

1.4 At paragraph 132 the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a Conservation Area or Listed Building), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. 'Significance' can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

1.5 In paragraph 133 it is indicated that where a proposed development would lead to *substantial* harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:-

- The nature of the heritage asset prevents all reasonable uses of the site
- No viable use of heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use

1.6 Paragraph 134 of the NPPF states that where a development proposal will lead to *less than substantial* harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

1.7 The application is accompanied by a Heritage and Design Statement which considers that the buildings to be demolished are of low significance. It states that in architectural terms the proximity of the Edwardian building to the main building and the plain, dark rear of the building which faces prominently onto Orme Road are considered damaging to the setting of the main Listed Building and the streetscene. The Edwardian building is not mentioned in the Listing description and nor is it considered to be of local significance to warrant its record in any local list. The Statement considers that the removal of the building will improve the streetscene and give more space and dignity to the Listed Building. The Statement goes on to consider that the flat-roofed extensions to the rear of the building are unsightly and inappropriately designed and are of negative value and therefore their removal will enhance the heritage value of the site and have a positive impact.

1.8 The assessment and conclusions within the Heritage and Design Statement are broadly accepted, The Conservation Officer accepts that the quality of the Edwardian block is less than that of the main school and states that while it has some design merit on the courtyard elevation and has some internal features of interest, it does not present itself to the street frontage well and the quality of that elevation is considerably less. Contrary to the view of the Victorian Society, who consider that the demolition of the Edwardian block and single-storey range would be harmful to the setting of the principal Listed Building, your officers consider that the removal of the untidy relationship between the two buildings will improve the setting of the main building. Subject to the quality of the proposed new building, it is considered that the demolition of the existing building will improve the views of, the space around and setting of the Listed Building and that these benefits outweigh the loss of the building. The new building is considered in detail below.

1.9 Saved NLP Policy B6 states that the Council will resist alterations or additions to a Listed Building that would adversely affect its character or its architectural or historic features.

1.10 The scheme includes the conversion of the main Listed Building into 29 en-suite student rooms. The school building has been a Building at Risk for many years and the building requires some sensitive conservation work. There are damp issues in some rooms and there have been unsympathetic alterations to the inside of the building. Further to a request from the Conservation Officer, additional details of the treatment of the internal rooms and fanlights and details of where rooms are being separated down the central mullion have been received. The Conservation Officer has no objections to the works to the Listed Building subject to the imposition of conditions.

1.11 Taking into account the requirement for the decision-maker to pay special attention to such matters the loss of a curtilage Listed Building would improve the setting of the principal Listed Building and subject to conditions it is considered that the alterations to the Listed Building would retain its character and features.

2. 16/00796/OUT – Full planning application for the conversion of part of the former Orme Centre into student accommodation (29 rooms) and outline planning permission for a new building for student accommodation (67 rooms)

2.1 Planning permission was refused last year for a similar scheme (Ref. 15/00700/OUT) on the following grounds:

1. The design of the new building would have an adverse impact on the setting of the Listed Building by reason of its scale, lack of interest, and bulk, and an overbearing impact on Orme Road having regard to the scale of its surroundings. The proposed development would therefore be contrary to Policies CSP1 and CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policy B5 of the Newcastle-under-Lyme Local Plan 2011, Policy HE2 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) and the aims and objectives of the National Planning Policy Framework (2012).
2. The significant additional on-street parking demand that is likely to be created by the development in this edge of town centre location close to a local primary school would lead to an exacerbation of congestion and related harm to highway safety on streets in the vicinity of the development contrary to the aims and objectives of the National Planning Policy Framework (2012) and the Ministerial Statement of March 2015
3. In the absence of an Air Quality Assessment, it is not possible to determine if the residents of the proposed development would be exposed to levels of air pollution that may exceed acceptable levels. Therefore, the proposal fails to accord with Policy SP3 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Paragraphs 109 and 124 of the National Planning Policy Framework (2012) and the provisions of the National Planning Practice Guidance (2014).

2.2 In refusing the previous application for planning permission, no objection was raised to the principle of the proposed development, crime prevention and security considerations and issues of

flood risk. It is not considered necessary to address these issues again now. The main issues in the consideration of this application are:

- Is the proposed new building acceptable in terms of its impact on the setting of the Listed Building and on the character and appearance of the area?
- Would there be any adverse impact on residential amenity specifically in relation to air quality?
- Would there be any adverse impact on trees?
- Is enough parking provision proposed within the site to prevent the exacerbation of congestion and related harm to highway safety?
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- What, if any, planning obligations are necessary to make the development policy compliant and would some lesser or nil contributions be justified given issues of viability?

3. Is the proposed new building acceptable in terms of its impact on the setting of the Listed Building and on the character and appearance of the area?

3.1 Saved NLP Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a Listed Building.

3.2 The Urban Design Guidance Supplementary Planning Document states in Policy HE2 that new development must preserve or enhance the setting of any Listed Building. Development must ensure that:

- a. If the development is viewed in relationship with the Listed Building then the Listed Building, rather than the new development, should remain as the focus of those views, and it should not diminish the ability to appreciate the special architectural or historic interest of the listed building;
- b. It relates well to the Listed Building in terms of height, massing and scale;
- c. It maintains or improves the character of the street to which the Listed Building contributes;
- d. It must allow an appropriate amount and arrangement of space around the Listed Building to allow its special interest to be appreciated.

3.3 One of the reasons for refusal of the previous scheme was that it was considered that the design of the new building would have an adverse impact on the setting of the Listed Building by reason of its scale, lack of interest, and bulk, and an overbearing impact on Orme Road having regard to the scale of its surroundings.

3.4 The building now proposed would be sited 18m from the Listed Building approximately 4m from the boundary of the site with Orme Road. It would measure approximately 50m in length and a maximum of 16.5m in width. The building would have a pitched roof and would be a maximum of 13m in height with 3 storeys of accommodation in the main structure and a fourth floor in the roof space. The materials would comprise red brickwork and Staffordshire Blue clay tiles.

3.5 The applicant's agents have submitted a statement which summarises how the current scheme differs from that refused in the previous application. It states that replacing the flat roof of the previous scheme with a pitched roof has been the most significant change to the scheme and this was motivated by Members' clear preference for a more traditional building form. It is stated that this change has benefitted the scheme in terms of massing and scale. Instead of the previous arrangement of four storeys with a flat roof, a two-storey brick base is now proposed with a third storey as a lightweight glass clerestory and a fourth storey within the slope of the pitched roof. They consider that this articulation of the façade visually separates the roof from the masonry walls and creates a lighter, more varied appearance than before. They highlight that comparing the eaves of the current proposal (8.3m) to the main parapet of the previous flat-roofed scheme (12.8m), there has been a substantial reduction in scale. They state that the colour and texture of the traditional materials of red brick and clay tiles will reflect the appearance of the adjacent Listed Building as well as the wider townscape of Newcastle. However they highlight that this is a 21st century building and it is in the interests of good design not to stray into pastiche. These traditional materials will therefore be constructed and detailed in a crisp, contemporary way and the facades will incorporate large areas of grey metal framed glazing.

3.6 The Victorian Society objects to the proposals on the grounds that they consider that they would harm the significance and setting of the Listed Building. They state that their comments on the previous scheme remain relevant in which they raised concerns regarding the design of the new building.

3.7 A similar proposal was reviewed at the pre-application stage by the Urban Vision Design Review Panel. In comparison to the previously refused scheme, they felt that the long continuous pitched roof of the new building and the introduction of projecting dormers now emphasises the heavy massing of the new building and that its scale now competes with the Listed Building. They considered that the predominance of brickwork, the proposed use of clay tiles for the roof and the lead faced dormer windows exacerbate this bulkiness. The Panel suggested that the heavy cap to the building is not appropriate and suggested the use of crisper, well-crafted materials such as finely seamed zinc or lead for the roof which would be traditional and would respect the local vernacular but would appear lighter and subservient to the Listed Building.

3.8 In contrast however, the Conservation Officer states that the amended design is interesting and innovative and considers that efforts have been made to relate the design to the Listed school. There is concern that it may compete with the school so the clerestory should appear lightweight with clean crisp window reveals and gables with unfussy pointing and well-chosen bricks with a smooth finish. The proposal implies that there will be a limited palette of materials which is the right approach. She considers that the building has the potential to be a good piece of urban design set against the Listed building, opening it up and allowing better views creating a better setting for the former school given the removal also of unsympathetic extensions existing connections. The Conservation Advisory Working Party (CAWP) considers that the new build part of the scheme sits well with the existing Listed building and is more ambitious and thoughtful than the last design and more sympathetic with the existing surroundings.

3.9 Your Officer concurs with the Council's Conservation officer and CAWP and considers that with the variety and articulation in the elevations provides interest and that the lightweight glass clerestory and the crisp window detailing along with the reduction in the scale and massing compared to the previous scheme, will ensure that the building will not compete with the Listed Building, and will not diminish the ability to appreciate that building's special architectural or historic interest.

3.10 The proposed building is considered to be acceptable in terms of its scale, design and appearance. It would preserve the setting of the Listed Building and the statutory requirement to pay special attention to such matters is considered to be met. It is concluded that the reason for refusal of the previous scheme relating to design has been overcome.

4. Would there be any adverse impact on residential amenity specifically in relation to air quality?

4.1 The site is in a busy location at the junction of the A525 Higherland, a main trunk road into Newcastle, and Orme Road. Despite concerns raised by the Environmental Health Division (EHD), no Air Quality Assessment was submitted in relation to the previous application and one of the reasons for refusal of that scheme was that in the absence of such an Assessment, it was not possible to determine if the residents of the proposed development would be exposed to levels of air pollution that may exceed acceptable levels.

4.2 An Air Quality Assessment has now been submitted which demonstrates that road traffic emissions from the surrounding road network will not exceed statutory levels at the development. The EHD has no objections to the proposal subject to conditions. On this basis, it is considered that the reason for refusal of the previous scheme relating to air quality has been overcome.

5. Would there be any adverse impact on trees?

5.1 There are a number of trees within the site and the Landscape Development Section has concerns that the parking layout now proposed would have an impact upon existing trees. In particular, there are two visually prominent trees adjacent to Nos. 11 and 12, Buckley's Row. One (an oak) is shown to be removed and although the other (an ash) is shown to be retained, there are concerns that work within its Root Protection Area may have an adverse impact upon the health of the

tree. Additional information has very recently been received from the applicant and the Landscape Development Section whilst they have confirmed that they would not object to the removal of the oak (a Category C tree) this would be only on the basis of a suitable replacement tree being provided, and the successful retention of the prominent ash tree beyond). To achieve this tree's retention a significant change to the parking layout is going to be required, because the root protection area has not been correctly calculated, and a plan indicating this is now to be sought from the applicant.

6. Is enough parking provision proposed within the site to prevent the exacerbation of congestion and related harm to highway safety?

6.1 The access to the site would be via a new access on Orme Road, closer to the Orme Road / Pool Dam junction than the present access point which would be closed.

6.2 In the previous scheme 6 parking spaces were proposed and one of the reasons for refusal of that scheme was that the significant additional on-street parking demand that is likely to be created by the development in this edge of town centre location close to a local primary school would lead to an exacerbation of congestion and related harm to highway safety on streets in the vicinity of the development.

6.3 In this revised scheme as submitted, 21 spaces were now proposed. 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 24 spaces according to the Local Plan.

6.4 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.

6.5 The applicant has argued that the majority of, if not all, students resident at this site are likely to be based at Keele University which seeks to limit the bringing of vehicles onto campus. Given the University's policy and the limited finances of students, it is argued that it is highly unlikely that students living at this site will have regular access to a private car. In addition, it is suggested that the lack of any dedicated space for a car will also serve to discourage any students with a car. The applicant has also highlighted that the site is highly sustainable and very well connected to the University, Newcastle Town Centre and Stoke Railway Station. The development will include safe and secure cycle storage.

6.6 Your Officer's view is that there is a very good bus service between the town centre and the University Campus or Staffordshire University, and the site is in close proximity to the bus station providing bus services to other locations. Limited parking is available to students at Staffordshire and Keele Universities and which would influence students to leave any vehicle they may have at home. In addition there is a wide range of facilities and services within a very short distance of the site that can be accessed more easily on foot than car. Such factors will encourage student occupiers to not have a vehicle.

6.7 Whilst not objecting to the proposal, the Highway Authority, in addition to recommending a number of conditions including one requiring the submission approval and implementation of a Travel Plan to promote travel by sustainable transport modes, has however expressed some reservations that the proposal has the potential to create parking issues on nearby residential streets which are not covered by parking restrictions or Resident's Parking Zones. Therefore, they have recommended that a parking survey of residential streets be undertaken in an agreed area, followed by a second survey 12 months after full occupation to ascertain whether there are any parking issues. If the surveys demonstrate that the development has created parking issues then a Resident's Parking Zone could then be established with a sum of £50,000 which would be deposited by the developer through a legal

agreement. The requested Section 106 contributions will be considered in detail in Section 7 of the report.

6.8 The submission of a revised plan indicating, in order to successfully retain the visually significant ash tree, has been requested and it is expected that this will reduce the number of parking spaces somewhat, but there will still be more than in the previously refused scheme. A further report on this issue will be provided. Given the highly sustainable location of the proposed development and subject to appropriate planning conditions or planning obligations as recommended by the Highway Authority, it is not considered that the highway impacts of the proposal would be severe. It is considered that the reason for refusal of the previous scheme relating to lack of car parking has been overcome.

7. What, if any, planning obligations are necessary to make the development policy compliant and would some lesser or nil contributions be justified given issues of viability?

7.1 In relation to the previous scheme it was concluded that no affordable housing and no education contributions should be required. There is no reason to reach a different conclusion now. However, a financial contribution towards public open space was considered to comply with both Section 122 and Section 123 of the CIL Regulations.

7.2 In considering the previous application, the Highway Authority requested both a travel plan monitoring fee and a contribution towards the establishment of a Resident's parking scheme and both were considered to comply with the CIL Regulations. In relation to this application, the Highway Authority is also requesting financial contributions towards the development of Real Time Passenger Information for bus services and the provision of a designated cycle route from Newcastle town centre to Keele University. However, given that these contributions were not considered necessary to make the previous scheme acceptable and this scheme provides significantly more parking spaces, and given that there have been no changes in planning policy since the previous application, it is not considered that it would be reasonable to request these additional contributions now.

7.3 To comply with policy therefore, a financial contribution of £93,408 to the enhancement and maintenance of Queen Elizabeth Park, a travel plan monitoring fee of £2,200 and a financial contribution of £50,000 to be used to fund a Resident Parking Zone in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems, would be required to make the development acceptable. However, a Viability Assessment has been submitted with the application which concludes that a policy compliant development would not be viable. The assessment concludes that the development could support no financial contributions.

7.4 The NPPF states in relation to viability that the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable. It goes on to state that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planning development being stalled.

7.5 It is acknowledged that in some circumstances an applicant may believe that what is being asked for by the Council will render a development unviable. The Developer Contributions SPD, adopted by the Borough Council in September 2007, has a section on the issue of "viability" and it starts with the point that any developer contributions required will need to comply with the tests set out in the then circular on planning obligations, which include those of fairness and being reasonably related in scale and kind to the proposed development, and reasonable in all other respects. Although the circular has since been superseded the principles continue to apply.

7.6 The Council's position is that in such circumstances, for the Council to be persuaded to reduce its requirements, the onus is upon the applicant to justify why and how special circumstances apply. A list of the type of information which an applicant might consider useful to demonstrate why the Council's requirements are too onerous is provided and it is indicated that negotiations over the level of and nature of contributions will be assessed on a 'site by site' basis, having regard to a financial appraisal (which may be informed by independent advice) and that such negotiations will need to take

account of the economics of the development and other national, regional, and local planning objectives that may affect the economic viability of the proposal.

7.7 The applicant in this case has submitted financial information to substantiate their claim that the Council's requirements as an LPA would render a policy compliant scheme unviable. The information submitted has been sent by your officers to an independent valuer who has the skills required to assess financial information in connection with development proposals for further advice.

7.8 As indicated above the contributions being sought are ones which make the development policy compliant and 'sustainable'. They are considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

7.9 Your officers are awaiting the receipt of a Report by the independent valuer setting out his appraisal of the development's viability and will report further on this issue.

APPENDIX

Policies and Proposals in the approved Development Plan relevant to the decision on the application for Listed Building Consent:-

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

Policy CSP2: Historic Environment

[Newcastle-under-Lyme Local Plan \(NLP\)](#)

Policy B4: Demolition of Listed Buildings

Policy B5: Control of Development Affecting the Setting of a Listed Building

Policy B6: Extension or Alteration of Listed Buildings

Policy B7: Listed Buildings – Change of Use

Policies and Proposals in the approved Development Plan relevant to the decision on the planning application:-

[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 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 and protection of the countryside

Policy C22: Protection of Community Facilities

Policy N12: Development and the Protection of Trees

Policy N13: Felling and Pruning of Trees

Policy B3: Other Archaeological Sites

Policy B4: Demolition of Listed Buildings

Policy B5: Control of Development Affecting the Setting of a Listed Building

Policy B6: Extension or Alteration of Listed Buildings

Policy B7: Listed Buildings – Change of Use

Policy T16: Development – General Parking Requirements

Policy IM1: Provision of essential supporting infrastructure and community facilities

Other Material Considerations include:

[National Planning Policy Framework \(NPPF\) \(2012\)](#) and Ministerial Statement on Parking (March 2015)

[Planning Practice Guidance \(NPPG\) \(2014\)](#)

Supplementary Planning Documents (SPDs)

[Affordable Housing SPD \(2009\)](#)

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

[Developer contributions SPD](#) (2007)

Relevant Planning History

- 15/00700/OUT Full planning permission for conversion of the former Orme Centre/School into student accommodation involving demolition of a single storey toilet block and outline planning permission for a new building for student accommodation (total of 94 rooms)
Refused
- 15/01078/OUT Listed building consent for the alteration and selective demolition of part of the Listed Building
Withdrawn

Views of Consultees

The Council's **Conservation Officer** states that the amended design is interesting and innovative and efforts have been made to relate the design to the Listed school. There is concern that it may compete with the school so the clerestory should appear lightweight with clean crisp window reveals and gables with unfussy pointing and well-chosen bricks with a smooth finish. The proposal implies that there will be a limited palette of materials which is the right approach. The building has the potential to be a good piece of urban design set against the Listed Building, opening it up and allowing better views creating a better setting for the former school given the removal also of unsympathetic extensions. The plan received which sets out amended details on the landscaping makes improvements to the access. More detail is needed on materials for the courtyard/parking areas and walls/edges.

The school building has been a Building at Risk for many years. The stonework particularly around the windows is in very poor condition and the building requires some sensitive conservation work. There are damp issues in some rooms and there have been unsympathetic alterations to the inside of the building. The proposed use is probably compatible with the existing building which has the potential to offer something different to the other student accommodation around the town centre. It needs to be ensured that the inserted floor in the hall doesn't have a negative impact on the appearance of the room. Conditions are recommended requiring further details of the treatment of the internal rooms and fanlights and details where rooms are being separated down the central mullion.

If the application for listed building consent is approved, conditions are requested regarding the conservation repairs and the kitchen extraction system required for the new kitchen in the hall.

The **Conservation Advisory Working Party (CAWP)** regrets the loss of the Edwardian building and feels that the justification for this loss is not sufficient. There was also some regret regarding the loss of the community use that this building used to have. Overall the relationship between the new build part of the scheme sits well with the existing Listed Building and is more ambitious and thoughtful than the last design and more sympathetic with the existing surroundings. The height is not considered excessive. With regard to the refurbishment of the existing building, there are concerns over the lack of internal detail for this scheme for example with regard to the plumbing, vents, sprinklers and overall management of the new spaces. New work should be in keeping with the character of the existing building and there are still concerns over the internal layout with regard to the window mullion junctions between the bedrooms and the suspended ceilings. Consideration of detail like this will determine how successful this refurbishment is and if it will be harmful to the special character of the Listed Building. If no assessment can be made due to a lack of detail the proposal should be deemed unacceptable.

The **Victorian Society** objects to the proposals due to the harm that their implementation would cause to the significance and setting of this nationally important building. They state that they commented on a similar scheme last year and are disappointed that this latest proposal presents many of the same findings. They object to both proposals and refer to their previous comments. In particular they are concerned at the unnecessarily and unjustifiably harmful interventions it continues to propose to the Listed Building. The damaging extent of internal subdivision remains as does the

proposed mezzanine, the inappropriate new French door arrangement and the excessive number of rooflights. None of these damaging interventions have been justified. The large number of bathrooms would also require a great deal of intrusive servicing and no details are provided. They are mystified too at the continued lack of information about the Edwardian block which forms part of the Listed Building and as such there exists a statutory presumption in favour of its retention. A more detailed appraisal of the building's significance should be provided. The loss of the Edwardian building could potentially be justified were the retained block to be treated in an exemplary fashion.

Their previous comments (in relation to 15/00700/OUT & 15/01078/LBC) were as follows:

The proposals would be harmful to the character, appearance and setting of the listed building. Their main concerns lie in the proposed treatment of the listed building. As proposed it would entail the over-intensive subdivision of the spacious interiors, in several cases with partitions cutting crudely through attractive windows. Mention is made of some or all of these rooms being en-suite but details of this are not shown. The former schoolroom is the building's most important space and it is essential that any conversion preserves its single open volume. Instead the application proposes an inappropriate mezzanine that would substantially erode its spatial integrity. Externally, the removal of the later rear infill additions would be beneficial but the insertion of French-door style openings would harm the distinctive character and appearance of the building. The insertion of rooflights on the front roof slopes would also prove harmful intrusions. Any new openings required should be limited to the rear roof slopes.

The demolition of the curtilage-listed Edwardian block and single-storey range would be harmful to the setting of the principal Listed Building. No information is submitted indicating the quality, interest or intactness of their interiors. The Edwardian block appears perfectly well suited to residential conversion and this option should be further explored. However, the removal of these buildings could be justified were it to allow the construction of a new accommodation building of a sufficient size to render the intensive and harmful subdivision of the Listed Building unnecessary. In design the proposed new block is totally devoid of any of the positive characteristics and qualities of the Listed Building; it lacks interest, drama, liveliness and visual appeal, and is formed of a crude bulky mass and poor quality materials. It shows apparently no regard for the former Orme School or the area's rich architectural heritage and would be detrimental to the school's setting. The principle of a new block on this site could be acceptable (depending on the feasibility of reusing the Edwardian block) but only if the Listed Building and its setting is respected.

Attention is drawn to historic depictions of the school which indicate that the 1850's block was once adorned with ornate features and the reinstatement of these missing elements would constitute a heritage benefit that could mitigate some of the harm elements the application would cause.

In summary, the Society objects due to the harm the scheme would cause to the significance of this nationally important building. In particular, they object to the crude and damaging subdivision of much of the listed building's interior, in particular the main school room, as well as the poor external alterations proposed. The application should be refused.

The **County Archaeologist** states that their comments in relation to 15/00700/OUT remain applicable in relation to this new scheme. In their previous comments they observed that the development proposals lie within Historic Urban Character Area 25 "Pool Dam and Higherland" which identifies that this site may have formed part of Newcastle's earliest suburban development in the medieval or early post medieval period. By the late 18th Century this was the location of the borough gaol lying to the rear of the workhouse created from the conversion of earlier buildings. The footprint of the new student accommodation building will be located partly on the site of the existing one-storey building and within the car parking area. These proposals partly lie within an area not currently developed and consequently there remains the potential for the groundworks associated with this development to impact upon surviving below ground archaeological remains. Taking into account the impact of the proposals on this site of historic and archaeological interest a programme of archaeological works should be undertaken should planning permission be granted.

The **Highway Authority** has no objections to the proposal subject to conditions requiring occupation by students only, completion of the access, parking and turning areas, submission of details of off-site highway works, details of surfacing materials and drainage for the access and car park, delineation of

parking bays, a car park management scheme, closure of the existing access, car park to remain un gated, details of secure weatherproof parking for a minimum of 48 cycles, submission and approval of a Travel Plan and submission and approval of a Construction Method Statement.

Section 106 contributions totalling £67,200 are required towards travel plan monitoring, Real Time Passenger Information for bus services, provision of a designated cycle route from Newcastle town centre to Keele University and for parking surveys and the implementation of Residents' Parking Zones or parking restrictions if deemed necessary.

Severn Trent Water has no objections subject to a condition requiring the submission, approval and implementation of drainage plans for the disposal of foul and surface water flows.

The **Environment Agency** has no objections subject to a condition regarding contamination.

The **Environmental Health Division** has no objections subject to conditions regarding a construction environmental management plan, glazing specification, noise assessment, noise from plant and mechanical ventilation, details of ventilation, external artificial lighting and waste storage and collection.

The **Landscape Development Section** states that the new layout of the site will have an impact upon existing trees and therefore requests additional information, namely a tree survey, Root Protection Areas plotted on the site layout and an Arboricultural Implications Assessment. Notwithstanding this, full landscaping proposals should be secured by way of a condition and a Section 106 (contribution) would be required for nearby Public Open Space.

The **Crime Prevention Design Advisor** has no issues with the principle of the proposal but states there is a paucity of information in relation to security and student safety. Students can be attractive targets for offenders so it is important that this proposed development guards against this. As well as guarding against acquisitive crime, measures should promote student safety. Before approving this application, the local authority should satisfy itself that a comprehensive security strategy with a range of security measures will be in place, in an effort to provide the students with accommodation within which they will be and will feel safe and secure. Currently the application fails to demonstrate that this will be the case.

No comments have been received from the **Local Lead Flood Authority**, **United Utilities**, the Council's **Waste Management Section**, the **Society for the Protection of Ancient Buildings**, the **Council for British Archaeology**, the **Twentieth Century Society**, the **Ancient Monuments Society** and the **Newcastle South Locality Action Partnership**. Given that the period for comment has now expired, it must be assumed that all of the above have no comments to make.

Representations

One letter of representation has been received from **Thistleberry Residents' Association** making the following comments:

- The revised application appears to be slightly more sympathetic to both context/setting and surroundings however the new building still appears to be too dominant
- Before the application goes to Committee it is important that the materials are decided upon and agreed rather than left to a condition
- 3D images should be available
- The air pollution recommendations in the Air Quality Report should be fully implemented
- Traffic flow and parking issues are already an issue on this corner so with only 24 car parking spaces this could exacerbate the problem

Applicant's/Agent's submission

The applications are accompanied by the following documents:

- Heritage Statement
- Highway Parking Statement

- Noise Assessment Report
- Air Quality Assessment
- Bat Survey

All of these documents are available for inspection at the Guildhall and as associated documents to the applications via the following links

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00796/OUT>
and
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00798/LBC>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

12th April 2017