

FORMER SAVOY CINEMA/METROPOLIS NIGHTCLUB, 72, HIGH STREET, NEWCASTLE
MODULTEC INTERNATIONAL LTD **17/00174/FUL**

The application is for full planning permission for the demolition of the former Savoy Cinema and the erection of a 13-storey student accommodation building comprising 227 units.

Pedestrian access to the site would be via The Midway and High Street. No parking provision is proposed within the site. Cycle storage for 116 cycles is proposed.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The nearest Listed Building to the application site is the Guildhall.

The 13 week period for the determination of this application expires on the 1st June 2017.

RECOMMENDATION

- A) Subject to the applicant entering into a Section 106 obligation by 30th May 2017 to provide a free bus pass to each student for travel to the Campus at Keele University, Staffordshire University, Stoke-on-Trent College or the Royal Stoke University Hospital, and to secure financial contributions of £220,871 towards the enhancement of public open space, £2,200 towards travel plan monitoring, £8,000 towards the ongoing maintenance of the Real Time Passenger Information system for bus services, £11,600 towards improvements to the cycle route from Newcastle town centre to Keele University, and a sum yet to be determined towards public realm improvements in the vicinity/town centre

Permit, subject to conditions relating to the following matters:-

- Commencement time limit
 - Approved plans
 - Report of unexpected contamination
 - Construction hours
 - Construction environmental management plan
 - Noise from plant and mechanical ventilation,
 - Ventilation provision to habitable spaces
 - Glazing specification
 - Details of proposed generator
 - Occupation by students only
 - Cycle parking in accordance with approved details
 - Travel plan
 - Facing and surfacing materials
 - Sample panel to be retained on site
 - Detailed surface water drainage scheme
 - Archaeological evaluation
 - Building recording survey
 - Cladding cleaning arrangements
 - Provision of security measures to alleyway including a gate
 - Security measures to the building
- B) Should the above Section 106 obligations not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the public open space needs of the development would not be met, the development would fail to ensure it achieves sustainable development outcomes and the public realm improvements required to secure an appropriate context for the development / strong sense of place / inclusive development would not be achieved; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

Reason for Recommendation

The site is located in a highly sustainable location within Newcastle town centre. The benefits of the scheme include the provision of such accommodation within an appropriate location making use of previously developed land. The introduction of student accommodation in this location should also benefit the town centre, making it a more vibrant place. Given that the existing building is not statutorily Listed, is not on the Council's Register of Locally Important Buildings and Structures and is identified on the Townscape Appraisal Map in the Conservation Area Character Appraisal (CACA) as having a negative impact on the Conservation Area, it is not considered that an objection could be sustained to the loss of the building on the grounds of impact on the character and appearance of the Conservation Area. Although it is considered that the development would have some adverse impact on the skyline of the town centre in long distance views, the landmark Listed Buildings of St. Giles' Church and the Guildhall would remain prominent and distinctive on the skyline. It is considered that with the stepping down of the building towards the High Street, the development would be of an

acceptable scale and massing that would preserve the character and appearance of the Conservation Area and would have no adverse impact on the setting of the Listed Buildings. The statutory requirement to pay special attention to such matters is considered to be met. Acceptable residential amenity would be provided for the occupiers of the building and given the highly sustainable location of the proposed development, it is not considered that the lack of parking within the application site would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

Subject to suitable conditions and S106 obligations as indicated above, 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

Officers have worked with the applicant to address all issues and the application is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for the demolition of the former Savoy Cinema and the erection of a thirteen-storey student accommodation building comprising 227 units, communal areas, a laundry and bike storage.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The nearest Listed Building to the application site is the Guildhall which is Grade II Listed.

Earlier this year a similar application for the demolition of the former Savoy Cinema and the erection of a 12-storey student accommodation building comprising 174 units, communal areas, a laundry and bike storage was withdrawn (16/00933/FUL).

The main issues in the consideration of the application are:

- Is the principle of the proposed development on the site acceptable?
- Is the proposal acceptable in terms of its impact on the form and character of the Conservation Area and nearby Listed Buildings both in relation to the loss of the existing building, and the proposed development itself?
- Are acceptable residential amenity levels achieved for the occupiers?
- Are crime prevention/security considerations appropriately addressed within the development?
- Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?
- What, if any, planning obligations are necessary to make the development policy compliant?
- 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 the principle of the proposed development on the site acceptable?

1.1 As indicated above the proposal is for residential accommodation specifically for students. 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.

1.2 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).

1.3 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.

1.4 The Newcastle Town Centre SPD states that encouraging mixed-use development increases the diversity of uses within a locality. As a result, such development would enhance the vitality and viability of the Town Centre by encouraging its use by a greater range of people for different purposes, possibly at different times of the day and night. This helps to strengthen the social fabric and economic viability of the Town Centre. It also has positive implications in terms of sustainable development as it encourages proximity of uses, reducing the need to travel.

1.5 The SPD places the application site within the Town Centre Historic Core where any development opportunities would be likely to be infilling and intensification, with special attention to conservation. It also states that retail activities must continue to predominate. This site is set back from the Prime Frontage of the Primary Shopping Area which is where the SPD states that pure retail should dominate.

1.6 This is a previously developed site in a highly 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, including Keele University, and beyond. It is considered that the site provides a sustainable location for additional residential development that would accord with the Town Centre SPD.

1.7 The residential accommodation proposed if restricted to students only and in the absence of evidence that it would release housing onto the market elsewhere within the borough will not contribute 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. 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.

1.8 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 proposal acceptable in terms of its impact on the form and character of the Conservation Area and nearby Listed Buildings both in relation to the loss of the existing building, and the proposed development itself?

2.1 Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

2.2 The proposed development includes the demolition of the former Savoy Cinema, a large brick building constructed in 1913. Most of the internal features have already been lost but an Art Nouveau panel which is currently located over the main entrance would be retained as part of the entrance to the new building.

2.3 The NPPF states that the effect of a proposal on the significance of a designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

2.4 NLP Policy B11, a policy that broadly accords with the NPPF approach, states that consent to demolish a building in a Conservation Area will not be granted unless it can be shown that each of the following is satisfied:-

- i. The building is wholly beyond repair, incapable of reasonably beneficial use, of inappropriate design, or where its removal or replacement would benefit the appearance or character of the area.
- ii. Detailed plans for redevelopment are approved where appropriate.
- iii. An enforceable agreement or contract exists to ensure the construction of the replacement building where appropriate.

2.5 The building to be demolished has been vacant for 12 years and has fallen into a state of disrepair. The Heritage Statement submitted with the application states that the building is a non-designated asset which is not recognised by the Council in the CACA as contributing to the character of the Conservation Area. It concludes that the loss of the building would result in a slight adverse impact to the significance of the Conservation Area and states that it is likely that a programme of historic building recording would be expected prior to demolition in order to record all historic elements of the building and to make a permanent record of the structure.

2.6 The Victorian Society strongly objects to the demolition of the Savoy which they consider would cause irreversible harm to the special interest of the Conservation Area and would entail the loss of an important building. In relation to the previous application which has been withdrawn (Ref. 16/00933/FUL), Historic England stated that the former cinema has some evidential, historic and communal value and therefore makes a positive contribution to the story of the town centre and the Conservation Area. However, both the Council's Conservation Officer and Staffs County Council Archaeology raise no objection to the loss of the building subject to an appropriate level of building recording.

2.7 The building is not statutorily Listed, is not on the Council's Register of Locally Important Buildings and Structures and it is identified on the Townscape Appraisal Map in the CACA as having a negative impact on the Conservation Area. Subject to the imposition of a condition requiring a building recording survey, your Officer does not consider that an objection could be sustained to the loss of the building on the grounds of impact on the character and appearance of the Conservation Area unless it is concluded that the proposed redevelopment is not appropriate. This issue is considered below.

2.8 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, 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.

2.9 In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

2.10 NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas and Policy B10 lists a number of criteria that must be met in ensuring that the character and appearance of a Conservation Area is preserved or enhanced. These include inter alia that the form, scale, bulk, height, materials, colour, vertical or horizontal emphasis respect the characteristics of the buildings in the area; and that open spaces important to the character or historic value of the area are protected. NLP Policy B14 states that in determining applications for building in a Conservation Area, special regard will be paid to the

acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

2.11 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) states in HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must:-

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.
- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

2.12 The site slopes up from the Midway towards High Street, but does not itself front onto the High Street, being set behind the buildings occupied by Clinton Cards and the HSBC (No's 70 and 74 High Street). To the south-east of the site on the same side of the Midway there are two and three storey buildings, to the north-west is the Roebuck Centre building and overbridge, and to the south is Blackburn House which is 8 storeys in height and the Midway multi-storey car park. Overall there is a varied context within which the proposed building is set in terms of the scale and height of the buildings.

2.13 The proposal is to construct a 13-storey building of between 26m and 35.5m in height. It would be constructed from a series of modular units which would be pre-fabricated off site. The lower ground floor would be accessed from the Midway and would comprise a lobby/reception at the entrance and the main services for the building including the plant room, laundry, bike storage and refuse room, and a games room. The external Midway entrance would also feature the Art Nouveau panel which is currently located over the main entrance. The upper ground floor would be accessed from High Street and would comprise 18 rooms, a study area, a large communal area and IT zone. Levels 1-9 would comprise 20 studios per floor which feature en-suite bathrooms and kitchenette facilities and level 10 and 11 would have 18 and 11 studios respectively.

2.14 The materials would comprise stone effect cladding in mineral chalk and matte bronze. To achieve an appropriate balance between the ratio of glazing and cladding materials the window reveals would be chamfered and recessed back into the façade to give interest and modelling to the face of the building.

2.15 The previous scheme for this site (16/00933/FUL) was withdrawn further to concerns expressed by Officers regarding the height of the building and the impact of its scale, massing and design upon the character and appearance of the Newcastle Town Centre Conservation Area, and the setting of surrounding heritage assets. This revised scheme seeks to address these concerns by stepping down and reducing the height of the roof line. As a consequence the building is reduced in height by up to 9.2m compared to the previous proposal. The floor to floor storey heights have been reduced and the top two stories are stepped back to further reduce visual scale.

2.16 The Town Centre SPD states that the Town Centre's historic character and identity, with its special distinctiveness as a market town, is an asset that needs to be conserved and enhanced. Development must be designed to respect, and where possible enhance, its surroundings and contribute positively to the character of the Town Centre, helping to improve its image and identity, having particular regard to the prevailing layout, urban grain, landscape, density and mix of uses, scale and height, massing, appearance and materials.

2.17 The SPD states that while elsewhere there are opportunities for taller buildings on suitably located sites, the historic core is very sensitive, and runs the risk of being undermined by buildings that are too high or too low. It states that the need to safeguard important views will also be a key issue on determining acceptable heights. It goes on to state that existing landmark buildings and features provide orientation within the town and are important at both a strategic and local level. They should be protected and enhanced and so new development should not detract, nor compete with them. Important views should not be obscured. Both St. Giles' Church and the Guildhall are identified as existing tall landmark buildings which are Listed.

2.18 As the site is located within the Town Centre, views would generally be screened by existing development. The lower floors would only be visible from the Midway and from many other locations, the development would be either screened by intervening development or would be viewed in the context of the existing development including the Vue Cinema, Morston House, Blackburn House (now known as Keele House), and Midway Car Park.

2.19 A Visual Impact Assessment has been submitted which provides photomontages (some of which are to be found within the Design and Access Statement) designed to show the impact of the proposed building from a number of viewpoints within and around the town. In relation to the withdrawn scheme, your Officers were particularly concerned about the impact on views from Hassell Street adjacent to the Bus Station and from the eastern side of High Street southwards of its junction with Hassell Street. Due to the stepping down of the building towards the High Street, the impact of the proposal from these viewpoints has been significantly reduced. From the junction of High Street with Hassell Street, the building would be almost wholly screened by existing intervening development and from by the Bus Station, the stepped roof would assimilate the building more effectively within the surrounding development.

2.20 The Conservation Officer considers that there has been a significant reduction in the scale and massing of the building compared to the withdrawn scheme and is satisfied that from the Guildhall and within Character Area 1, the building will no longer be as visible within the skyline. It is considered that the varied roofline also reduces the visual impact from around the Town Centre and whilst there may be some harm from further away due to impact on the skyline of the historic town centre, the magnitude of that harm is dramatically reduced by the changes in the design. From longer distance views such as from Stubbs Walk to the proposed building would not dominate the view as it did previously with the height reduction and step down away from High Street.

2.21 Historic England is pleased to note the reduction in height of the proposed building compared to the previous scheme. They were extremely concerned by the impact of the previous scheme on key views within the Conservation Area and the uncomfortable juxtaposition with the Grade II Listed Guild Hall. Whilst they acknowledge that the current proposals will still have some impact, they consider that the revised scheme represents a significant improvement.

2.22 Urban Vision Design Review Panel (UVDRP) noted that the overall height of the building has now been reduced and the visual appraisal clearly indicates a reduced impact on the surrounding area and on views towards the building. They consider that the scheme has responded well to the Panel's concern over its overall design and the materials previously proposed. They state that the rationalisation of window design and the use of a simple, high quality palette of contemporary materials should help to reduce the visual impact.

2.23 Your Officer considers that although the development would have some adverse impact on the skyline of the town centre in long distance views, particularly in views from Stubbs Walk, the landmark Listed Buildings of St. Giles' Church and the Guildhall, would remain prominent and distinctive on the skyline and their profiles would not be lost against the outline of the proposed building. Your Officer concurs with the views of the Conservation Officer and Historic England and considers that with the stepping down of the building towards the High Street, the development would be of an acceptable scale and massing that would preserve the character and appearance of the Conservation Area and would have no adverse impact on the setting of the Listed Buildings. The statutory requirement to pay special attention to such matters is considered to be met.

2.24 Both Historic England and the Conservation Officer state that it is essential that the principles referred to in the Design and Access Statement and techniques such as chamfered window reveals are carried forward to the final scheme and that the architectural details, materials and finishes are of the highest standard. The UVDRP also state that the deep recessing of windows and the chamfered reveals is a welcome development but that it does not translate well into the plans.

2.25 The applicant has submitted revised elevations. The thickness of the external walls has been increased by 100mm so that the chamfer on the cladding at the reveals is more prominent. The materials would comprise stone effect cladding in mineral chalk and matte bronze. Sample panels will be available for Members to view at the Committee meeting. It is considered that sufficient detail has been submitted to enable the application to be appropriately considered and any additional detail can be required by conditions.

3. Are acceptable residential amenity levels achieved for the occupiers?

3.1 The application site is located within the Town Centre in between the Midway, a road within the ring road that primarily provides access to the Midway car park and to service areas, and the High Street, a pedestrianised shopping street. The site is not within a residential area and as it does not directly adjoin any residential properties, it is not considered that it will result in the loss of amenity for any nearby residents.

3.2 The area is predominantly commercial in nature and therefore external noise levels from road traffic noise, noise from external air handling plant and night time noise during the weekend are likely to affect the living conditions of the occupiers of the development. The application is accompanied by a Noise Impact Assessment which concludes that through the incorporation of noise mitigation into the design of the building, acceptable noise levels would be achieved within habitable areas. The Environmental Health Division (EHD) has no objections from a noise perspective subject to conditions.

3.3 Regarding air quality, the EHD initially raised concerns regarding a generator that would be located beneath bedrooms. Further information has been submitted clarifying that the generator is intended to provide for the operation of the lifts and other necessary systems only in the case of failure of electrical supply to the building and on this basis, the EHD has no objections subject to the imposition of a condition.

3.4 The UVDRP express concern that the reduction in the height of the building has resulted in a reduction of communal space and the inclusion of habitable rooms at ground and lower ground floors in unacceptable locations. They raise concerns that the quality of life for residents occupying these rooms would be poor.

3.5 Revised plans have been submitted omitting the rooms originally proposed on the lower ground floor. They have been replaced by a games room to provide additional communal amenity space. Your Officer is satisfied that sufficient communal space is proposed and that following the removal of the rooms on the lower ground floor, the residents of all rooms would have an acceptable outlook and level of amenity even taking account of the close proximity of the development to existing buildings, provided improvements to the immediate public realm were achieved. The building itself with its external lighting, all round activity and natural surveillance will help "lift" the area. Whilst there is very little outside amenity space proposed, occupiers would be within close proximity to a number of open spaces and parks within and around the town.

3.6 Overall it is considered that the development could provide acceptable living conditions for its occupiers.

4. Are crime prevention/security considerations appropriately addressed within the development?

4.1 The applicant intends to improve the walkway along the north-western elevation of the building by incorporating lighting, fencing, a new surface and low level planting. The walkway is currently closed off in the evening by town centre wardens from the High Street entrance (between the units currently occupied HSBC Bank and Clinton Cards) however the access from the Midway remains open. To increase the security of the bedrooms on the ground floor it is proposed to incorporate a gate on the Midway entrance and fence along the open side of the walkway so as to completely close it off during the evening. Your Officer considers that this is necessary to ensure an appropriate level of amenity for the occupiers of the rooms immediately adjacent to the walkway and it is considered that such measures would need to be secured by a Grampian style condition. At the main entrance and reception from The Midway there will be a 24 hour security service and the High Street entrance (between the units currently occupied by Clinton Cards and the 'Select' clothing store) will be a secure, student only entrance which permits access via a keypad or fob key. All entrances and communal areas will be monitored by CCTV.

4.2 The Crime Prevention Design Advisor states that the proposals to improve the alleyway that runs down the side of the building are welcomed. Restricting access during the evening/night has definite community safety benefits and reduces anti-social behaviour opportunities. Incorporating a gate at the Midway entrance to the walkway and fencing along its length to close off access during the evening/night should be beneficial for students living on lower floors.

4.3 It is considered that the building will be suitably secured and appropriate crime prevention measures adopted. A condition could be imposed to ensure such measures are provided. In addition, the presence of the building will significantly increase the natural surveillance of the Midway, the adjacent walkway and the Midway car park.

5. Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?

5.1 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 57 spaces according to the Local Plan. No parking is proposed within the site.

5.2 Saved Policy T17 of the Local Plan states that development in Newcastle Town Centre within the ring road will not be permitted to provide new private parking but will be required, where appropriate, to contribute to appropriate improvements to travel to the development. The policy identifies what such improvements may include. 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.

5.3 The applicant has stated that correspondence from a property services company advises that the number of students requiring full-time parking facilities is not likely to exceed 10% of the total number of students. This is projected using data from their managed student developments which service both Keele and Staffordshire Universities, the proximity of the development to local amenities and good transport links, the provision of a secure area for bicycle parking within the development and the policies of both Staffordshire and Keele Universities encouraging students to use alternative means of transport.

5.4 On the basis that it is recognised that it cannot be guaranteed that students will not have a car, the applicant has been in discussions with the Council's Car Park Manager with regards to utilising the Midway car park. 5 spaces would be provided within the Midway for mobility impaired drivers and it has been agreed that car park passes can be purchased annually in advance of occupation each year and students would therefore be given the option of purchasing a pass should they wish to utilise the parking facilities. However members should avoid giving any particular weight to this approach in their decision as the Planning Authority. There is no suggestion that the Highway Authority considers that a planning permission should be subject to a condition requiring the obtaining of such permits.

5.5 Approximately 116 cycle spaces would be provided within the site and the applicant has offered to provide free bus passes to cover travel from the site to the Universities.

5.6 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 very limited parking is available to students at both Staffordshire and Keele Universities – all of 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.

5.7 The Highway Authority has considered the sustainable location of the site and has no objections subject to a number of conditions including one requiring the submission approval and implementation of a Travel Plan to promote travel by sustainable transport modes. They have also requested a number of Section 106 contributions which will be considered in detail in Section 6 of the report.

5.8 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 lack of parking within the proposal would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

6. What planning obligations are considered necessary and lawful?

6.1 Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- 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

6.2 The development would put pressure on nearby areas of public open space given that such needs are not satisfied on site and it is considered that in principle a financial contribution towards such areas could comply with CIL Regulations and the Council's adopted Developer Contribution SPD

6.3 The Landscape Development Section (LDS) has requested a contribution but has made certain adjustments in recognition that the standard contribution sought is based upon there being on average 2.5 people occupying each dwelling and that all of the units within this development will be single person accommodation. The adjustment that has been made is to request 2/5ths of the total for the single units. This is considered reasonable. The LDS has indicated that any financial contribution that is secured would be used for either town centre greenspaces, Queen Elizabeth Park or Queen's Gardens. Given the proximity of the application site to Queen's Gardens and Queen Elizabeth Park it is considered that a contribution to either would be acceptable as it would be directly related to the development.

6.4 The Council's Supplementary Planning Document for Developer Contributions refers to contributions towards public realm improvements as being a type of developer contribution that the Council is likely to seek. The environment along The Midway, particularly under the Roebuck Centre, is dominated by service yards and is currently rather unattractive to users as it is dark and secluded. A financial contribution towards public realm improvements in this area is considered necessary to create a more attractive and user-friendly environment for occupants of the building, a sense of place and to create an inclusive development. Your Officer is in discussions regarding this issue and where public realm improvements might be appropriate and a further report will be given on the matter addressing both the sum that may be involved, its purposes, and whether or not an obligation securing such a contribution would meet the statutory tests indicated above and be lawful.

6.5 The Highway Authority (HA) requests a number of financial contributions. Firstly, they request a travel plan monitoring fee of £2,200 and this is considered to comply with the CIL Regulations. They also require the provision of a free bus pass to each student for travel from Newcastle Town Centre to Keele University, Staffordshire University, Stoke-on-Trent College or The Royal Stoke University Hospital. Your Officer has sought clarification on whether a bus pass limited to travel on particular routes is available and the applicant's agent has submitted information regarding the 'Keele Key bus ticket' which is a discounted ticket for Keele University students. This is considered appropriate in the interests of achieving a sustainable development.

6.6 The HA also requests a contribution of £8,000 towards the ongoing maintenance of the Real Time Passenger Information system for bus services. Live running information on public transport services in North Staffordshire is currently being developed and given that it will require ongoing maintenance and updates, it is considered that it is reasonable to seek a financial contribution and that this is necessary to make the development acceptable in planning terms (on the grounds of moving towards more sustainable forms of development). A financial contribution of £11,600 is also requested to provide improvements to the cycle route from Newcastle town centre to Keele University. Again, in the interests of moving towards more sustainable forms of development, this is considered to comply with the CIL Regulations, and policy support for this approach is contained within saved Local Plan policy T17.

7. 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?

7.1 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 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 T16:	Development – General Parking Requirements
Policy T17:	Parking in Town and District Centres
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

[National Planning Policy Framework](#) (March 2012)

[Planning Practice Guidance](#) (March 2014)

[Community Infrastructure Levy Regulations](#) (2010) as amended and related statutory guidance

Supplementary Planning Guidance/Documents

[Developer contributions SPD](#) (September 2007)

[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)

[Newcastle Town Centre SPD](#) (2009)

[Newcastle Town Centre Conservation Area Appraisal](#)

[North Staffordshire Green Space Strategy](#)

[Newcastle Town Centre Public Realm Strategy](#) (March 2004)

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

Relevant Planning History

04/01319/FUL	Erection of 12 storey building comprising 92 apartments with commercial/retail at ground level	Refused
05/00103/CON	Demolition of existing buildings	Refused
16/00933/FUL	Demolition of the former Savoy Cinema and the erection of an 11-storey student accommodation building comprising 174 units, communal areas, a laundry and bike storage	Withdrawn

Views of Consultees

The **Environmental Health Division** has no objections subject to conditions regarding noise from plant and mechanical ventilation, hours of construction, construction environmental management plan, ventilation provision to habitable spaces, glazing specification, details of the proposed generator and unexpected contamination.

The **Highway Authority (HA)** has no objections to the proposal subject to the imposition of conditions regarding occupation by students only, provision of parking for 116 cycles, implementation of the Travel Plan in accordance with the timetable set out in the Plan and submission of a Construction Method Statement. A Section 106 Agreement is required securing a Travel Plan monitoring fee (£2,200), a requirement to provide a free bus pass to each student, and financial contributions to Real Time Passenger Information (£8,000) and improvements to the cycle route from Newcastle town centre to Keele University (£11,600).

The **Crime Prevention Design Advisor** has no objections to the proposal but draws attention to their previous comments made in respect of application 16/00933/FUL which are applicable. In relation to the previous scheme they had no objection to the proposals and stated that the design and layout appeared to seek to address a range of crime prevention issues. CCTV coverage should extend to cover the bike store doors. Proposals to improve the alleyway that runs down the side of the building were welcomed. Restricting access during the evening/night has definite community safety benefits and reduces anti-social behaviour opportunities. Incorporating a gate at the Midway entrance to the walkway and fencing along its length to close off access during the evening/night should be beneficial for students living on lower floors.

Historic England is pleased to note the reduction in height of the proposed building compared to the previous scheme. They were extremely concerned by the impact of the previous scheme on key views within the Conservation Area and the uncomfortable juxtaposition with the Grade II listed Guild Hall. Whilst the current proposals will obviously still have some impact, the revised scheme represents a significant improvement. The revisions that have been made to the elevations are noted. The Design and Access Statement refers to examples of façade precedents and emphasises the need to ensure interest and modelling to the face of the building and highlights the importance of achieving an appropriate balance of glazing to cladding, using techniques such as chamfered window reveals. It is essential that such principles are carried forward to the final scheme and that the architectural details, materials and finishes are of the highest standard. They state that whilst they no longer object to the proposals in principle, they urge the Council to ensure that the architectural interest of the elevations is more fully resolved prior to a decision being made.

The **Conservation Advisory Working Party** welcomes the reduction in height of the building and the viewpoints show that there will be a reduction in the impact of the building on the character and appearance of the Conservation Area. However it is still felt that the building is too big and that its design and style is totally inappropriate and will still have an adverse impact on the Conservation area. No buildings within the Town Centre are completely clad in metal and Newcastle is predominantly a brick town. The proposal will have a harmful impact on the Midway part of town, the design will date quickly and will create an even more unpleasing environment along the alley. The original cinema building is important historically and not enough has been made of this within the design consideration of the proposed building.

The Council's **Conservation Officer** refers to her comments and background information for the previous application (Ref. 16/00933/FUL) which discusses the Conservation Area character appraisal areas. As stated, the level of significance of the Guildhall is high holding a dominant position and being a key focal building with the Conservation Area. Character Area 1 is also a significant part of the Conservation area. "Considerable weight" should be given to the harm caused to the setting of listed buildings and conservation areas even when weighing up other issues, such as the advantages of the proposed development.

The scale and design of the proposed building has changed, particularly in terms of its height and its relationship with the market square and the buildings within this area and with the character and appearance of Character Area 1. The building height overall has been reduced by over 2 metres at its highest point closest to Midway and by over 8 metres closest to High Street. This is a significant reduction in the scale and massing of the building and the images show that from the Guildhall and within Character Area 1 the building will no longer be as visible within the skyline. The varied roofline also reduces its visual impact as one moves around the Town Centre. There may be some harm from further away but the magnitude of that harm is dramatically reduced by the changes in the design. From longer distance views there is still potential to cause some harm especially from Stubbs Walk Conservation Area where St. Giles Church tower and the Guildhall clock tower are key assets on the skyline. However, the proposed building does not dominate the view as it did previously with the height reduction and step down away from High Street.

Whilst being less harmful to the most significant parts of the Conservation Area, the building will still be very prominent and will affect key gateways into the town centre and Conservation Area. It is absolutely crucial therefore that the building is of a high quality as this may have the effect of improving and enhancing certain parts of the Conservation Area. Images in the Design and Access Statement show examples of other buildings which show high quality elevations but this quality doesn't particularly come through in the elevation drawings. Queries are raised regarding the chamfers around the windows, the paving and the finish, size and fixings of the cladding panels.

The **Victorian Society** objects to the application which would strip the town of an important and adaptable historic building and would harm the significance of the Town Centre Conservation Area. The former Savoy Cinema is a distinctive, imposing, monolithic structure that retains noteworthy fabric from its early phase of construction. Despite evident neglect the Savoy remains something of a landmark building that contributes positively to the special interest of the Conservation area and it is asked that the Council considers it for inclusion on its Local List. They strongly object to the demolition of the Savoy which would cause irreversible harm to the special interest of the Conservation Area and would entail the loss of an important building.

The level of harm caused by the total demolition of a significant piece of the Conservation Area and the erection of a building which is completely at odds with the prevailing character and special interest of the Conservation Area must be quantified as "substantial".

Even if one were to concede to the loss of the existing building, the proposed new block is not of the necessary quality to render it anywhere near acceptable and it would cause significant harm. In conclusion, the Victorian Society strongly objects to this application. It would entail the unjustified and unnecessary loss of a notable, locally significant non-designated heritage asset, thereby causing harm to the Conservation Area. This harm would be compounded by the erection of a building which would be detrimental to the Conservation Area as well as to the setting of nearby Listed structures. The scheme would conflict with the aims of the Council's 'Vision' as laid out in its Supplementary

Planning Document for the Town Centre which warns against this sort of development. The application should be refused consent and options for the retention and reuse of the Savoy explored.

Urban Vision Design Review Panel (UVDRP) states as follows:

- It is noted that the overall height of the building has now been reduced and the visual appraisal clearly indicates a reduced impact on the surrounding area and on views towards the building.
- The scheme has responded well to the Panel's concern over its overall design and the materials previously proposed. The rationalisation of window design and the use of a simple, high quality palette of contemporary materials should help to reduce the visual impact. However the redesign has created some further areas of concern and some ongoing issues remain.
- There are concerns regarding the possible introduction of plant on the roof and the lack of safety on the roof. It is important to contain plant to lower ground floors as much as possible.
- The reduction in the height of the building has resulted in a bigger footprint, a reduction of communal space and the inclusion of habitable rooms at ground and lower ground floors in unacceptable locations. There remain concerns that the quality of life for residents occupying these rooms would be poor and the balconies proposed would not be attractive to use.
- There is concern that the 'accessible' rooms are spatially deficient.
- The minimal provision of communal space exacerbates this lack of amenity.
- The overall benefit of the reduction in the height of the building is somewhat negated by the lack of shared space, the unacceptable locations for habitable rooms and the overall loss of amenity. The increase in the number of rooms seems implausible.
- The superficial detailing of the lower floors requires more detailed consideration and specification to ensure that the building articulates well with its surroundings.
- The deep recessing of windows and the chamfered reveals is a welcome development but it does not translate well into the plans.
- Windows have been omitted from the principal gable elevation. It is suggested that the elevation would benefit from some relief by relocating windows.
- There is concern that no co-ordinated vision for the sustainable low carbon operation of this development has yet been proposed.
- The statements within the application regarding security are noncommittal and require stronger endorsement.

In conclusion, the intent to develop this difficult disused site and to provide much needed student accommodation in the town centre is commended. The iterative design review process that has been engaged in is also welcomed and the incremental improvement in the quality of the development is noted. The attempts to reduce the impact of this imposing building on the surrounding area and importantly the Conservation Area are acknowledged. There remains concern however that the proposal represent overdevelopment to the detriment of residential amenity and would produce a poor quality of life for occupiers of the building if adequate levels of space and amenity are neglected.

The following additional comments were received regarding the recently withdrawn scheme (Ref. 16/00933/FUL):

The **Education Authority** states no education contribution is requested as it is not their current policy to request a contribution from developments purely consisting of 1 or 2 bed apartments.

The **Lead Local Flood Authority** has no objections subject to a condition requiring submission, approval and implementation of a detailed surface water drainage scheme.

The **Housing Strategy Officer** states that if the development is intended to be built as student accommodation with communal facilities, affordable housing would not be sought as it would be deemed as "C2 Residential Institutions". However, a condition would be necessary setting out that the accommodation would be exclusively for students.

Staffordshire County Council Archaeology states that the submitted Heritage Assessment appears to represent a robust assessment of the building but bearing in mind the demonstrable archaeological

sensitivity of the building and the location within the core of the medieval town, it is disappointing to note that a full Historic Environment Desk-Based Assessment was not carried out to inform the scheme. The assessment fails to include photographic evidence to assist in the consideration of potential impacts on designated heritage assets and it also fails to consider the potential for longer distance views of the building from outside the town centre and the degree to which the scale and massing of the structure will impact on the skyline of the town.

The scheme sits within Historic Urban Character Area (HUCA) 6: Newcastle Town Centre as identified in the Newcastle Extensive Urban Survey which was identified as having high evidential, historical, aesthetic and communal value and the site lies within the historic core of medieval Newcastle within an area of former medieval burgage plot activity. The site also lies almost immediately to the north of Lower Street which is considered to represent one of the earliest areas of settlement in Newcastle. The building itself retains important elements of historic character and if demolition is approved, the LPA might consider discussing the retention of iconic elements and their incorporation within any new build. Given the demonstrable archaeological potential from the area and the scale of the proposed development, it is advised that an archaeological evaluation be carried out in advance of groundworks. It is also advised that a Level 2 building recording survey be carried out

The **Landscape Development Section** states that a Section 106 contribution would be required for a financial contribution towards public open space.

Representations

Two letters of objection have been received. A summary of the objections made is as follows:

- The building is too tall for the site and it would overshadow several significant buildings in the town centre and would dominate the skyline of Newcastle in a detrimental way.
- Another 'landmark' building is not needed as St Giles Church and the Guildhall already fulfil that position quite adequately.
- It would set an unwelcome precedent.
- Apart from the entrance plinths the building lacks any kind of charisma or architectural merit.
- Together with the multi-storey car park opposite, it is considered that the building will create a canyon effect.
- There would be no aesthetic views from most of the windows.
- This development would add to the already growing number of around 1400 units in the area and 2000 more are to be built on Keele campus. Cramming every available building in the town centre with students might not be the only way to achieve Newcastle as a University town.
- There is inadequate parking and there is a heavy reliance on existing car parking facilities in the vicinity which are already at almost maximum capacity.
- It is questionable whether one communal area would be sufficient.
- The report on land contamination needs careful scrutiny.
- Councils should commission their own reports as those submitted with the application give a somewhat subjective account in favour of the project.
- It is questionable whether an 'extensive' community consultation took place.
- The application appears light on detail leaving it to be agreed with an individual officer once planning (permission) has been obtained.
- It is disappointing that the existing building could not be modified and put to some community use.
- An improvement is needed in this location but that will only be brought about by a building that will fit in and be compatible with the Conservation Area.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Supporting Statement
- Statement of Community Involvement
- Design Review Report

- Structural Report
- Flood Risk and Foul Drainage Assessment
- Tree Survey Report
- Visual Impact Assessment
- Noise Assessment Report
- Heritage Statement
- Preliminary Ecological Appraisal
- Transport Statement
- Travel Plan
- Land Contamination Assessment

All of these documents are available for inspection at the Guildhall and as associated documents to the application via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00174/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

11th April 2017