

**THE FORMER ORME CENTRE, ORME ROAD, NEWCASTLE-UNDER-LYME
ABODE RESIDENCIES**

18/00090/FUL & 18/00086/LBC

The report considers two applications. One is an application for variation of Condition 5 of planning permission 16/00796/OUT which granted planning permission for conversion of the former Orme Centre/School into student accommodation and outline planning permission for a new building for student accommodation (18/00090/FUL). Condition 5 lists the approved drawings and the variation sought seeks to substitute amended plans to allow for elevational changes. The other application is for listed building consent for works to the Listed Building (18/00086/LBC). There is a previous grant of listed building consent 16/00798/LBC

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

The building is a Grade II Listed Building.

The 13 week period for the planning application expires on 18th July 2018. The 8 week determination period for the listed building consent application expired on 5th April 2018 but the statutory period has been extended by the applicant to 29th May 2018.

RECOMMENDATIONS

A) With respect to the application for listed building consent 18/00086/LBC

1. Time limit for commencement of development
2. Approved plans
3. Details and materials for the making good of the main building following the demolition of extensions
4. Method statement for repair and consolidation of stonework
5. Further details of internal doors and window architraves where alterations are being made
6. Details of repair work to existing windows and details including samples of proposed new windows
7. Details of any secondary glazing systems
8. Details of suspended ceilings system
9. Details of the mezzanine floor
10. Details of the treatment of internal corridors and internal windows/fanlights
11. Details of drainage requirements to service the en-suites
12. Details of all other proposed external materials
13. Any repointing to be in lime mortar

B) With respect to the planning application 18/00090/FUL

- i. Subject to the applicant entering into a planning obligation by 29th June 2018 that preserves the Council's position in respect of obligations secured prior to the grant of permission 16/00796/OUT, PERMIT the variation of condition 5 to list the revised plans and subject to the imposition of all other conditions attached to planning permission 16/00796/OUT that remain relevant at this time.
- ii. Failing completion by the date referred to in the above resolution (i) 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 account would not be able to be taken of a change in market conditions; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.

Reason for Recommendations A and B

- A. Taking into account the requirement for the decision-maker to pay special attention to such matters, subject to conditions it is considered that the alterations to the Listed Building would retain its character and features.
- B. Taking into account the requirement for the decision-maker to pay special attention to such matters it is not considered that the minor elevational changes to the building would harm the setting of the Listed Building.

The effect of a grant of approval is to create a new planning permission. The previous permission was only granted following the entering into of a Section 106 agreement securing a number of matters, all of which remain relevant and would require a further obligation to be entered into to ensure that these matters continue to be secured.

Subject to this and the imposition of the same conditions as were imposed on 16/00796/OUT that remain relevant at this time 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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

Permission is sought for the variation of Condition 5 of planning permission 16/00796/OUT which granted full planning permission for conversion of the former Orme Centre/School into student accommodation and outline planning permission for a new building for student accommodation (18/00090/FUL). Condition 5 lists the approved drawings and the variation sought seeks to substitute amended plans to allow for elevational changes to the new building. The other application is for listed building consent for internal works to the Listed Building (18/00086/LBC).

The application site is within the Newcastle Urban Area as indicated on the Local Development Framework Proposals Map. The building is a Grade II Listed Building. Since the receipt of both applications amended plans have been received and the report below considers these.

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

1. 18/00086/LBC - Listed building consent for internal works to the Listed Building

Listed building consent was granted last year for the demolition of curtilage listed buildings and the conversion of the former Orme Centre into student accommodation (Ref. 16/00798/LBC). The curtilage listed buildings have now been demolished. This application for listed building consent seeks some minor revisions to the internal works and therefore the sole issue for consideration now is whether the physical works to the Listed Building are acceptable.

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.

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

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. The draft NPPF which is currently out for consultation indicates that Government policy is not set to fundamentally change in the near future.

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.

The proposed amendments to the approved scheme comprise minor internal alterations, principally to the location of en-suite bathrooms and stud partition walls. No external alterations are proposed. The Conservation Officer has no objections to the works to the Listed Building subject to the imposition of conditions.

Taking into account the requirement for the decision-maker to pay special attention to such matters subject to conditions it is considered that the alterations to the Listed Building would retain its character and features.

2. 18/00090/FUL – application for variation of Condition 5 of planning permission 16/00796/OUT which granted planning permission for conversion of the former Orme Centre/School into student accommodation and outline planning permission for a new building for student accommodation

Planning permission was granted last year for conversion of the former Orme Centre/School into student accommodation and outline planning permission for a new building for student accommodation (Ref. 16/00796/OUT), the only matter for subsequent consideration being the details of the landscaping. Condition 5 of that permission lists the approved drawings and the variation now sought seeks to substitute amended plans to allow for elevational changes to the new building.

Although the Environmental Health Division requests further information regarding the nature of any plant to be located in the plant room, the conditions on the previous consent require the submission of such details and subject to the imposition of the same conditions, it is not considered that an objection could be raised on the grounds of the lack of such detail at this stage. The main issues for consideration in the determination of this application are:

- Do the proposed amendments have any adverse impact upon the setting of the Listed Building and on the character and appearance of the area?
- Is a planning obligation required?

Do the proposed amendments have any adverse impact upon the setting of the Listed Building and on the character and appearance of the area?

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

The proposed amendments comprise additional windows in the south facing rear elevation of the new building. In the approved scheme each of the two projecting gables has one window on each floor but in the revised scheme, one of the gables is to have one additional window on each floor and the other gable is to have two further windows on each floor. No further changes are proposed.

Both the Conservation Officer and the Conservation Advisory Working Party (CAWP) have raised no objections to the revised plans and it is not considered that the additional windows proposed would have any adverse impact on the setting of the Listed Building or on the character and appearance of the area.

Is a planning obligation required?

In law the consequence of the granting of an application to vary a condition of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one. The previous permission was granted on the 26th July 2017 following the completion of a Section 106 agreement which required a financial reappraisal should the development not be substantially commenced within 18 months of the date of the planning permission (i.e. by 25th January 2019).

Subject to the applicant entering into a Section 106 agreement as outlined above, the Council's interests would be protected.

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 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 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 \(NPPG\)](#)

[Draft revised National Planning Policy Framework](#)

[Supplementary Planning Documents \(SPDs\)](#)

[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
- 16/00796/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 (giving a total of 96 rooms across the site)
Approved
- 16/00798/LBC Listed building consent for the alteration and selective demolition of part of the Listed Building
Approved
- 18/00183/FUL Conversion of existing building and erection of new building to provide 112 bed student accommodation
Pending consideration

Views of Consultees

The **Council's Conservation Officer** has no objections to the alterations to the rear elevation of the new building. The minor changes to the listed building consent are acceptable in principle subject to the details that were required for the previous application.

The **Conservation Advisory Working Party (CAWP)** states that the changes to the scheme are not of any particular significance to the special character of the building but feels that the scheme lacks relevant details again. It is requested that the details are provided to the satisfaction of officers before the scheme is implemented.

The **County Archaeologist** has no comments to make regarding the amended plans.

The **Highway Authority** has no objections subject to the highway related conditions and S106 contributions for application 16/00796/OUT being included.

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** requests further information regarding the nature of the plant to be located in the plant room and the purpose of the proposed vent. Where it is intended to install a combustion unit using bio-fuel or any combustion plant with single or combined thermal input of greater than 300kW, an air quality impact assessment would be required.

The **Landscape Development Section** raises no objection subject to planning conditions and S106 contributions that were agreed in the previous application.

The **Crime Prevention Design Advisor** has no objection to the variation of condition 5 which appears to involve relatively minor changes to the internal layouts.

The **Lead Local Flood Authority** has no comments to make.

The Council's **Waste Management Section** notes that there appears to be no bin store area for recycling and refuse marked anywhere on the site. A store near the vehicular entrance to the site is the preferred option.

No comments have been received from **United Utilities**, **Severn Trent Water**, the **Housing Strategy Section** and the **Environment Agency**. Given that the period for comment has now expired, it must be assumed that they have no comments to make.

Comments on the amended plans are awaited from the **Victorian Society**, 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**. Any comments received will be reported to Members in a supplementary report.

Representations

None received

Applicant's/Agent's submission

The applications are accompanied by a Heritage and Design Statement.

The 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/18/00090/FUL>
and
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00086/LBC>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

10th May 2018