

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

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

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

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

The 13 week period for this application expires on 26th June 2017.

RECOMMENDATION

A. Subject to the applicant entering into a Section 106 obligation by no later than 25th June 2017, to secure the following:

- (i) a financial contribution to the enhancement and maintenance of an area of public open space of £219,172 (to be adjusted to reflect both indexation and interest since September 2016) and a travel plan monitoring fee of £2,200.**
- (ii) a financial contribution of £50,000 to be used to fund Resident Parking Zones in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems.**
- (iii) Payment of the capital element of the public open space and the Resident Parking Zone contributions within 2 weeks of the date of completion of the obligation, and of the maintenance element of the POS contribution on or before occupation of the development or 30 September 2017 (whichever is the earliest).**

Permit subject to conditions relating to the following matters:-

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

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

C. In the event of either planning permission being refused (on the ground set out in B. above) and the development still continuing beyond the date referred to and/or payment of the monies being delayed notwithstanding completion of the obligation, members resolve that it would be expedient to take enforcement action for the reasons set out in recommendation B and that Legal Services be authorised to issue enforcement or any other notice and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure payment of the above sums.

Reason for Recommendation

In recognition that there have been no material changes in planning circumstances since the Planning Inspector's decision, subject to the imposition of suitable conditions it is not considered that permission should be granted. Given that the payment of the public open space contribution as secured under planning permission 15/00166/FUL is overdue, in addition to an increase to reflect the increase in student numbers in the currently proposed development it would be reasonable and appropriate to apply indexation and interest to this payment. Furthermore having regard to the provisions of the development plan and all other material considerations, including the decision of the Inspector, a failure to enter into such an obligation would be unacceptable, as would any further delay in payment.

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

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

Key Issues

Full planning permission is sought for the erection of a block of student accommodation comprising 273 bedrooms with ancillary accommodation, with the formation of a new access onto School Street and associated car parking for 19 cars and cycle parking.

The current application follows the refusal of planning permission for the same development (reference 16/00244/FUL) in 2016 for the following reason:

The proposed development will result in the loss of residential amenity for occupiers of properties in nearby streets as a result of on-street parking, congestion and pavement parking arising from the development due to the inadequate provision of parking spaces within the development site to address parking demand. The development is therefore contrary to the aims and objectives of the National Planning Policy Framework (2012) and the Ministerial Statement of March 2015.

The refusal followed the granting of planning permission for a very similar development of 244 bedroom student accommodation in 2015 which had parking spaces for 21 cars.

An appeal was lodged against the refusal of application 16/00244/FUL and subsequently dismissed. In dismissing the appeal the Inspector recognised that in granting planning permission the Council imposed, in line with local plan policy and in order to protect amenity, a planning condition requiring surveys of parking on residential streets to be undertaken before and after the occupation of the development to demonstrate if an increase in on street parking had occurred. In addition a Section 106 agreement was signed to secure a sum of money to fund resident car parking zones in the affected areas if these proved to be necessary.

The Inspector made reference to paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Inspector indicated that no evidence had been provided that the increase in student rooms from that approved and loss of two parking spaces would have such an impact.

However, having regard to the measures agreed in the previous approved scheme and on the basis of the evidence before her; the Inspector concluded that the same requirements as the Council imposed on the permitted development (15/00166/FUL) were appropriate and necessary in the appeal case. The appellant did not provide to the Planning Inspectorate a completed obligation that secured the resident parking zone sum, however, and in the absence of such a S106 the required measures were not secured. It was concluded by the Inspector that the development would cause harm to the living conditions of the occupiers of nearby residential development as the same requirements previously imposed had not been secured.

In the absence of any change in planning circumstances since the appeal decision was reached there are no reasonable grounds to reach a different conclusion to the Planning Inspectorate and now conclude that the number of students rooms and the level of parking provided is unacceptable in this location if the same conditions are imposed and planning obligation secured as 15/00166/FUL. The applicant has indicated a preparedness to enter into such an obligation with regard to the provision of a resident parking zone sum of £50,000 nor are they seeking to dispute a condition requiring that surveys of parking on residential streets to be undertaken before and after the occupation of the development although it should be noted that the before survey has already been undertaken by the Highway Authority.

The recommendation on this application is therefore to permit the development subject to an agreement by the developer and others under Section 106 of the Act which secures both the payment of a sum of money to pay for the introduction, if justified by the results of the 2 on-street parking surveys, of a Traffic Regulation Order (i.e. a residents parking scheme).

In addition a payment of a sum of money to upgrade a public open space in the vicinity of the development is also required to ensure compliance with policy CSP5 of the CSS and saved policy C4 of the Local Plan.

With regard to the public open space contribution the amount must be adjusted from that secured in the original planning permission 15/00166/FUL to reflect that the number of students within the development has increased but making the same adjustments that were made in respect of the permitted scheme. Such adjustments were in recognition that the standard contribution sought is based upon there being on average 2.5 people occupying each dwelling which isn't the case for the type of accommodation proposed. In addition the occupiers of the development are of an age where they should not use equipped play areas and as such the development should not be expected to provide this element of the standard contribution.

In addition to the increase in contribution to reflect the increase in numbers it is also reasonable and appropriate to reflect that the public open space contribution secured in respect of the original planning permission is significantly overdue. As such the impact of indexing (as defined in the original Agreement and from September 2016 when the payment should have been made up to the last index available) should be applied to the contribution and then interest (as defined in the original Agreement) should be applied. The Finance Section of the Council has been asked to calculate this sum and the final figure will be reported.

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. The recommendation also seeks approval for the taking of enforcement action in the event that either the obligation is not now secured or it is but there is a further delay in the payment of the required contributions.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change Policy
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential Development – Sustainable Location & Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy B3: Other Archaeological Sites
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B11: Demolition in Conservation Areas
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas
Policy C4: Open Space in new housing areas
Policy C22: Protection of Community Facilities
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (March 2014)

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

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (SAD) (July 2004)

Developer contributions SPD (September 2007)

Affordable Housing SPD (2009)

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

Newcastle-under-Lyme Town Centre SPD (2009)

Newcastle-under-Lyme Town Centre Conservation Area Appraisal (2008)

Newcastle-under-Lyme Town Centre Conservation Area Management Plan (2008)

Waste Management and Recycling Planning Practice Guidance Note approved in 2003 and last updated in February 2016

Relevant Planning History

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

16/00244/FUL Construction of 273 room student development with associated communal area and car parking was refused in 2016 and a subsequent appeal was dismissed. The appeal decision was reported to the Planning Committee on 28th February 2017, and at that same meeting a report (item 7) was provided to members on action taken by your officer with respect to a planning obligation, following consultation with the Chair.

Views of Consultees

The **Environmental Health Division** indicates that the conditions they sought in connection with the earlier application 15/00166/FUL for a similar development on this site are still considered appropriate and are requested should this application be granted.

The **Police Architectural Liaison Officer** welcomes the broad proposal to create modern attractive student accommodation at this landmark location. It is pleasing to note a section in the Design and Access Statement seeks to respond to the Police concerns initially raised. Providing a safe and secure environment for the students as well as an attractive and functional one should be at the heart of the proposals and notes that the submission includes information where crime prevention and security is addressed.

The Council's **Conservation Officer** has no further comments on this application and previously raised no objections to the proposal.

The **Conservation Advisory Working Party** (CAWP) has not been consulted. They raised no objections to 16/00244/FUL.

Historic England previously raised concerns regarding the inappropriate scale, and highlighted the detrimental impact of the proposals on the setting of surrounding historic assets. In view of such concerns they drew attention to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 regarding listed buildings, conservation areas, and their settings, and section 7 and 12 of the NPPF. However they understand that the former application was subsequently approved subject to the signing of a Section 106 agreement. Clearly they are disappointed by this outcome. However, this being the case, they have no additional comments to make on the current application, other than to recommend that all architectural details, materials and finishes are overseen by the Council's specialist conservation advisor.

The **Landscape Development Section** have no further comments to make than for application 15/00166/FUL other than to request an increased contribution by the developer for capital development/improvement of off-site green space be for Queens Gardens and other public spaces in and around the town centre. With regard to 15/00166/FUL their comments were as follows:

"No objections subject to approval of a detailed landscaping scheme, and securing a financial contribution for capital development/improvement of Queens Gardens. The contribution requested is £240,148.80 which has been calculated on the basis of the full contribution for the clusters and 2/5 of the full contribution for the self-contained single person rooms".

The **Highway Authority** has no objections subject to the conditions and contributions they recommended for the previous application 16/00244/FUL which were as follows:

- Completion of access, parking, servicing and turning areas prior to occupation.
- Replacement of the two disabled parking bays that will be lost on School Street.
- Implementation of approved Travel Plan
- Agreement and implementation of measures to control and manage the car park
- Construction method statement

They also requested a Travel Plan monitoring fee and a sum of £50,000 to fund a Residents Parking Zone if deemed necessary.

Representations

None

Applicant's/Agent's submission

The applicant has submitted the following

- Transport Statement and Draft Framework Travel Plan
- Air Quality Assessment
- Asbestos Report, Survey and specification for abatement works
- Site investigations into contaminated land
- Heritage Statement
- Archaeological building recording and paleo-environmental analysis
- Design and Access Statement
- Planning Inspector's decision with regard to 16/00244/FUL

These documents are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00252/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

9th May 2017