

**FORMER BRISTOL STREET FORD GARAGE, LONDON ROAD**  
**ADOBE RESIDENCIES**

**16/01106/FUL**

The application is for full planning permission for 499 studio apartments for student occupation. The application site measures 1.24 hectares in area.

The site formerly operated as a Ford Bristol Motors car sales dealership and servicing provider, with access directly onto London Road, as well as rear access from Lyme Valley Road. The site has been vacant for around 10 years.

The development scheme proposes an 'in' only access to the site from Brook Lane/Lyme Valley Road. Vehicles will not be able to exit from the site onto Lyme Valley Road. A new 'left in and left out', 'and right out' signal controlled access / junction is proposed on London Road (A34).

The site does not have any particular policy designation other than being within the Urban Area of Newcastle as defined on the Local Development Proposals Map. The site lies adjacent to Lyme Valley Parkway which is designated as Green Belt.

**The statutory 13 week period for the determination of this application expired on the 6<sup>th</sup> June 2017. However the applicant has agreed to extend the statutory period of the application to the 31<sup>st</sup> August.**

## **RECOMMENDATION**

- 1) Subject to the applicant entering into section 106 obligations where appropriate by agreement by 31<sup>st</sup> August -or if they are willing to similarly extend the statutory period, by 30<sup>th</sup> September - that secure a financial contribution of £1,199,396 towards public open space and public realm improvement; the agreement and implementation of a landscaping scheme involving tree thinning and landscape works, including paths, to the Lyme Valley Parkway boundary immediately adjacent to the site; and sums relating to highways and transportation matters of:- £2,245 or such sum as is appropriate, towards Travel Plan monitoring; £50,000 for residential street parking surveys and implementation of car parking zones if deemed appropriate; £10,000 for Real Time Passenger Information displays (and maintenance) at the bus stops on London Road; £5,000 for bus shelter upgrades; and £25,300 towards local cycle network improvements from Newcastle Town Centre to Keele University and the provision of introductory bus passes, and
- 2) subject to any required notification under the Town and Country Planning (Consultation) (England) Direction 2009 being undertaken first

**PERMIT subject to conditions relating to:-**

1. Time Limit for commencement.
2. Plans.
3. Prior approval of all external facing materials including doors and fenestration and exterior parking and pedestrian hard surfaces.
4. Precise window detailing showing indentation and extrusion.
5. Implementation of submitted landscaping scheme and detailed landscaping scheme approval for Lyme Valley Parkway which is to include large tree specimen standards to give immediate impact.
6. Revised boundary treatments (wood fencing considered inappropriate).
7. Refuse and storage collection arrangements including revised bin storage position for Block 1.
8. The occupation of the development shall be restricted to full time students only.
9. Highways matters:-
  - i. Full signal control details approval and implementation.
  - ii. Off-site highways works for:-
    - pedestrian improvements to Lyme Valley Road.
    - improvements to the existing pedestrian refuge on Brook Lane to accommodate the Lymebrook cycle path.
    - access, parking, servicing and turning.
  - iii. Surfacing, delineation of bays and means of surface water drainage for internal road and parking areas.
  - iv. Car park management scheme approval and implementation.
  - v. Implementation of the Traffic Regulation Order on London Road.
  - vi. Temporary parking scheme for 64-116 London Road approval and implementation pre commencement.
  - vii. Secure weather proof parking for 253 cycle spaces approval and implementation.
  - viii. Full implementation of the submitted Travel Plan.
  - ix. Prior approval and implementation of a Construction Method Statement.
  - x. The approval and implementation of a traffic management scheme/residents parking zone for Hatrell Street and Stubbs Gate prior to first occupation.
10. Approval and implementation of a Construction Management Plan.
11. Ventilation provision for habitable spaces.
12. Hours of construction.
13. Cladding cleaning arrangements
14. Noise survey mitigation measures.
15. Prior approval and implementation of detailed drainage strategy/scheme.
16. Land contamination treatment.

**17. Approval and implementation of a site drainage strategy/scheme.**  
**18. Detailed external lighting scheme.**  
**19. Any further conditions considered appropriate in the light of the comments from Environmental Health recently received.**

**2) That should the above obligations not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would be contrary to policy on open space provision and/or highway safety/adequate sustainable transport provision interests; unless he considers it appropriate to extend the period for completion of the obligations.**

### **Reason for Recommendation**

The site is in a very sustainable location close to the Town Centre. The development scheme uses redundant, previously developed land in need of rejuvenation. The design of the scheme is considered to be attractive and complementary to the local townscape. Initial highway safety and transportation concerns have been addressed by the applicant through the negotiation of a bespoke signalised junction access and a range of agreed detailed measures within the submitted Transport Assessment. The impact on surrounding occupiers' living conditions is in accordance with the Council's space standards. Subject to an appropriate legal agreement and planning conditions all concerns regarding the proposal can be appropriately managed.

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

The scheme in light of negotiated changes which include the use of a bespoke signalised access junction off London Road (the A34) along with a range of other agreed measures is considered to represent sustainable development.

### **Key Issues**

1.0 The development comprises 499 studio apartments for student occupation arranged into a series of 5 individual blocks. The number of units within each block varies, as follows;

- Block 1 which faces onto London Road contains 66 units and measures 46m by 18m and is 9.75 in height (3 storeys)
- Blocks 2, 3 and 4 face onto Lyme Valley Parkway. Block 2 contains 108 units and measures 49m by 16m and is 11.9 metres in height (4 storeys)
- Block 3 contains 108 units and measures 49m by 16m and is 11.9 metres in overall height (4 storeys)
- Block 4 contains 103 units and measures 49m by 16m and is 11.9 metres in overall height (4 storeys)
- Block 5 is situated to the rear of 78-104 London Road. This block contains 114 units and measures 49m by 16m and is 11.9 metres in overall height (4 storeys)

Internally the apartments have a floor area of 20 square metres with a toilet/shower, bedroom/living space with a kitchenette. In addition each of the blocks will have a communal lounge, laundry room, and a concierge service desk area (on the ground floor). Blocks 1 and 4 are to have a gymnasium. The applicant originally proposed a mixture of student and key worker accommodation but has during the course of the application determination period altered the proposal for it to comprise solely student accommodation.

1.1 The key issues to consider in the determination of the application are:

- 1) Is the broad principle of residential development acceptable in this location?
- 2) Is the impact of the development on the form and character of the area acceptable?

- 3) Would the resultant living conditions of neighbouring residents and the living conditions of future occupants of the development be adequate?
- 4) What is the impact on highway safety?
- 5) What financial contributions are appropriate for the proposal?
- 6) Can drainage matters and the risk of contamination to 'Controlled Waters' be properly managed in light of the objection received from the Environment Agency?
- 7) An assessment overall of whether or not any adverse impacts of the development significantly and demonstrably outweigh its benefits, when assessed against the policies in the NPPF taken as a whole.

## 2.0 Is the broad principle of residential development acceptable in this location?

2.1 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 provide access to services and service centres by foot, public transport and cycling. The CSS 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 and impacts positively on the growth of the locality.

2.2 The National Planning Policy Framework (NPPF) advises, at paragraph 49, that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

2.3 The Borough Council is currently unable to demonstrate a five year supply of deliverable housing sites which triggers the provisions of paragraph 49 of the Framework and, on that account, paragraph 14.

2.4 The broad principle of residential development in this location does not conflict with any of the relevant housing policies within the Development Plan in any case. The proposal makes use of previously developed land, in a very sustainable location which is within a short walking distance of the full complement of services and public transport provision offered within the Town Centre. The site itself is unkempt disused land in need of rejuvenation. Therefore there is a presumption in favour of this development unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal.

## 3.0 Is the design and appearance of the development acceptable?

3.1 Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

3.2 Policy CSP1 of the Core Strategy sets out the design criteria to which development will be assessed against which include that development positively contributes to an area's identity in terms of scale, density, layout, use of appropriate material for buildings surfaces and accesses. The Council's Urban Design Supplementary Planning Document gives further detail of how the development should be assessed above the broad guidance contained within Policy CSP1.

3.3 The main vantage points to consider in line with the 3D images submitted with the proposal are the following:-

### 3.4 *London Road street scene perspective*

The scheme has been designed so that the new building (block 1) which faces directly onto London Road is constructed partly from brick to tie in with the more traditional facing materials used for properties on this Road as well as light grey smooth panelling with a small amount of white render on the central part of the building. The building is appropriately designed in relation to the surrounding street scene in terms of its scale and appearance. This particular section of London Road is not tree lined and contrary to the request of the Landscape Development Section it would not be appropriate to encourage additional tree planting on the front elevation to the development which would be out of kilter with the surrounding form and character of the area. Low level hedgerow planting is proposed in front of the building which gives a welcome break from engineered surfaces along with tree planting on the boundary shared with no.136 London Road and a tree lined access road entrance. From the London Road perspective Lyme Valley Parkway (which will be seen along the main entrance road) and woodland further afield on higher ground also provides a high degree of background greenery to complement the scheme layout and buildings within it.

### 3.5 *Lyme Valley Parkway/Lyme Valley Road perspectives*

Blocks 2, 3 and 4 are closest to the boundary shared with the Parkway. The buildings are finished in light grey coloured composite panelling giving a crisp contemporary appearance. They also feature window indentation and extrusion along with engineered panelling joint detailing to generate architectural interest. The buildings fenestration position is irregular rather than uniform to add further interest to their appearance. The applicant also proposes in conjunction with the advice received by the Landscape Development Section to thin out the trees immediately adjacent to the boundary of the Parkway and the development site improving the relationship between the development and the Parkway. The buildings would be seen in the context of a carefully negotiated and applied landscaping scheme to be agreed with the applicant. Subject to landscaping works within the Parkway itself the relationship of the new buildings with the public open space would, it is considered, be successful visually.

### 3.6 *Internal views within site itself*

The application includes the formation of a tree lined private internal road linking Lyme Valley Road with London Road (A34) and giving access to internal parking areas with the site. The architectural style of the buildings is complementary to the hard engineered parking and pedestrian footway surfaces proposed. The internal road tree lining built into the scheme design generates an attractive avenue like appearance. The view taken is that internal views within the site are appropriate for an urban location without the need for additional landscaping within the site boundary already proposed, which is well thought out.

3.7 The design of the scheme has been subject to an initial Urban Vision Design Review Panel meeting where a number of improvements were suggested:- the design of block 1 be tailored to respond to the street scene of London Road through use of appropriate materials and scale; the approach to internal landscaping to include a tree lined emphasis within the internal road rather than sporadic tree planting; and the changes in levels within the site which are substantial from London Road be sensitively addressed. Taking into account all relevant vantage points, the design of the scheme is considered to be visually attractive and would both improve and complement the local townscape subject to the agreement of high quality and durable materials for all external finishes inclusive of hardstanding surfacing and the implementation of the submitted soft landscaping works.

4.0 Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?

4.1 *The impact of the development on existing neighbouring living conditions*

4.2 Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook. The relationship of the

development with existing residential properties has been designed so it complies with the Council's space standards. There are no objections to the development in that regard.

#### 4.3 *Noise*

4.4 There is potential for noise and disturbance to be experienced by future occupants of the development from road traffic on the A34, and from surrounding uses (taking into account a nearby commercial car garage). However it is considered, upon the advice of the Environmental Health Division that appropriate design measures to achieve acceptable internal noise levels for this development which can be secured by planning condition.

#### 4.5 *Private amenity space provision*

4.6 The development is adjacent to Lyme Valley parkway. One bedroom flats do not generate the same private outdoor space requirements which a family housing scheme would and provision is made internally for domestic functions such as the drying of clothes. The applicant also proposes communal roof terraces to provide some amenity space for occupants of Blocks 2, 3 and 4. The site also benefits from a direct pedestrian link to the Lyme Valley Parkway for recreation purposes.

#### 4.7 *Expected bin storage and collection arrangements*

4.8 Waste Management have confirmed that they would be able to access the site and undertake collections subject to condition that the bin store serving apartment Block 1 needs to be amended so it is closer to the internal road.

#### 4.9 *Air quality*

4.10 Air quality management is a problem within the Town Centre and adjacent to some of main roads leading to it including London Road. The Environmental Health Division have expressed concerns that a proposed Traffic Regulation Order on London Road will potentially increase traffic pollution to affected residents by freeing up an extra lane closer to these properties. However the counterargument is that if this measure reduces congestion it could improve air quality. The promotion of sustainable modes of transportation other than the use of the motor car also offers a valuable way of reducing pollution levels locally. The design rationale behind the development promotes the use of public transportation, walking and cycling as realistic alternative modes of travel which are detailed further on in this report. The new buildings proposed can also be fitted with mechanical ventilation as a further means to improve internal air quality.

#### 5.0 What is the impact on highway safety?

5.1 The scheme has been revised during the course of the determination period to take into account further submitted Transport Assessment information following on from initial concerns voiced by the Highway Authority. The up to date Transport Assessment proposes a suite of measures to support the safe management of the road network and to promote safe and sustainable modes of transportation. The following highways considerations are involved in assessing the impact:-

#### 5.2 *The Brook Lane/Lyme Valley Road access proposed*

5.3 The development is designed so that access from Brook Lane and Lyme Valley Road is an 'in' access only. This is to be achieved through the use of a key fob barrier system to facilitate controlled vehicle entry. The reason for this not being a two way road is to prevent traffic congestion at the mini roundabout junction on Brook Lane (opposite the Morrison's supermarket) and nearby road junctions where there is little or no scope to improve the road network given landownership constraints and existing surrounding development. Without such 'in' only provision the movements generated by the scheme are unlikely to be able to be accommodated within the highway network - by having this access, as well as that on London Road, it spreads traffic on the highway network rather than requiring use of one single

point of access

5.4 The Highway Authority have advised during negotiation of the scheme that an 'in' only access point on this side of the development site is a safe means of accessing the site and managing traffic flows for the amount of development applied for. The applicant has submitted a robust technical assessment to demonstrate there would be no harm to highway safety/capacity using this method of controlled 'in' only entry.

#### 5.5 *The London Road signalised access proposed*

5.6 A bespoke traffic light controlled signalised access is being proposed by the applicant following negotiations with the Planning Service and Highway Authority to provide access from London Road (A34). The controlled signalised access will allow 'left in, left out', and 'right out' or southwards vehicle turning movements only. Vehicles approaching from the north will be able to gain access into the site via Lyme Valley Road so they should not need to U turn on London Road.

5.7 The use of a controlled signalised access off London Road means that Grosvenor Roundabout junction or London Road itself will not be adversely impacted upon in terms of queuing traffic emanating from the site. The bespoke signalised system proposed has been subject to extensive negotiations with the Highway Authority and is considered to be the most robust and safe access solution available.

#### 5.8 *The parking provision proposed*

5.9 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. Prior to that the government had signalled that LPAs should generally not seek to cap car parking provision.

5.10 The development is to provide a total of 203 parking spaces on site. 157 of these spaces being allocated to students. In accordance with the Local Plan car parking standards 499 student units on the basis of 1 space per every 4 units equates to 125 car parking spaces when such maximum standards are applied so that would suggest there is some overprovision. However as indicated these maximum standards are considered to be out of line with the approach set out in the NPPF. In assessing the acceptability of parking levels provided by the scheme regard also needs paid to locational factors as well as the availability of non-car modes of travel in assessing the amount of car parking provision required. Taking into account the Transport Assessment information submitted by the applicant which addresses trip rates to and from the site, the amount of parking proposed is considered to be acceptable. This is also because the majority of students will be occupying accommodation with the knowledge they are not guaranteed a parking space and therefore anticipated most students will be intending to travel to the site in a sustainable manner or will simply not own or have access to a car. The level of parking applied for needs to be considered in the context of the other measures available for transport to and from the site.

5.11 30 spaces within the application site will be allocated to the occupiers of the existing properties along London Road (no's 64 to 116), providing them with safe off-road parking and effectively ensuring that in terms of the parking demands of residents this side of the A34 London Road could be kept clear of parked vehicles thereby improving traffic flow.

5.12 The remaining 20 spaces proposed will be made available within the site on an

informal basis for any visitors/deliveries that London Road residents may have, again to ensure there is no requirement for any vehicles to park on London Road itself. This provision would also apply to property no. 74 London Road which is a hairdresser's. The occupier of No. 136 London Road who currently relies solely on on-street parking is also to be gifted their own independent off road parking provision using land within the applicant's control following concerns in relation to obtaining access to that particular property immediately adjacent to the development site.

*5.13 Traffic Regulation Order on the A34 and residents parking zones in Stubbs Gate and Hatrell Street proposed*

5.14 Complementary to the on-site parking provision proposed the applicant also proposes to pay for a Traffic Regulation Order (TRO) for double yellow lines along London Road to permanently prevent on street car parking from re-occurring. Coupled with the residents parking areas this additional provision will clear London Road of parked cars providing considerable highway safety betterment on a busy strategic road network.

5.15 The TRO proposed will place a 'no parking at any time' restriction on London Road. It will run from the site access on the same side of the road as the application site north bound to no.44 London Road and south bound just past no.146 London Road. On the opposite of London Road it will run from no.73 to no 93 London Road.

5.16 The submitted Transport Assessment also proposes developer funded parking zones in Stubbs Gate and Hatrell Street to ensure residents do not have their on-street parking availability compromised in those residential side roads. In addition to those the Highway Authority have advised that a parking survey should be required prior to occupation of the development to assess if there are parking problems in other nearby residential roads, and repeated again 12 months later to examine if additional residential parking zones are necessary. For example the survey could potentially include properties opposite the development site such as Duke, Slaney, Leech and Occupation Streets on the east side of London Road. This is to take into account the displacement of a small amount of onstreet parking on that side of London Road that will also be a result of the Traffic Regulation Order proposed. That restriction is required to allow safe vehicle turning and approach movements for drivers using and passing through the signalised junction access proposed as well as to improve the free flow of other traffic travelling on London Road itself on the approach to the new signalised junction.

*5.17 Pedestrian access and footway improvements proposed*

5.18 With respect to journeys on foot, a distance of 800 metres is identified nationally as the preferred maximum distance for town centres, whilst a distance of 2 kilometres is defined as a preferred maximum for commuting purposes.

5.19 The Lyme Valley Road access will be available for pedestrians to use, it is proposed to provide dropped kerbs and tactile paving at the existing accesses along Lyme Valley Road, in order to provide a safe continuous walking route between the site and Brook Lane and the facilities located there, such as the bus stops and the Morrison's supermarket.

5.20 The Stoke Royal University Hospital is 450m metres away to the south east which is about a 5 minute walk for any students studying at the hospital. The walking route is assisted by the existing subway at the signalised The Avenue/London Road junction to the south. A review of existing infrastructure by the applicant has shown that the quality of the pedestrian network is of good standard providing safe continuous walking routes to the surrounding area.

*5.21 Cycle provision and access*

5.22 The scheme provides a total of 124 secure cycle spaces spread out within each block, the use of which is proposed to be monitored as part of a Travel Plan. A distance of 5 kilometres is generally accepted as a distance where cycling has the potential to replace short car journeys. This distance equates to a journey time of around 25 minutes based on a



leisurely cycle speed of say 12 kilometres per hour and would encompass access to Knutton, Silverdale, Chesterton, Bradwell, Hanley and Stoke-on-Trent.

5.23 A local cycle route is situated to the west of the site in the Parkway, approximately 50 metres from the centre of the site, this cycle route travels into Newcastle-under-Lyme town centre. In addition to local cycle routes, National Route 551 is located around 760 metres northeast from the centre of the site, which travels from Newcastle-under-Lyme into Silverdale (the Greenway). As the development is intended to cater of students, consideration has been given to the cycling route to Keele University, which is located approximately 4.3 kilometres to the north-west of the site.

5.24 The distance to the University is less than 5 kilometres and equates to a cycle journey of around 25 minutes, so cycling is a realistic transportation mode choice. Keele University due to its location would be accessed up Keele Bank but that is not considered to be insurmountable for cyclists minded to travel this way. On the advice of the Highway Authority it is considered that a higher level of cycle parking for a total of 253 spaces is required which can be secured by planning condition. A financial contribution towards cycle network provision is also considered later on in this report.

#### 5.25 *Public transport access*

5.26 The nearest bus stops to the site are located on London Road, around 220 metres south east of the site, consisting of bus shelters, seating facilities and service information. Further bus stops are situated further along London Road, north of the site. Safe pedestrian access to the nearest bus stops to the site is provided for via the existing pedestrian footways on London Road. Newcastle Bus Station is located around 650 metres from the centre of the site.

5.27 Occupants of the scheme are proposed to be provided with free “introductory” bus passes to promote the use of public transport. The applicant submits a bus journey from Newcastle Town Centre to Keele University takes approximately 11 minutes while Stoke is around a 12 minute journey from the site and Hanley is a 27 minute bus journey.

5.28 Overall, the site is demonstrated to be highly accessible to modes of transport other than the private motor car. The Highway Authority have no objections to the scheme proceeding subject to a range of conditions and legal agreements which include Travel Plan Monitoring, parking surveys before and after occupation and, if deemed necessary, for the developer to fund the setting up of further residents parking zones. The conclusion is that all highway safety concerns to the scheme have been addressed and that, in part, highway safety betterment will be apparent through Traffic Regulation Order implementation on the A34.

#### 6.0 Financial contributions triggered by the development

6.1 The Council needs to have regard to the three lawfulness tests set out in Regulation 122 of the CIL Regulations i.e. is any contribution 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. Furthermore Regulation 123 states that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and if five or more obligations for that project or type of infrastructure have already been entered into since 6<sup>th</sup> April 2010. .

#### 6.2 *Public open space provision*

6.3 Saved Local Plan Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured. Core Strategy Policy CSP5 identifies that developer contributions will be sought to provide a key funding source to meet the needs of new residents and for the delivery of Newcastle's

Leisure Needs and Playing Pitch Strategy and the Urban North Staffordshire Green Space Strategy.

6.4 Local Authorities are justified in seeking planning obligations where the quality of provision is inadequate or under threat, or where new development increases local needs. The contribution expected by the Landscape Development Section is £2,943 per dwelling (consisting of £1,791 for improvements to capital development and maintenance in addition to £1,152 per dwelling for 60% maintenance costs for 10 years). The Landscape Development Section have taken into account the development is for student accommodation and advised a lesser amount of £2,403 per dwelling is appropriate. Members will note that the LDS suggest that it may be appropriate to spend some or indeed all of the money on public realm projects as opposed to conventional public open space. Bearing in mind the demands upon and use which students tend to make of the public realm as well as open space this approach is considered reasonable, but there will need to be limitations as to where such expenditure is made.

6.5 The Council is entitled to devise a pragmatic method of calculation for the amount requested to be considered reasonable in line with the reduced amount. The Council will however have to consider carefully the purpose for which the money is to be spent to avoid transgressing Regulation 123, or restricting its future position. The applicant has indicated they are in agreement verbally with the requested amount.

#### 6.6 *Affordable housing*

6.7 Policy CSP6 of the Core Spatial Strategy states that for new residential development within urban areas, on sites or parts of sites proposed to, or capable of, accommodating 15 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

6.8 The scheme is to provide student accommodation only. Where schemes are providing purpose built student accommodation the Council's approach has been to not to require affordable housing provision for this particular market niche. There is no reason to deviate from that approach here which requires a planning condition to restrict the occupation of the development for students only. A scheme without such a restriction would otherwise trigger affordable housing requirements to be considered.

#### 6.9 *Public transport, cycle network infrastructure improvements and parking survey/travel plan monitoring sums*

6.10 The Highway Authority advises the following financial contributions are required to make the development acceptable in highways and transportation terms:-

- the funding of the implementation of a Residents Parking Zone for Hatrell Street and Stubbs Street;
- A sum of £50,000 for parking surveys and the implementation of Resident Parking Zones if deemed appropriate on full occupation of the development;
- A Travel Plan monitoring fee of £2,245;
- £10,000 and £5,000 for Real Time Passenger Information (RTPI) displays at the two bus stops on both sides of London Road to the east of the development including maintenance of the RTPI system and shelter upgrades;
- A financial contribution of £25,300 to provide improvements to the cycle route from Newcastle town centre to Keele University.

The financial requests meet the 3 tests and need to be sought via legal agreement in any approval. They also comply with Regulation 123.

#### 7.0 Can a surface water drainage provision be secured and the risk of contamination to 'Controlled Waters' be properly managed in light of the objection received from the Environment Agency?

7.1 The site is in a location which has a low risk of flooding. The Local Lead Flood Authority were concerned about the applicants' initial proposal to use a 'soakaway' drainage system as a way of managing surface water run-off. That has subsequently been switched by the applicant towards a different type of drainage strategy which uses underground closed storage system which should prevent impact to 'controlled waters'. Although precise drainage details have still not been fully agreed upon there is no reason to suggest the matter cannot be dealt with by planning condition along with standard contaminated land conditions where the impact to 'controlled waters' has been raised as an issue on the advice of consultees. There is scope to use 'green' roofs within the scheme to slow some runoff.

8.0 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?

8.1 The benefits of the scheme are considerable when measuring the proposal against the Development Plan, and the aims and objectives of Framework itself. In summary these are broadly:-

- The reuse of presently redundant previously developed land within a short walking distance from the Town Centre.
- Investment supporting the Town Centre economy (day and night) and the associated economic benefits arising from allowing construction activity to occur.
- Improved vehicle circulation on the A34 achieved as a result of removing parked vehicles on the road and placing a traffic regulation order to facilitate clear two lane movement offering significant highway safety betterment.
- The promotion of cycling and public transport use as realistic alternative modes of transportation to the motor car, which also fits in with wider strategic pollution control and health and well-being aims.
- A significant contribution to Council's 5 year housing land supply within the urban area when there is a current significant identified shortfall.
- A visual improvement to the character and appearance of the area on unkempt land (subject to landscaping provision for Lyme Valley Parkway boundary)

8.2 The negatives, if any, arise from introducing additional traffic onto an already pressured highway network where residents are heavily reliant on on-street parking, and the displacement of some on-street parking for local residents on the opposite side of London Road could marginally aggravate parking problems. But that is said in the absence of any objection from the Highway Authority taking into account the range of measures proposed within the application documents. The range of mitigation measures proposed by the applicant are extremely comprehensive and therefore that particular concern weighs little when assessed against the overall benefits of the scheme which are considerable.

8.3 In conclusion overall there are no matters of any significant weight which suggest that permission should be refused for this development which offers clear and substantial regeneration benefits to the Borough. Through the application of appropriately worded legal agreements and planning conditions, when assessed against the policies in the NPPF taken as a whole permission should be granted.

## **Appendix**

### **Policies and Proposals in the Approved Development Plan relevant to the 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 for 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 CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets
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 N2:	Development and Nature Conservation – Site Surveys
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures
Policy N12:	Development and the Protection of Trees
Policy N13:	Felling and Pruning of Trees
Policy N17:	Landscape Character – General Considerations
Policy T16:	Development – General Parking Requirements
Policy T18:	Development – Servicing Requirements
Policy C4:	Open Space in New Housing Areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities
Policy IM2:	Compliance with Policy Concerns

#### Other Material Considerations

##### National Planning Policy

[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

[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)

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

[North Staffordshire Green Space Strategy](#) (September 2007)

##### Relevant planning history

### **Views of Consultees**

The **Highway Authority** have no objections to the scheme proceeding subject to conditions relating to:-

1. The development shall be restricted to occupation by students only.
2. Precise details of the proposed signal controlled access on London Road including a Stage 2 Safety Audit and details of construction, surface water drainage, street lighting, signing and road markings
3. Off-site highway works have been submitted to and approved in writing by the Local Planning Authority;
  - Proposed pedestrian improvements to Lyme Valley Road;
  - Improvements to widen the existing pedestrian refuge on Brook Lane to accommodate a cycle on the route of the Lymebrook cycle path.
4. Provision of the access, parking, servicing and turning areas in accordance with the approved plans.
5. Agreement and implementation of:-:
  - surfacing materials for the internal access road, parking, turning and servicing areas;
  - delineation of parking bays;
  - means of surface water drainage for the internal access road and parking turning areas;
6. Agreement and implementation of a car park management scheme.
7. The development shall not be occupied until a Traffic Regulation Order to prohibit parking on the A34 London Road consisting of double yellow lines in accordance with the submitted details has been implemented.
8. The development shall not be commenced until details of an off-site traffic management scheme comprising of a Residents Parking Zone on Hatrell Street and Stubbs Gate has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to the first occupation of the development.
9. A temporary car parking scheme for properties 64 to 116 London Road
10. Weatherproof parking for a minimum of 253 cycles.
11. The Travel Plan implementation and monitoring. .
12. Construction Method Statement agreement and implementation.

The developer must also enter into a Section 106 Agreement to secure the following financial contributions:

- A sum of £50,000 for parking surveys and the implementation of Resident Parking Zones if deemed appropriate on full occupation of the development;
- A Travel Plan monitoring fee of £2,245;
- Real Time Passenger Information (RTPI) displays at the two bus stops on both sides of London Road to the east of the development including maintenance of the RTPI system £10,000;
- Upgrades to both of the above bus shelters £5,000;
- A financial contribution of £25,300 to provide improvements to the cycle route from Newcastle town centre to Keele University.

**Severn Trent Water** have no objections to the proposal subject to conditions requiring: the agreement of drainage plans for the disposal of foul and surface water flows, and their full implementation prior to occupation to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

The **Coal Authority** advise the application falls within a Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted. There are therefore no objections to the scheme.

**Natural England** have no objections but suggest the application could consider biodiversity improvements such as bat and bird boxes and also enhancing the natural landscape and opportunities available to connect with it.

The **Waste Management Section** comment that the Council has a general policy of not making collections from un-adopted roads. However with this application there is no realistic alternative. Waste collection vehicles would have to be able to have safe access the site from Lyme Valley Road side (having an access fob), drive through the site without any need for reversing at all when making collections, and leave through the London Road signalised junction. They also comment that the bin store at Block 1 needs be moved to the roadside within the application site as its current location is inaccessible for collection purposes taking into account bike storage and ease of movement.

Subject to a condition for the approval of refuse storage and collection arrangements being agreed in writing with the Planning Authority and carried out in accordance with the approved details they have no objections.

The **Landscape Development Section** comment the following:-

- The lack of buffer between the site and Lyme Valley Parkway is a concern. The four storey blocks positioned immediately adjacent to the boundary would have an extremely domineering visual impact upon the Parkway and the adjacent events space. They also have concerns about the potential complaints that the Council could receive about park users from residents overlooking the parkway in such close proximity (windows and living space would be very close to the open space).
- Large expanses of unbroken paved surfaces for parking areas lack soft adequate landscaping.
- The use of timber boundary treatments along the Parkway boundary is unsuitable and should be substituted to parkway style railings.
- A defined routes for cyclists should be included in the scheme.
- The scheme should be adapted to include tree planting on the London Road frontage.

In terms of impact on trees, at present land in the Parkway (abutting the site) comprises dense young tree plantings. It is likely that Blocks 2, 3 and 4 would have an adverse impact upon these trees as the new homes would be too close to potentially large trees. The Section would not however object to moderate tree loss and well thought out thinning works in this case, subject to a legal agreement to cover appropriate landscaping within the parkway which may include thinning of existing tree planting, new replacement planting and footpath installation. Landscaping would be needed to blend the development in with the Parkway and installed at the developer's expense.

A financial contribution towards public open space provision is sought of £2,403.60 per dwelling (comprising of capital development/improvement of greenspace (less play) of £1,482 per dwelling and additional maintenance to meet the demand that will be created by the development on nearby green space (less one fifth for play) of £921.60 per dwelling).

Funds obtained through a planning obligation would be used on a variety of improvement projects at Lyme Valley Parkway or on public open spaces and/or public realm improvements within the Town Centre.

**Housing Strategy** comment that in previous cases, the Council has not sought affordable housing on purpose built student accommodation (PBSA). Where the accommodation is cluster flats or studio apartments and has communal facilities, and where the accommodation is exclusively to be occupied by students, the Council has been minded to accept that the accommodation is PBSA. A more flexible scheme would trigger affordable housing requirements.

The **Education Authority** advise that no financial contribution toward education provision is required.

The **Local Flood Authority (SCC)** object to the drainage strategy submitted.

The **Environment Agency** objects to the development on the basis that the previous use of the proposed development site as a garage and historic landfill presents a high risk of contamination that could be mobilised during construction to pollute 'Controlled Waters' receptors. 'Controlled Waters' are particularly sensitive in this location because the proposed development site is located on a superficial Secondary (A) Aquifer and within 100 metres of Lyme Brook. At present the planning application is not supported by an appropriate assessment of risk so does not meet the requirements of national planning policy.

**Staffordshire Police** have no objections and comment that:-

1. Connectivity to the Lyme Valley Parkway and the A34 entrance should be for residents only with appropriate signage and surfacing treatments to confirm and highlight that to passers-by.
2. The scheme offers a high degree of natural surveillance of parking, cycle storage and wider areas. In addition appropriate down lighting should also be installed to reduce the risk of crime occurring at night. One of the cycle storage areas could be a little more open to residents being able to view them within the site rather than tucked away.
3. Security measures of the blocks could be further enhanced by using electronic access control mechanisms and higher security standard windows and doors for internal rooms and access points above the concierge service proposed by the applicant.

The **Environmental Health Division** object to the impact on air quality on the residents of London Road who are to have parking removed. They also recommend that contamination reports are updated for the proposal and that conditions are applied relating to:-

1. Site contamination
2. The agreement and implementation of a Construction Management Plan
3. Noise mitigation.
4. Artificial lighting.

The **County Archaeologist** has no objections.

**Newcastle South LAP, Staffordshire Fire and Rescue Service and Stoke on Trent City Council** have not commented by the due date so it is assumed they have no objections to the proposal.

### **Representations**

6 letters of representation have been received. A number of concerns have been raised:-

- The development would harm the appearance of Lyme Valley Parkway and disturb wildlife.
- Roads cannot sustain the additional traffic caused by the development. The development will exacerbate traffic and parking congestion in the area. Other developments in and around the town centre will also magnify the impact which has not been gauged.
- The proposed entrance on Brook Street would bring the extra traffic down from the Grosvenor roundabout past Stubbs gate and Hatrell Street and from reported residents experience attempt to get out of Hatrell Street where it is already dangerous to do at certain times of the day.
- Parking levels are low for residents of the development and the A34 is already strewn with parking problems from hospital workers.
- There is a proposal put forward to make Stubbs gate and Hatrell Street into residents parking zones because of parking problems. Residents should not have to pay for this.
- The occupier of No.136 London Road adjacent to the site initially raised concerns with respect to parking and access to that dwelling house if double yellow lines were present outside the property and also allowing maintenance of the side elevation of that property. *Those specific residents concern have now been withdrawn by the occupier following a plan revision which includes off-road parking for that property.*

- The existing operation of a commercial repair garage near to the development site may give cause to complaint by future residents of the development.
- No provision has been made for primary care, the closest doctor's surgery is already full.

#### **Applicants/ Agents submission**

The applicant has submitted along with application forms and plans:-

- Air Quality Assessment
- Affordable Housing Statement
- Design and Access Statement
- Transport Assessment
- Sustainable Drainage Report
- Tree Impact Report
- Phase I and II Assessments
- Design Review Statement
- Site Waste Management
- 3D images of the scheme

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/01106/FUL>

#### **Background Papers**

Planning File.

Planning Documents referred to.

#### **Date Report Prepared**

29<sup>th</sup> July 2017.