

**LAND BOUND BY RYECROFT, RYEBANK, MERRIAL STREET, CORPORATION STREET &  
LIVERPOOL ROAD  
HDD (NEWCASTLE-UNDER-LYME) LIMITED**

**17/00637/FUL**

The application is for full planning permission for demolition of existing buildings and construction of a mixed use development comprising the following

- Student accommodation for 513 students within 164 units comprising 90 self-contained studios and 423 en-suite rooms (in 74 clusters of 4, 5, 6, 8 and 9) with shared lounge/kitchen areas.
- A block of four retail units (Use Class A1) providing a total of 3,839m<sup>2</sup> of gross external floor area and an additional 3,455m<sup>2</sup> mezzanine floor area distributed across the 4 units.
- Eight further units for food and drink, non-residential institutional, and leisure uses (Use Classes A3/A4/A5/D1/D2), and financial and professional services (Use Class A2). Five of these units are to be in the lower and upper ground floors of the student accommodation building and the remainder are in a separate block. These units provide a total of 2,604 m<sup>2</sup> of ground floor area and an additional 626 m<sup>2</sup> mezzanine floor area distributed across 2 units
- A car park providing 197 car parking spaces.

Access to the car park and one of two service yards as proposed is off the westbound carriageway of Ryecroft (A52), part of the Town Centre Ring Road. The second service yard is accessed off Liverpool Road

The site lies within the Urban area of Newcastle as designated on the Local Development Framework Proposals Map. It adjoins the Newcastle Town Centre Conservation Area. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Northern Quarter and the Primary Shopping Area, and adjoining the Town Centre Historic Core.

**The 13 week period for the determination of this application expires on the 26<sup>th</sup> October, however the applicant has agreed to extend the determination period until 7<sup>th</sup> December.**

## **RECOMMENDATIONS**

**A) Subject to the applicant entering into planning obligations by 8<sup>th</sup> January 2018 to secure the following:-**

- 1. A financial contribution of £542,797 to public realm improvements in Corporation Street with the remainder to be spent on the enhancement of public open space at Brampton Park or Queen Elizabeth Gardens;**
- 2. £2,245 towards travel plan monitoring;**
- 3. A sum yet to be determined for the ongoing maintenance of the Real Time Passenger Information system for bus services;**
- 4. A sum yet to be determined towards improvements to the cycle route from Newcastle town centre to Keele University;**
- 5. A sum yet to be determined towards a Real Time Town Centre Car Parking Capacity Information System;**
- 6. 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; and**
- 7. A financial contribution of £20,000 to be used to review and provide/amend traffic regulation orders on roads adjoining the site.**

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

- i. Commencement time limit**
- ii. Development to be carried out in accordance with the approved plans and supporting documents, unless otherwise required by condition.**
- iii. Submission and approval of a phasing plan**
- iv. External facing and surfacing materials.**
- v. Depth of the reveals of windows and other apertures**
- vi. Location and appearance of plant if not as shown on approved plans (unless located within a building)**
- vii. Directional signage to the Town Centre**
- viii. Report of unexpected contamination**
- ix. Construction hours to be restricted (other than internal fit out) to between the hours of 7am and 6pm Monday to Friday, 7am to 1pm Saturday and not at any time of Sundays or Bank Holidays**
- x. Construction environmental and highway management plan**
- xi. Noise from plant and mechanical ventilation,**
- xii. Restriction on noise levels in habitable rooms from plant and mechanical ventilation,**
- xiii. Ventilation provision to habitable spaces**
- xiv. Glazing specification**
- xv. Control of shopping trollies**
- xvi. External lighting**
- xvii. Noise mitigation measures, supported by a noise assessment, regarding delivery and waste collection**
- xviii. Control of food odours**
- xix. Restriction on noise from entertainment**
- xx. Air quality assessment from CHP.**
- xxi. Occupation of living accommodation by students only**
- xxii. Cycle parking in accordance with approved details**
- xxiii. Travel plan**
- xxiv. Car park and servicing to be provided prior to commercial units being first brought into use.**
- xxv. No servicing of the commercial units to be carried out from the car park.**
- xxvi. Management of the car park**
- xxvii. Waste management strategy**
- xxviii. Landscaping to include replacement tree planting on Corporation Street and on the opposite side of Merrial Street to the application site.**

- xxix. **Civic Offices Building recording survey**  
xxx. **Security measures for the development such as CCTV, measures to prevent forced entry into buildings and hostile vehicle mitigation.**

**B) Should the above planning 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 public open space needs of the development would not be met, the development would fail to ensure it achieves sustainable development outcomes, the public realm improvements required to secure an appropriate context for the development and provide attractive pedestrian links into the Historic Core would not be secured, and the development would not provide car parking information to the detriment of the vitality and viability of the town centre; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.**

### **Reason for Recommendations**

The site is located in a highly sustainable location within Newcastle town centre. The benefits of the scheme include the provision of student accommodation and floorspace for main town centre uses within an appropriate location making use of previously developed land. The introduction of student accommodation and modern commercial floorspace in this location should also benefit the town centre, making it a more vibrant place.

Given that the existing Civic Offices building is not statutorily Listed, and is not on the Council's Register of Locally Important Buildings and Structures, it is not considered that an objection could be sustained to the loss of the building. Although it is considered that the development would have some adverse impact on the skyline of the town centre in long distance views across the valley of the Lyme Brook, the landmark Listed Buildings of St. Giles' Church would remain prominent and distinctive when seen on the skyline. 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 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 planning 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 with the applicant in a positive and proactive manner in dealing with this 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**

1.1 The main issues for consideration in the determination of this application are accordingly:-

- Is the proposal acceptable in terms of its impact on the form and character of the adjacent Conservation Area and nearby Listed Buildings both in relation to the loss of the existing building, and the proposed development itself?
- Is the development in other respects acceptable in its appearance?
- Is the principle of the proposed development on the site acceptable?
- Are acceptable residential amenity levels achieved?
- 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?

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

2.1 There are a number of matters that are pertinent to this key issue and to ensure that the issue is properly addressed this section will be subdivided setting out the policy context and other considerations first before addressing the impact of the proposal on nearby Listed Buildings and the impact upon the character of the adjacent Conservation Area, including the loss of the existing Civic Offices building.

***Policy context in the assessment of the development's impact on the adjacent Conservation Area and setting of Listed structures/buildings***

2.2 Policy CSP1 of the Core Spatial Strategy (CSS) indicates that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape, and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. Amongst other things new development should be based on an understanding and respect for Newcastle and Stoke-on-Trent's built, natural and social heritage and contribute positively to an area's identity and heritage.

2.3 Policy CSP2 of the CSS indicates that the Councils will seek to preserve and enhance the character and appearance of the historic heritage of the City and the Borough including buildings, monuments, sites and areas of special archaeological, architectural and historic interest.

2.4 Policy ASP4 of the CSS sets out the Newcastle Town Centre Spatial Policy and indicates the following, amongst other things:-

- The Town Centre's unique market town character and ambience will be enhanced through directing public investment and developer contributions towards enhancing the attractiveness and viability of the Open Market and the Town Centre's award winning public realm and open spaces. A greater mix and intensity of Town Centre uses will be encouraged to create a stronger gateway to the Town Centre from the north and north west and to capitalise on natural features such as the Lyme Brook, so long as the main function of the primary shopping area is maintained and enhanced.
- All development within the Town Centre will work with the topography and be required to meet the high quality design standards set out in supplementary planning documents and in keeping with the Town Centre's distinctive market town character, and will enhance the vitality and viability of the Town Centre by contributing towards the existing vibrant mix of retail, nightlife, leisure, employment and residential uses. New development will recognise the importance of landmark sites and work to improve connections to and within the Town Centre and particularly the need to overcome the severance created by the ring road.

2.5 Saved policy B5 of the Newcastle Local Plan (NLP) indicates that the Council will resist development proposals that would adversely affect the setting of a Listed Building. Saved NLP policy B10 indicates that planning permission will be granted only if the development will preserve or enhance the character or appearance of a Conservation Area, and in particular that important views, into and out of the (Conservation) Area are protected.

2.6 Saved NLP policy B15 indicates that trees and landscape features which contribute to character and appearance and are part of the setting of a Conservation Area will be retained.

2.7 These policies are all consistent with the National Planning Policy Framework (NPPF) and in accordance with paragraph 215 the weight to be given to them should reflect this.

2.8 The NPPF at paragraph 131 states that in determining planning applications, the Local Planning Authority 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.

2.9 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. Within the glossary of the NPPF 'significance' is described as "*the value of a heritage asset to this and future generation because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. 'Significance' derives not only from a heritage asset's physical present but also from its setting*".

2.10 In NPPF paragraph 133 it is indicated that where a proposed development would lead to 'substantial harm' or total loss of 'significance' of a designated heritage, 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.

2.11 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.

2.12 At paragraph 136 the NPPF states that local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

2.13 Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their 'significance'. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the 'significance' of the asset should be treated favourably.

***Other material considerations in the assessment of the development's impact on the adjacent Conservation Area and setting of Listed structures/Buildings***

2.14 The [Newcastle-under-Lyme Town Centre Conservation Area Appraisal](#) identifies seven Character Areas. The site is adjacent to Character Area 2 (St Giles' Church, Church Street, Bridge Street and part of High Street), and to Character Area 5 (20<sup>th</sup> century municipal growth, Merrial Street), both are assessed as being positive character areas. St Giles' Church is identified as the key focal building in Character Area 2. The street trees on Merrial Street are identified as a key positive in Character Area 5 as is the only Listed Building within that area, the Conservative Club. The Appraisal identifies the following to be amongst the most important issues for the Newcastle Town Centre Conservation Area:-

- New development on the edges of the Conservation Area should be appropriately scaled and detailed.
- Pressure for new development, particularly housing or offices on backland sites
- The protection of historic plots and historic boundaries from new development
- Scale and form of development needs to reflect historic precedent
- The protection of the town's economic vitality and the encouragement of appropriate new businesses.

2.15 The Newcastle Town Centre Supplementary Planning Document (TCSPD) places the site in the Northern Quarter indicating this is a very mixed zone which has been defined in recognition of its shared potential for significant redevelopment. Opportunities could involve extensive parcels of land and opportunities should be taken to reproduce similar patterns of "permeability" even in large

redevelopment sites. Redevelopment opportunities could lead to a greater mix and intensity of use. It is important to break through the barrier of the ring road, however any redevelopment on the site would need to take account of its connectivity to the rest of the Primary Shopping Area.

2.16 The TCSPD goes on to identify elements of good design. It indicates the development should 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. New development should follow one of 3 design approaches; reflecting the best of the historical; contrasting with the traditional; or interpreting the traditional in terms of a contemporary design. Whichever approach is selected the key factor is the creation of well-mannered buildings that enhance their setting and that are well resolved in terms of their own architecture.

2.17 The TCSPD advises that innovation, and creativity may generate new buildings that look very different to those that have been developed within the Town Centre over its history but can still be supported, particularly where the design is driven by improved environmental performance and where such development will act as an exemplar of good architecture and design. But it is essential that the development respects its setting. Development must incorporate materials that are relevant and/or complementary to the surrounding area, are durable and appropriate for their purpose. Traditionally based brick, render and stone are recommended, with the addition of terracotta, timber and glazing used sensitively and in context.

2.18 The TCSPD indicates that it is important to create or maintain active frontages and that doors, and even windows, add to the interest of the streetscape. The TCSPD further advises that the historic core is sensitive and runs the risk of being undermined by buildings that are too high or too low.

2.19 This site, excluding the Civic Offices, is identified as a key development site in the TCSPD. It indicates that this site provides an opportunity to add to the retail offer and to create a vibrant, interesting place through mixed development and added permeability. It indicates that a key to any design is the creation of visual interest from the ring road rather than allowing a development that turns its back to the road or merely presents a sea of car parking. It states, however, that it is also essential that activities within the site are linked to the rest of the Primary Shopping Area. Development here must not be a separate destination divorced from the rest of the town. It indicates that there is the potential for up to 5 storeys on the frontage to Ryecroft, but not continuous.

2.20 The Urban Design Supplementary Planning Document (UDSPD) has a section that addresses Newcastle town centre. It identifies that the town centre has a distinctive pattern of relatively narrow plots throughout the historic streets. Buildings generally date from the Georgian period and more recent development, which follow a characteristic pattern of simple, regular and formal facades and vertically proportioned openings.

2.21 The UDSPD sets out design guidance for the town centre which includes the need to diversify town centre activity by creating a network of streets and blocks of development similar in scale to the existing town centre and integrate the scale of car parking into the settlement form. The scale of development should be generally in the range of 3-4 storeys, to create an urban scale, with up to six storeys to address the ring road in landmark or gateway locations. It identifies the need to retain and enhance its distinctive character by using contemporary design to respond to the ordering principles of the historic townscape (e.g. of rhythm, symmetry, etc.) rather than copying historic buildings.

2.22 In considering the historic environment more generally policy HE3 of the UDSPD indicates that new development in or adjoining Conservation Areas should demonstrate how it will contribute to the character or appearance with reference to the Conservation Area Appraisal and Management Plan for each area.

2.23 Policy PR7 of the UDSPD states that new development must contribute to the quality and success of streets, public space and green space.

## ***Assessment of the development's impact on the setting of Listed structures/Buildings***

2.24 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving a Listed Building or its setting or features of special architectural or historic interest which it possesses.

2.25 There are a number of Listed Buildings within the Conservation Area and in proximity of the application site. This section of the report identifies those near to the application site the setting of which may be affected by the proposed development. The impact on the setting and thus the 'significance' of some of the identified Listed Buildings will be undertaken below.

2.26 The submitted Heritage Statement (HS) also considers further Listed buildings and other non-designated heritage assets that are included on the Register of Locally Important Buildings and Structures that lie within the Town Centre over and above the Listed Buildings identified below. It is not considered, however that they will be adversely affected by the development.

### *St Giles' Church (Grade II\*)*

2.27 The building has historic and architectural 'significance'. It is located on a mound with a tall tower, measuring about 26m, and as such has a strong presence within the centre of Newcastle with the tower standing taller than almost all of the surrounding buildings making it visible in views from within the Newcastle Town Centre Conservation Area and in longer distance views as well across the valley of the Lyme Brook. In some of these views it appears on the skyline, in silhouette – in others that is not the case.

2.28 The submission considers that the application site, and the Civic Offices currently within the site, are neutral features in the Church's setting and neither enhance, nor detract from its 'significance'. This is accepted. More open views of the Church tower have been created by the demolition of the former Sainsbury's store and multi-storey car park that was, until relatively recently, on the application site.

2.29 The proposed development, which is described in more detail below, includes a block which presents itself to Merrial Street and to the proposed car park to the rear. The block is 4 storeys in height on the Merrial Street elevation, which becomes 5 storeys along the east (Ryebank) and west (Corporation Street) elevations as the ground levels change. The building then steps up to 8 storeys on the remainder of the east and west elevations and for part of the north, Ryecroft facing elevation. The height of the building then steps up again to 10 storeys for a section of the north Ryecroft facing elevation. The maximum height of the building is 33m.

2.30 The application is supported by a number of what are termed verified views of the development from within the Town Centre and two views from outside of the Town Centre from the Holborn and from a longer distance at the bottom of Keele Bank. The views demonstrate that in the majority of cases the proposed development will not be seen in views of the Church and therefore will not visually compete with the Church thereby impacting upon its setting. The proposed new buildings will, however, restrict some of the more recently-formed views of the Church tower from the terraced streets to the north of the ring road. The proposed building will also be visible from Keele Bank and in this view it can be seen that the tallest element of the building will marginally exceed the height of the Church tower. The tallest element of the building has, however, been located in a position on this block where it would be furthest away from the Church tower, in such views. Whilst the lighter colour of the proposed building will draw the eye from this distance, it is considered that the tall, dark Church Tower will remain a prominent feature in this view.

2.31 There are locations from outside of the town centre where the Church Tower can be seen silhouetted in the skyline above other tall buildings, such as from Lower Street at the access to the Lidl/Travel Lodge car park and from the entrance to the Cemetery off Lymewood Grove where no existing tall buildings are seen in views of the Church Tower. Whilst there are no submitted verified views from these locations it can still be anticipated that the taller element of the proposed development will be seen in such views also silhouetted in the skyline.

2.32 Notwithstanding that the proposed building will be seen next to the Church Tower on higher ground than the Church and exceeds the height of that building, it is considered that as the Church Tower is significantly closer than the proposed building in the view from Lidl/Travel Lodge it can be anticipated that the Church Tower will not be 'overtopped' by the taller of the proposed buildings. The proposed building will, it is anticipated, be a similar height or slightly higher than Church Tower when viewed from the entrance to the Cemetery but it will be seen in very close proximity to Blackburn House and there will be a significant separation between the two buildings, so it will not be seen directly adjoining the Tower.

2.33 In consideration of the above it is concluded that the introduction of another tall building within the town centre in this position will be seen in views of the Church Tower and whilst it will compete with this landmark listed building, the tower of the listed building will remain as a prominent feature in the skyline, notwithstanding the concerns expressed by the Conservation Officer and Historic England, this will not 'substantially harm' its 'significance'.

2.34 The accordingly 'less than substantial harm' to the 'significance' of this designated heritage asset that arises from the proposal will be considered further, below.

*Carlton House (Grade II)*

2.35 This is the former Conservative Club on Merrial Street. The proposed student accommodation building will be visible above the roof of this building, however the immediate setting of this Listed Building, the landscaped frontage, would be unaffected. The 'less than substantial harm' to the 'significance' of this designated heritage asset that arises from the proposal will be considered further, below.

*No 26 High Street (Grade II), No 17 High Street (Grade II)*

2.36 The first of these buildings, Bailey's Tea Rooms, is at the junction of High Street, Merrial Street and Church Street. The second, Gravity and Stephenson Browne Estate Agents, is on the High Street/Merrial Street junction. Such buildings are sited in closer proximity to the application site than St Giles' Church, notwithstanding this, it is not considered that the proposed development will be prominent in views to and from these building and will not adversely affect their setting.

*St George's Church (Grade II\*)*

2.37 This building is sited outside of the ring road, within the Newcastle Town Centre Conservation Area, and is of historical importance. The application site does not form part of the setting of this Listed Building but many views of the Church, such as along Ryecroft, include views of the site particularly now that the former supermarket and multi-storey car park have been demolished. The proposed development will therefore restrict some views however not in a manner which is considered to be harmful to its setting.

*Ebenezer House (Grade II)*

2.38 This building, originally the Ebenezer Methodist Chapel, is of historic and architectural 'significance'. It is located outside of the ring road diagonally opposite the application site. The proposed development will therefore be seen in views of this building however not in a manner which is considered to be harmful to its setting.

**Demolition of the Civic Offices**

2.39 The Civic Offices, built in 1967, will be demolished as part of the proposed development. It is not a Listed Building, does not fall within the Conservation Area and is not included on the Register of Locally Important Buildings and Structures. Nevertheless it should be considered to be a non-designated heritage asset and so the impact of its loss should therefore be assessed.

2.40 In response to the comments of Historic England (HE) indicating that an assessment of the 'significance' of the Civic Offices is required, an addendum to the HS has been submitted and HE



has responded concluding that its loss is disappointing given its aesthetic and historical merit, and considerable communal value.

2.41 The HS concludes that while the building is a dignified structure, it lacks the architectural interest of its more ambitious contemporaries and that it is illustrative of a general drive for modernity in public services but this is a characteristic shared with very many public buildings. Your Officer agrees with this and concludes that its 'significance' is relatively limited, noting that the Conservation Officer, the Conservation Advisory Working Party and the Staffordshire County Council Historic Environment Advisor do not object to the loss of the building.

2.42 The demolition of the Civic Offices, as proposed, will however have the greatest possible impact on its 'significance' however and in accordance with paragraph 135 of the NPPF a balanced judgement will be required having regard to the scale of the harm or loss. This balanced judgement will be undertaken below.

### ***Assessment of the development's impact on the character and appearance of the Conservation Area***

2.43 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 relates to development within Conservation Areas and sets out that in the exercise, with respect to any buildings or other land in a Conservation Area, of planning functions *special attention* shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

2.44 Whilst, as indicated above, this site does not fall within the Newcastle Town Centre Conservation Area it does directly adjoin it on Merrial Street including the existing Merrial Street properties either side of the site. A link to a plan of the Conservation Area is provided [here](#). There is no doubt that the development will have an impact upon its character and appearance. Although Section 72 is not directly relevant to the consideration of this application, as the development is outside of the Conservation Area, given its close relationship to the Conservation Area it is still necessary to consider the impact of the development on its character and appearance.

2.45 Consideration has already been given to the impact arising from the demolition of the Civic Offices building. This sub-section of the report will therefore consider the impact of the proposed development on the character and appearance of the adjoining Conservation Area.

2.46 The largest building that is proposed adjoins Merrial Street and Corporation Street and faces towards Ryecroft. It is to contain student accommodation and in addition there are commercial units on the lower ground floor facing Ryecroft and on Corporation Street. This building, which has a large central courtyard, is sited approximately on the footprint of the Civic Offices in a position that is further forward than the current building, separated from the Merrial Street carriageway by a wide pavement some of which would be oversailed by the upper floors of the building supported by brick piers. Large areas of the elevations of this building are to be clad in brick with elements of metallic standing seam cladding, the tallest element of the building being entirely clad in this material.

2.47 The main entrance to the student accommodation is to be provided from Merrial Street, with a small commercial unit on the Merrial Street/Corporation Street corner and glazing along its entire frontage, turning the corner onto Corporation Street. As such it is considered the development achieves an active frontage where it adjoins the Conservation Area on Merrial Street.

2.48 The building will be more prominent in views and seen above the roofs of the existing properties on Merrial Street, compared to the Civic Offices, however, this is not considered to result in a building that is overly dominant in appearance when compared to the majority of buildings on Merrial Street. It is considered that the proposal will preserve the character of Merrial Street which is partially within the Conservation Area.

2.49 The taller sections of this building will also be visible in other views from within the Conservation Area, such as from Liverpool Road along Hickman Street (which is between Liverpool Road and Corporation Street), and from the far side of Nelson Place above the roofs of buildings on the Ironmarket appearing a similar height to the cupola on top of the former Police Station on Merrial Street. These views are not adversely affected by the introduction of the proposed development.

2.50 Views into the Conservation Area from the terraced streets to the north beyond the ring road will be obstructed by the development. The existing Civic Offices Buildings already does block such views to some extent and the view of the roofs of buildings in the Conservation Area is only currently possible following the demolition of the supermarket and multi-storey car park and as such has been short lived.

2.51 The proposal includes a 'New Street' to the west of the proposed student accommodation building, which is a wide pedestrian route which, subject to appropriate treatment of the levels and activity along it, will draw people from the site towards Merrial Street, Fogg Street and the Ironmarket beyond. Currently there is no easy and attractive route into the historic core of the town centre from the residential areas to the north of the town centre and the introduction of the 'New Street' and public realm improvements to Corporation Street, discussed below, will therefore encourage people into the historic core of the town centre, forming the Conservation Area, thereby increasing its vibrancy. It is not considered, therefore, that the impact on the views of the Town Centre Conservation Area from the residential area north of the ring road will be harmful as the aspirations of the TCSPD will be met albeit that the development exceeds the scale that was identified.

### *Conclusions*

2.52 It has been identified that the proposed development will lead to 'less than substantial harm' to the 'significance' of the St Giles' and St George's Churches, designated heritage assets, and in accordance with paragraph 134 of the NPPF this harm should be weighed against the public benefits of the proposal.

2.53 In addition the proposal will result in 'less than substantial harm' by virtue of the loss of the Civic Offices, a non-designated heritage asset.

2.54 The cleared parts of the site which previously contained the supermarket and multi-storey car park are partly vacant and underutilised, partly used for parking but overall are unattractive and given it is highly visible from the ring road are detrimental to the attractiveness of the town centre as a destination for shopping etc. Whilst these parts of the site are not particularly visible from the Conservation Area it can still be said that the current site's appearance is harmful to the Conservation Area's character and appearance. The redevelopment of the site will therefore be beneficial particularly when it is borne in mind that no harm to the character and appearance of the Conservation Area has been identified by virtue of the design, scale and appearance of the proposed development. The increase in the vibrancy of the Primary Shopping Frontages within the Historic Core as a result of the development will enhance that character.

2.55 The proposal delivers a mixed-use development that will significantly enhance the town centre retail and leisure offer providing the ability to attract new commercial uses into the Town Centre which cannot, at this time, be accommodated in the existing town centre units. The improved pedestrian linkages that arise from this development from the residential areas to the north and the town centre are also of public benefit.

2.56 The provision of town centre accommodation for 500 students will improve the health of the town centre and will assist with the delivery of the Keele University Growth Strategy.

2.57 Economic benefits also arise from this development, as identified within the submission, including the creation of 479 (full time equivalent) jobs not including temporary construction jobs and indirect jobs. These are of benefit to the public.

2.58 When the benefits of the development are weighed against the 'less than substantial harm' that has been identified, it is concluded that such harm as has been identified above to heritage assets does not justify refusal of the application.

### 3.0 Is the development in other respects acceptable in its appearance?

3.1 The largest building, the student accommodation block, is described above. In addition to that building, two large footprint commercial buildings are proposed to the east and west boundaries of the

site, flanking the proposed car park which is accessed and visible from Ryecroft. These buildings are significantly lower in height than the student accommodation building being designed to provide ground floor commercial floorspace with the opportunity to provide additional mezzanine floorspace within some of the proposed units. The predominant facing materials for these units are those that are to be incorporated into the student accommodation building.

3.2 The nature of the proposal and the site has resulted in the commercial building to the west of the car park presenting elevations to Ryecroft, Liverpool Road, and Corporation Street with limited glazing. There is glazing at the corners of the building, however, so the 'blank' sections of such elevations will be not prominent in views along Ryecroft or along Corporation Street from Merrial Street. The design also seeks to break up such elevations with large sections of vertical solar shading fins on Corporation Street, a covered staircase on Liverpool Road, signage and a planting bed adjoining the Liverpool Road pavement. The service yard that is on the Liverpool Road side of the building is contained behind a wall, partially screened by that planting bed.

3.3 The proposed commercial building to the east of the car park is smaller but similarly designed. It does, however, include a curved corner to the car park/Ryecroft and includes large elements of glazing on the Ryecroft elevation providing a high degree of visual interest. It is to be serviced from a yard that is accessed from Ryecroft via the existing Ryebank (where access to the Civic Offices car park is currently achieved) and will extend close to Merrial Street to the backs of the adjoining Merrial Street buildings, however it will be hidden behind a wall and will not be visually prominent in views.

3.4 Whilst the car park is totally visible from Ryecroft it is flanked by the commercial units with the tallest building as its backdrop and as such the development does not turn its back to the road or just present a sea of car parking and as such it accords with the TCSPD in this regard. The high visibility of these retail units will, it is anticipated, attract shoppers into the town centre who will then be able to access the rest of the Primary Shopping Area down 'New Street' and Corporation Street.

3.5 The development has twice undergone independent design review prior to the submission of the application. An earlier proposal was revised in response to changes in the property and investment market, and sought to reflect upon the comments of the Review Panel on that scheme. The Review Panel were supportive of the location of the tallest element of the building on the highest part of the site in the current scheme as they considered it would reinforce the identity of the town centre. They did consider that its architectural treatment was somewhat 'safe' and missed an opportunity to create a more distinctive element on the street. Some concern was expressed about the form, impact and layout of the retail units which they considered visually and physically turned its back on the town centre and is that of an edge of town Retail Park.

3.6 The concerns of the Review Panel with regard to the retail units are noted but it is also noted that the Town Centre SPD indicates that a key to any design of the development on this site is the creation of visual interest from the ring road rather than allowing a development that turns its back to the road. The development is on the edge of the centre and does face out towards Ryecroft in accordance with the SPD aspiration. In addition there is a commercial unit within the student accommodation building fronting onto Corporation Street and this together with the provision of the 'New Street', which the Review Panel welcomed, helps to integrate the development into the town centre and avoids the commercial elements totally 'turning its back' on the town centre although some questions were raised by the Panel regarding the limited amount of active frontage along that route. Whilst the scheme does not include commercial units on the Merrial Street frontage it will nevertheless create an active frontage given that is where the main entrance to the student accommodation is proposed.

3.7 The design and choice of facing materials within the proposed development is not as 'bold' as it could be but it does take its cue to some extent from the design and appearance of the Civic Offices which is considered to have some merit. As set out above the development as proposed is not considered to be unacceptable in respect of its impact on the adjoining Conservation Area and Listed Buildings.

3.8 Overall the development 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, including hard surfacing, and the implementation of soft landscaping works.

#### 4.0 Is the principle of the proposed development on the site acceptable?

4.1 Policy SP1 of the Core Spatial Strategy (CSS) indicates that retail and office development will be focused towards the City Centre and Newcastle Town Centre. Policy ASP4 on Newcastle Town Centre indicates that over the plan period (2006-2026) proposals will provide here for 25,000m<sup>2</sup> of additional gross comparison retail floorspace to 2021 and a further 10,000 m<sup>2</sup> to 2026 which will be appropriate in terms of the role of the Town Centre and capable of meeting needs of the Town Centre. In addition it states, amongst other things, the following:-

- Opportunities will be taken to maximise the potential for Town Centre living which will be achieved primarily as part of high density, mixed use schemes designed to contribute positively to the character, vibrancy and sustainability of the Town Centre.
- The Town Centre will continue to develop in a balanced way as a complementary service centre to the City Centre with a strong retail offer, a strengthened financial and professional sector, and as a focus for new leisure and residential opportunities, all accommodated within mixed development wherever practicable.
- A spatial framework will be formulated, identifying distinct zones both within the primary shopping area and beyond.

4.2 The Newcastle Town Centre Supplementary Planning Document (TCSPD) is the spatial framework referred to within policy ASP4 of the CSS. It highlights the need for the right level and quality of retail provision to meet the needs of shoppers and help to ensure a vibrant local economy conveniently located to maximise “footfall” and avoid unnecessary dispersion. In addition it indicates that the Ryecroft site could add to the retail offer of the town centre, and could accommodate housing.

4.3 The NPPF indicates, at paragraph 23, that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. Local Plans should, amongst other things:-

- Recognise town centres as the heart of their communities and pursue policies to support their viability and their vitality.
- Allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres.
- Recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites
- Where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

4.4 At paragraph 24 the NPPF indicates that local planning authorities should adopt a sequential approach and require applications for ‘main town centre uses’ to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. At paragraph 26 it indicates that applications for retail, leisure and office development outside of town centres require an impact assessment if the development is of a certain scale (which in the absence of a locally set floorspace threshold is 2,500m<sup>2</sup>).

4.5 The site lies within the Primary Shopping Area which is within the Town Centre. Whilst not specifically allocated for the proposed development the policies, as set out above, fully support, and aim to encourage, the provision of the main town centre uses (retail, leisure and food and drink) and the student accommodation that are proposed. Up to 10,524m<sup>2</sup> of new commercial floorspace proposed within the development will make a significant contribution to the amount of retail floorspace that the CSS indicates should be provided within the plan period.

4.6 The additional commercial floorspace, the creation of jobs (including 479 new on-site full time equivalent jobs supported by the development of new commercial floorspace) and the introduction of students will be of significant benefit to the town centre resulting in an improvement in its vitality and viability. The aims and objectives of the CSS and the associated TCSPD will be met by this development. Overall it is concluded that the proposed development, in principle, is acceptable.

## 5.0 Are acceptable residential amenity levels achieved?

5.1 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, albeit that this is at present one of the quieter locations within the town centre. 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. It is understood that the Environmental Health Division (EHD) has no objections from a noise perspective subject to conditions.

5.2 There is the potential for activities associated with the servicing of the retail units, and from any vehicle and pedestrian movements/activity at night associated with any leisure uses within the development, to generate noise disturbance to the occupiers of the student accommodation and to any other residents nearby. It is, however, considered that this could be addressed through suitable controls that can be secured by conditions of a planning permission.

5.3 Regarding air quality, the submission demonstrates that vehicle related emissions arising as a result of the development would not have an adverse impact on amenity. Within the application submission it is indicated that a combined heat and power system will be provided which has the potential to generate unacceptable emissions. Whilst no information has been provided regarding emissions or details of a chimney or other means of dispersal of the emission at this stage it is considered that subject to the inclusion of a condition to secure such information air quality can be suitably controlled.

5.4 The application site is located within the Town Centre and is not within a residential area. There are residential terraced streets to the north and given the scale of the development the application is supported by a Daylight and Sunlight Amenity Study. The study assesses the impact of the development and concludes that the daylight and sunlight levels remain within the BRE's recommended levels and that the daylight and sunlight levels to the adjacent residential windows is not unacceptably affected.

5.5 Overall it is considered that the development could provide acceptable living conditions for its occupiers and would not adversely affect the living conditions of existing residents.

## 6.0 Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?

6.1 A car park accommodating 197 vehicles forms part of the proposed development, access to which will be directly from Ryecroft. In addition the proposal involves the formation of two service yards, one of which will be accessed via Ryebank (which is the point of access into the current Civic Offices car park) and the other from Liverpool Road. Amended plans have been received with regard to access and servicing arrangements in response to the comments of the Highway Authority and it is considered that there are no fundamental highway safety concerns arising from the proposed development.

6.2 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.

6.3 The existing site already provides private parking associated with the Civic Offices (which is

available to the public at the weekends) and on the cleared former Sainsbury's site parking spaces some of which are occupied by permit holders during the week but otherwise are available to the public. There are currently up to a total of about 280 spaces on the entire site. The loss of public parking spaces, even though they are not currently well used, could have a detrimental impact on the Town Centre even though other public car parks would remain in and around the ring road. It should also be noted modern retailers, and those shopping in their stores, have an expectation that car parking is provided in close proximity and the lack of parking within the development could undermine its appeal. Therefore, to ensure that benefits to the Town Centre arising from the additional commercial floorspace proposed are fully achieved, car parking should be provided within the scheme and it is considered that the 197 parking spaces that are proposed are acceptable in number. A real-time town centre car parking capacity information system would provide shoppers information as to where there are parking spaces available which will be beneficial to the town centre as a whole and the applicant has indicated that it is prepared to make a contribution to the installation and operation of such a system. In addition to avoid the imposition of time restrictions on the use of the car park which would discourage shoppers parking there from visiting the rest of the town centre, thereby undermining the benefits arising from this development, a condition is required.

6.4 250 secured cycle spaces are to be provided within the student accommodation; however no dedicated student parking spaces are proposed. The application submission sets out that there is a strong case for having zero parking for students on the application site, indicating that Keele University (the nearest university to the site) actively discourages car use and the applicant indicates the students living within the proposed development will be discouraged from having/using cars. It is accepted that students will be discouraged from bringing their vehicles to University but this can't be prevented, and it has to be acknowledged that in some cases access to a vehicle is required (due to mobility issues or due to the nature of the course and the need to travel to different locations). In recognition of this the developer has indicated that they are willing to offer student residents a maximum of 40 parking permits for overnight parking on a needs basis. The management of the student parking will be through a permit system and such permits will be issued where a case is put forward and accepted, and as such it is likely that less than 40 permits will be issued at any one time. The remainder of the parking spaces will also be available during the day or at night to those prepared to pay the parking costs.

6.5 Beyond that the indication is that the developer is prepared to improve non-car modes of transport to the site involving the installation of real-time passenger information for bus routes serving the town centre and the local Universities and by making a financial contribution towards improvements to cycle linkages and associated wayfinding signage. In addition it has indicated a preparedness to enter into such an obligation with regard to the provision of a resident parking zone sum of £50,000 and an associated condition requiring surveys of parking on residential streets to be undertaken before and after the occupation of the development. This approach has been accepted for the purpose built student accommodation (PBSA) developments on both the site of the former Jubilee baths site and on the London Road site.

6.6 Your Officer's view is that there is a very good bus service between the town centre and the campuses of Keele University and 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. Improvements to the cycle routes to Keele University will also encourage students living in this development to cycle. In addition there is a wide range of facilities and services within a very short distance of the site that can be accessed more easily on foot than car. Such factors will encourage student occupiers to not have a vehicle.

6.7 Given the highly sustainable location of the proposed development and subject to appropriate planning conditions and planning obligations, it is not considered that the lack of parking for students within the proposal, or the development in any other regard, would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

7.0 What, if any, planning obligations are necessary to make the development policy compliant?

7.1 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

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

7.3 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 some of the units within this development will be single person accommodation. The adjustment that has been made is to request 2/5<sup>ths</sup> of the total for those single units and the full contribution for the clusters which would amount to a total of £613,690. The LDS has indicated that any financial contribution that is secured would be used to improve and enhance public open space and public realm in and around the town centre.

7.4 The adjustment that has been undertaken by the LDS is appropriate in as far as it goes, but further adjustment is considered necessary, in line with the approach taken with respect to other PBSA developments, in recognition that the full contribution involves a payment towards play spaces for children and due to the nature of the accommodation proposed there is no justification to secure a contribution towards that open space typology. When that further adjustment is made the contribution to be sought reduces to £542,797.

7.5 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. Corporation Street provides a link from the development into the Historic Core of the Town Centre and is currently very poor in appearance and would do little to encourage pedestrian flows into/out from the existing facilities within the town. With the cooperation of the Highway Authority there is the opportunity to improve this route by changes to the surfacing materials and/or giving pedestrians priority over vehicles. A financial contribution towards such public realm improvements in this area is considered necessary and a ball park estimate is being sought and if available will be reported to the meeting. It is considered that the use of a proportion of the public open space contributions to fund such public realm improvements in Corporation Street would meet the statutory tests indicated above and be lawful. The remainder of the contribution, if any does remain, would be spent in either Brampton Park or Queen Elizabeth Park, off Silverdale Road.

7.6 The Highway Authority (HA) requests a number of financial contributions. Firstly, they request a travel plan monitoring fee of £2,245 and this is considered to comply with the CIL Regulations. They also require a contribution towards a review of Traffic Regulation Orders on roads directly adjoining the site and for any new or altered TROs on such roads, which is understood to be £20,000.

7.7 The HA has not requested a contribution 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). In addition a financial contribution has not been requested by the HA 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. Further information will be provided setting out the level of contributions to be sought will be provided.

7.8 A contribution towards a real-time town centre car parking capacity information system is considered to be in the interests of the vitality and viability of the town centre and is considered to comply with the CIL Regulations. Consideration is being given to the level of contribution to be sought and further information will be reported in that regard also.

## 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 ASP4	Newcastle Town Centre Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP9	Comprehensive Area Regeneration
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 T18	Development – Servicing 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 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 N12	Development and the Protection of Trees
Policy N13	Felling and Pruning of Trees
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

### **Other material considerations include:**

[National Planning Policy](#)

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

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

[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 SPD \(2010\)](#)

[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 \(2008\)](#)

[Newcastle-under-Lyme Extensive Urban Survey \(2009\)](#)

[Relevant Planning History](#)



Nil

### Views of Consultees

The **Conservation Advisory Working Party** welcomed the potential regeneration benefits of the development, and there were a variety of views expressed, the majority view of the Working Party questioned whether the buildings are of sufficiently high quality design, the design being considered to be mundane. The scale of the student accommodation building in particular was of great concern to the Working Party given its height of 10 storeys and massing relative to the adjoining historic townscape which was generally of a two storey nature.

The scheme was not considered to be well thought out and did not take into account its surroundings and in particular its relationship to the adjoining Conservation Area and the setting of Listed Buildings. How the street surfaces would be treated between the development and the town centre was a further concern. The question of details of the cladding was raised.

**Historic England** (HE) commented initially that further analysis of the potential impact of the proposed development on existing designated and non-designated heritage assets is required in order for them to respond to the consultation. Paragraph 128 of the NPPF instructs local authorities to require applicants to describe the significance of any heritage assets affected, in order to enable an understanding of the potential impact of the proposals. The Civic Offices, opened in 1967 and design by Bradshaw, Gass and Hope undoubtedly has some aesthetic, historical and communal value. The submitted Heritage Statement does not comprehensively assess the 'significance' of the existing Civic Offices or the full impact of the development on the setting of the Grade II\* Church of St Giles. Following receipt of additional information HE have provided further comment indicating that the Civic Offices undoubtedly has some aesthetic and historical merit, and considerable communal value. Furthermore they consider its existence enriches the story of the evolution of the town centre, and as such its loss, in heritage terms, is disappointing. With regard to the impact on the setting of St Giles it is not possible for HE to give a definitive response on the basis of the information provided but it is acknowledged that the new buildings will be visible in some of the same views as the church tower. It can only be concluded that the proposed building will inevitably compete with the existing dominance of the church on the skyline, diluting its significance and visual focus as a historic landmark of the town, unencumbered by other large buildings. This detrimental impact should be fully considered and given appropriate weight during deliberations of the impact of the proposals on the setting and surround heritage assets, and the two centre skyline.

The **Conservation Officer's** comments (prepared following receipt of the initial comments of HE but before additional information upon which HE have commented) are summarised as follows:

- Agrees with the conclusion of Historic England that the Civic Offices has some merit as a non-designated heritage (NPPF pp 135) asset and its 'significance' should be analysed. The Heritage Statement submitted by the applicant recognises the contribution the Civic Offices make to the street scene, stating that they are "well-designed, use high quality materials and do not detract from the character and appearance of the Conservation Area". The building is also identified as a focal point beyond the Conservation Area boundary in the Conservation Area Appraisal. It therefore deserves consideration as a well-built purpose built municipal building of the 1960's by known architects. Some may see the building as having aesthetic value and it may have historical and communal value to those who have been coming to this building for over 50 years as a civic building.
- The Conservation Area as a heritage asset has a high value, has meaning to its residents and visitors as a historical town centre with many historical buildings. Clearly the topography within Newcastle Town Centre is very important and it affords views from quite a distance of St Giles Church within the historic town centre and it has a wide setting and relationship with the wider townscape, particularly on the skyline. On the other hand the undulating landscape also enables glimpses of parts of buildings and even relatively large buildings can be accommodated without harm to the setting of the townscape. The setting of the Conservation Area is an urban town centre which includes the ring road and the Civic Offices.
- The principal view of the Civic Offices is the frontage and original entrance on Merrial Street. Certainly the consideration of 'significance' is complex and it should be proportionate. The current site around the Civic Offices does not preserve or enhance the Conservation Area.

- It is the high rise element of the development which causes most concern and its potential to impact both on the character and appearance of the Conservation Area given the proximity of the new proposal and how it competes with the tower of St Giles, an important Listed Building within the town centre and historic medieval core of the town centre. This is especially relevant as within the ring road buildings tend to be more modest in scale or the topography of the town centre means that they sit in the landscape with less visual impact.
- It is accepted that the existing site has a neutral impact on St Giles. It certainly does not compete with the Church as a landmark building. The Merrial Street frontage of the proposal is acceptable, addressing the building line, it will have a positive relationship with the street and give an active frontage. The retention of the trees in this location is also important.
- It is not considered that 19<sup>th</sup> Century Merrial Street buildings will be overwhelmed by the bulk and height of the student accommodation.
- The concern is with the student accommodation and the height and bulk of this and the impact of this section in slightly longer views in and out of the Conservation Area. St Giles has great significance from a number of viewpoints, especially southwest – Pevsner describes it as “dominantly placed” and from across Lower Street there is potential for the development to sit directly behind the Church tower from some significant viewpontos. Depending on the positioning it could have an adverse effect on the setting of the Church and arguably would therefore not preserve its special interest.
- It is not automatic that a change through the introduction of a new development into a historic area, must inherently be harmful, but it needs to be carefully considered to ensure that the special character of the Conservation Area and the setting of the Church on the skyline particularly (which has great significance) is not harmed by the development.
- The location and appearance of plant should be agreed in advance as it can adversely affect the streetscene.
- It is considered that there is potential that the development will cause some harm to the setting of St Giles from some viewpoints which may harm its significance, no longer being the dominant building on the skyline. If there is harm (even if less than substantial) identified to the heritage assets both in terms of the setting of the Church and to the character and appearance of the Conservation Area, the Council as LPA need to give considerable weight to the special regard for these assets and their settings in order to comply with section 66 and section 72 of the Listed Buildings Act.

**Staffordshire County Council Historic Environment Advisor** considers that the submitted Heritage statement is insufficient in meeting National Planning Policy Framework paragraph 128 in its failure to consider the ‘significance’ of and the potential impact upon archaeological heritage assets. The site is located within two Historic Urban Character Areas as set out in the Newcastle-under-Lyme Extensive Urban Survey where there is archaeological potential. In addition the Civic Offices is of local historic interest being a purpose-built structure which formed the administrative centre for the Borough since the mid-20<sup>th</sup> century. Consequently it is advised that a historic building survey be carried out. Such work would appropriately be secured via a condition.

The **Environmental Health Division (EHD)** recommends contaminated land conditions. A list of suggested conditions has been shared with the applicant, their comments received, and the further comments of the EHD are now awaited

The **Highways Authority** has been in discussions with the applicant and the main comment on the additional information/amendments received during the application process are as follows:

- It is noted that it is no longer proposed to service any units via the on-site car park and this should be conditioned.
- The revised pedestrian access route from Ryecroft and pedestrian access to the disability parking bays is acceptable.
- It is essential that the existing TRO’s on roads adjoining the site are reviewed by the applicant so that any necessary changes can be agreed in principle and sufficient funding identified for new/alterd TRO’s.

- Section 106 Agreement is required to secure a sum of money for a review and possible amendment to the Traffic Regulation Orders in the locating (sum likely to be in excess of £8,000); and funding for Travel Plan Monitoring at £2245
- A condition to agree a Waste Management Strategy is required.

The **Housing Strategy Section** advises for a development to meet the description of being purpose-built student accommodation (and not be required to provide affordable housing) it could be either cluster flats or studio apartments but must have communal facilities and there must be a condition that the accommodation will be exclusively for students. It is understood that the accommodation has communal facilities and restrictions to occupation by students should be imposed.

The **Landscape Development Section** have no objection to the proposed loss of the four existing trees on the site, only two of which have any significant value, and the proposed tree planting will more than compensate this. It is disappointing, however, that it is not proposed to retain some tree presence on the boundary with Merrial Street. Street trees are an important feature of the character of Newcastle town centre and replacement trees, even if planted on the other side of the road to the development, would complement the existing trees to the east and west. It is requested that a line of trees is considered on the boundary between the proposed parking area and Ryecroft to define the newly created space and reinforce the line of existing trees in the central reservation.

The planting sizes proposed for street trees are small, making them vulnerable to vandalism and creating a longer establishment period. It would also be unlikely that the proposed underground guying would be possible with trees of this size. Significantly larger specimens should be specified.

Some proposed planting beds and hedges are in vulnerable locations and should be protected until the plants have become established. Some beds are very narrow and might be impractical.

It is unclear how the areas immediately to the north and west of Unit 1 are to be landscaped. Submission of details of hard landscaping materials should be conditioned.

A contribution by the developer towards improving and enhancing public open space and public realm is required as follows:-

- The full contribution of £4,427 for capital development/improvement for each of the 74 clusters units, plus £1,152 per unit which is maintenance cost element of the contribution. Total £5,579 per unit.
- 2/5ths of the full contribution for capital development/improvement for the 90 self-contained single person units (£1,770.80). Plus 2/5ths of the full contribution for 60% of maintenance costs for 10 years (£460.80). Total £2,231.60 per unit.

The **Waste Management Section** notes the best practice being adopted regarding the location of the refuse stores (for the commercial units) which are easily serviced from Liverpool Road and Rye Bank. The suitability of their capacity cannot be judged until the units they serve are let, as refuse volumes and types will vary depending on the nature of the business being conducted. No indication is given as to arrangements to store recyclable material containers within the stores.

There are serious concerns regarding the two stores located within the student accommodation block to be serviced from Corporation Street as follows:-

- Their position exceeds the safe distance for staff to pull refuse containers; no information is provided regarding the surface over which the bins would transit; and the access corridors have several sharp corners and doors, increasing the difficulty which would be experienced during servicing. The stores should be located within 20m of the vehicle loading area on Corporation Street.
- No information is provided with regard to the split between recycling and refuse containment in the student refuse store. Recycling and refuse bins need to be sited where behaviour naturally leads to separation in line with the service provider requirements.
- No information is provided with regard to the split between potential recycling and refuse containment in the retail refuse store.

- The design of the bin stores is poor. A long narrow bin store is likely to be blocked by bagged, boxed and loose waste deposited by users, thus making bins inaccessible to collection staff and other users.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** comments are summarised as follows:-

- The redevelopment proposal promises to be a very exciting opportunity for the town and local area and Staffordshire Police welcome the broad proposals.
- The documentation submitted with the application unfortunately contains only a short section on Safety and Security which concentrates largely on the levels of natural surveillance that will exist throughout the development. The broadly straight building lines, U-shaped nature of the development with parking in the middle and the busy location should be very conducive to good natural surveillance generally. Planting low height shrubs and maintaining them as such should assist with sightlines.
- The natural surveillance should be supplemented by comprehensive monitored CCTV coverage of the development.
- Lighting can be a powerful tool to create an environment that deters criminal or anti-social behaviour and fees safety. It can greatly enhance natural surveillance during the hours of darkness and enable CCTV to operate as well at night as it does under daylight conditions. The submitted External Lighting Statement is welcomed.
- The provision of enclosed service yards for the retail units is another welcome feature. The height of the perimeter should be sufficient to prevent unauthorised access and the design of the respective gates should avoid the inclusion of climbing aids within them, or externally, as well as climb-deterrent top.
- Measures to prevent forced entry into the retail units should be included in the development.
- It is beneficial that there is no student accommodation at ground level. Controlling access plays a critical role in seeking to provide a secure student living environment.
- The provision of an internal student cycle store that can be access controlled is welcomed.
- Installation of Hostile Vehicle Mitigation is strongly recommended to protect the public and the buildings.
- It is recommended that before the local authority approves this application it satisfies itself that adequate measures will be in place to address the potential vulnerabilities identified.

The **Environment Agency** raises no objections subject to a condition regarding remediation for unsuspected contamination.

The **Coal Authority** indicate that as the application site does not fall within the defined Development High Risk Area which means that there is no requirement under the risk-based approach for a Coal Mining Risk Assessment or for the Coal Authority to be consulted.

Comments were also invited from **Community Safety**, the **Newcastle BID**, the **Newcastle South Locality Action Partnership**, the **Lead Local Flood Authority**, and **United Utilities** but in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

### Representations

Seven letters of representation have been received, including one from Thistleberry Residents Association, raising the following concerns;

- The concept of an out of town retail park inside the town centre is incongruous, unsustainable and inevitably a poor design choice. It turns it back on the town centre and includes blank walls and service yards facing onto Corporation Street and Liverpool Road creating dead spaces rather than active frontages.
- The large units act as a barrier rather than stitching the town centre together.
- The Design and Access Statement makes no attempt to demonstrate the design evolution and is subsequently severely flawed.

- No effort has been made to provide a harmonious and well-designed transition between the development and the adjoining Conservation Area.
- The Newcastle Town Centre Supplementary Planning Document should be given considerable weight in the determination of the application but is not considered and the scheme directly contradicts the Council's aspirations for the site.
- Considering the site's accessible location the scheme makes no concessions to sustainable forms of transport given the proportion of car parking. It is difficult to envisage how regeneration of the wider town centre will result from this development, given it is designed to attract drivers whilst offering little by way of integration to draw visitors into the town itself.
- The development is too high and out of scale with all other buildings in the area and will dominate the town centre, harm the Conservation Area and the setting of nearby listed buildings. The development should be turned down for this reason as was the proposed development on the old Savoy site
- There is not enough parking for the student accommodation provided within the town. Parking in the terraced streets outside of the town centre is already horrendous.
- The number attending the consultation event may be a reflection of the insufficient notice given to residents. In the submission it is said that most of the feedback was positive and quotes some of these positive comments but all comments, for and against should be provided.
- No assessment of the biodiversity value of the site has been submitted in support of the application. It is the LPA's duty to ensure they have sufficient information upon which to make a decision which it doesn't. Additionally the LPA should ensure 'net biodiversity gains' evidence is provided to support this application.
- The LPA should assess the impact of the development on heritage assets and it is surprising that no archaeological assessment has been undertaken and submitted.
- The submitted Air Quality Report omits part of the ring road.
- The development fails to improve on the poor connectivity of the site to the town centre core, and to areas outside the ring road.
- No Townscape Assessment has been submitted in support of the application.
- A more up to date retail assessment than the submitted 2011 retail need assessment should be submitted. A condition should be imposed indicating that none of the floorspace should be occupied by a retailer already within the town centre unless a scheme which commits the retailer to retaining their presence within the centre for a minimum period of five years is secured.
- The Environmental Impact Assessment screening opinion undertaken by the LPA is inadequate.
- The Civic Offices should have been listed as an example of 1960s architecture. Given that it is less than 50 years old its demolition appears to be a waste of public resources.
- There are vacant retail units in the town centre and large national multiples are moving out to sites where parking is not problematic and free. There is no need for the new units that are proposed.
- The assertions within the submission as to the cost/benefit to the town appear speculative. Impact tests on how the town centre might be affected by this development should be undertaken.
- More should be known about land contamination issues and the waste management for the site given that this is an application for full planning permission.

Whilst all the representations submitted were objecting to the proposal, the following comments in support of certain aspects of the development were included.

- The use of bricks is commended.
- Despite some concerns about how the student accommodation can be suitably futureproofed and flexible, this element of the scheme is of value and the architecture is well considered, and an improvement to Merrial Street (although retention of the street trees would have been better), as well as providing student accommodation that will serve to free up dwellings within the Borough or family occupation.

Applicant/agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Heritage Statement
- Design and Access Statement and its supplementary report including verified views
- Flood Risk Assessment and Drainage Strategy
- Transport Assessment and Car Park Management Strategy
- Framework Travel Plan
- Air Quality Assessment
- Acoustic report
- Combined Phase 1 Contaminated Land Report and Assessment and Supplementary Ground Investigation
- Ventilation and Extract Statement
- Draft Heads of Terms
- Daylight and Sunlight Amenity Study
- Preliminary Energy Statement
- Statement of Community Involvement

All of these documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00637/FUL>

#### Background Papers

Planning file  
Planning documents referred to

#### **Date report prepared**

26<sup>th</sup> October 2017