

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

7th November 2017

Agenda item 4

Application ref. 17/00637/FUL

Land bound by Ryecroft, Ryebank, Merrial Street, Corporation Street & Liverpool Road

Since the main agenda report was published the following have been received:

1. The final comments of the **Environmental Health Division (EHD)**. No objections are raised subject to conditions as follows:
 - Construction hours
 - Construction Environmental Management Plan
 - Noise from plant and mechanical ventilation
 - Restriction on noise levels in habitable rooms from plant and mechanical ventilation
 - Ventilation provision to habitable spaces
 - Glazing specification
 - Control of shopping trolleys
 - External lighting
 - Noise mitigation measures, supported by a noise assessment, regarding delivery and waste collection
 - Control of food odours
 - Restriction on noise from entertainment
 - Air quality assessment from CHP plant.

2. The **applicant's** response to representations received from the Conservation Advisory Working Party (CAWP) and third parties the main points of which are summarised as follows:
 - Design commentary is inherently subjective, but the applicant does not agree that the design of the development is in any way mundane. The report sets out a contrary view that the development is visually attractive and would both improve and complement the local townscape. The applicant considers that the development is a high quality design, refined over a number of years and carefully reflects the urban grain of the town centre.
 - The quantum of the proposed development is necessary to achieve a development that is viable and deliverable.
 - The development is designed in order that the highest point of the student accommodation building is localised and it then steps down quickly to a level consistent with the existing civic offices building. The scale and massing is entirely appropriate to the site and its town centre location.
 - Contrary to the views of CAWP the scheme does take into account the relationship of the site and proposed building to the adjoining Conservation Area and the setting of statutorily Listed Buildings. The application is supported by a series of verified views to demonstrate that the proposed development will not cause any harm to the significance of Listed Buildings, and an assessment of the relationship the development has with these and the town centre conservation area is set out in a Heritage Statement and its addendum.
 - The applicant considers that no harm will be caused to designated heritage assets. The report takes a different view concluding that 'less than substantial harm' will be caused to some designated assets but ultimately when the benefits of the development are weighed against this the conclusion is that planning permission should be granted.

- The Conservation Officer, CAWP and the Historic Environment Advisor at the County Council all confirm no objection to the replacement of the Civic Offices building with the proposed development.
 - Third parties are misinformed in stating that there is no need for further purpose built student accommodation. The Keele University Growth Strategy sets out that student numbers are expected to increase by 30% to 13,000 over the period of 2015 to 2020 and this proposal is part of a wider solution to providing accommodation for a significantly greater number of students living locally in a sustainable location.
 - The site is well served by public transport and the applicant has indicated a willingness to include within a S106 legal agreement financial commitments to improving the cycle route from the town centre to Keele University and real-time bus network passenger information system.
 - The number of parking spaces that are proposed are supported by the Highway Authority and the Borough Council.
 - The development will bring new commercial uses to an under-utilised area of the town centre, and in doing so significant economic benefits arise.
 - There is no justification to the comment that there is no need for additional retail units in the town centre, as need is not a test in local or national planning policy. Impact is a national policy test but only where a proposal relates to a site that is not within a town centre.
 - Any “no poaching” condition preventing any of the floorspace being occupied by a retailer already within the town centre unless there is a scheme which commits the retailer to retaining their presence within the centre for a specified period does not meet the tests of planning conditions as it is not necessary or reasonable where an application site is within a primary shopping area.
3. A long elevational cross section drawing showing the south elevation of the proposed development theoretically in context of the Church of St Giles’ and the Church of St George’s and a note as to its interpretation and use.
 4. Revised draft heads of terms for a planning obligation has been provided by the applicant.

Officer Response

The conditions as recommended by the EHD have already been included within the recommendation set out in the main agenda report.

The response of the applicant to the comments received from CAWP and third parties are noted but as they are covered in detail within the report it is not considered necessary to discuss such matters further.

The cross section plan supports your Officer’s conclusions as to the impact on the form and character of nearby Listed Buildings, and the Conservation Area, as set out in paragraphs 2.52 to 2.58 of the report. The requirements of Section 66 of the Planning (Listed Buildings and Conservations Areas) Act 1990 that Local Planning Authorities 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 have been met.

The revised draft heads of terms referred to above provides the level of financial contribution that the applicant considers appropriate for items 3, 4 and 5 of recommendation A. They suggest a contribution of £8,000 towards the cost of a real-time passenger information system for bus routes serving Newcastle town centre and Keele University; £8,000 towards the cost of installation and operation of a real-time town centre parking capacity information system; and £25,000 towards improvements to the cycle route from Newcastle town centre to Keele University. The sums suggested appear appropriate for the matters in question and the views of the Highway Authority will be sought to confirm that is the case and reported if received in

time. In addition it is hoped that the Highway Authority will provide an estimated cost of the public realm improvements in Corporation Street as referred to in item 1 of recommendation A.

A requirement to provide bus passes to the occupiers of the student accommodation has not been included to date within the list of recommended planning obligations. In respect of some, but not all of the other purpose built student accommodation developments within the town centre with either no or limited parking, the County Council has sought such a requirement and the LPA has agreed with and pursued that approach. The County Council have not made such a request in this case and the existence of such passes has not, it would appear, been assumed in the Transport Assessment nor is it an identified measure in the proposed Travel Plan. The views of the Highway Authority are being obtained on this aspect and the proposal below is for a 2 month introductory bus pass to be provided (which would, at current prices and assuming full occupation of the student part of the development, be an ongoing revenue cost of about £50,000 per annum). If the applicants have a view on such a proposal it is considered that notwithstanding the guillotine on late representations they should be allowed to have such a view reported.

In light of the proposed contributions the recommendation A is revised as follows. Recommendation B remains unaltered.

Revised recommendation A

A) Subject to the applicant entering into planning obligations by 8th 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. £8,000 towards the installation costs of a Real Time Passenger Information system for bus services;**
- 4. £25,000 towards improvements to the cycle route from Newcastle town centre to Keele University;**
- 5. £8,000 towards the cost of installation and operation of 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.**
- 8. The provision of a 2 month introductory bus pass for the occupiers of the student accommodation**

PERMIT, subject to conditions relating to the conditions as set out in the main agenda report