

**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**

**7<sup>th</sup> November 2017**

**Agenda item 4**

**Application ref. 17/00637/FUL**

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

The applicant has responded to the addition, as set out in the first supplementary report, of the requirement that a 2 month introductory bus pass for the occupiers of the student accommodation be secured through a planning obligation. The response is summarised as follows:

- The Planning Committee report published on 27<sup>th</sup> October sets out an Officer recommendation that planning permission should be granted subject to conditions and the applicant entering into planning obligations in relation to a number of specified matters not including the provision of student bus travel. Such a requirement was not, therefore, considered necessary to make the proposed development acceptable. The applicant does not understand how a contribution towards the provision of student bus travel can be sought now.
- Such a contribution is clearly not necessary given the highly sustainable location of the site and the fact that the Highway Authority has not sought a contribution in this regard.
- Planning obligations may only constitute a reason for granting planning permission if they meet the legal tests including that they are necessary to make the development acceptable in planning terms. As the positive recommendation within the main agenda report did not include such a requirement this cannot, therefore, be the case.
- Students can be expected to make use of the readily available and high frequency bus services without the need for any such incentive having regard to the significant disincentive of parking not being proposed.
- The Highway Authority has only made a request for such provision for the site of the Savoy Cinema and not for the other purpose built student accommodation development permitted at Orme Road, the site of the former Jubilee Baths and the former Bristol Street Motors site on London Road.
- The development proposed in this application makes provision of up to 40 parking permits which is a similar proportion to the number of parking spaces per student within the former Jubilee Baths development.
- The former Bristol Street Motors site planning permission secured a free bus pass for the first 12 months of occupation within a revised Travel Plan. This was not at the request of the Highway Authority; no reference was made to this requirement in the report; and the bus pass provision did not form part of the S106 legal agreement and there is therefore some considerable doubt over the mechanism by which any contribution will be secured.
- No parking was proposed for the Savoy development.
- A clear distinction can be drawn between this proposal and those for the Savoy and former Bristol Street Motors sites in that appropriate parking provision is proposed in this scheme whilst also encouraging sustainable modes of transport.
- Notwithstanding the overriding issue over the justification for the condition attached to the former Bristol Street Motors site planning permission and how any contribution might be secured, it is clearly time limited to the first 12 months of occupation whilst there is no such time limit in the revised recommendation for the development which is the subject of this report.

The Highway Authority have provided a rough estimate of the costs of the public realm works in Corporation Street assuming a similar specification to the works undertaken on Red Lion Square, High Street. They advise if such works were to be undertaken for the entire length of Corporation Street (from Liverpool Road to Merrial Street) it would cost around £929,000, and

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if confined to the shorter section from the development to Merrial Street it would cost around £575,000.

#### Officer Response

Further consideration has been given to the inclusion of the requirement to provide a 2 month introductory bus pass for the occupiers of the student accommodation.

The applicant is incorrect in the assertion that there was no reference to the requirement within the report for the former Bristol Street Motors site (reference 16/01060/FUL). It was indicated at paragraph 5.27 of the report that occupants of that scheme “are proposed to be provided with free ‘introductory’ bus passes to promote the use of public transport” and the recommendation included that provision of introductory bus passes should be secured within a planning obligation. It is accepted, however, that a distinction can be made between this development and those proposed at the Savoy and the former Bristol Street Motors sites.

In the case of the development of the Savoy site no parking provision was proposed at all and the provision of bus passes was offered by the developer as a measure to further incentivise the occupiers to leave their cars at ‘home’ so that no on street parking problems would arise. In the case of the former Bristol Street Motors site a significant number of parking spaces were proposed which could encourage student resident in that scheme to bring their cars. The provision of bus passes was considered appropriate to encourage bus use and discourage car use in such circumstances.

The development here proposed seeks to address the issue of parking by providing some, but limited, car parking spaces and seeks to mitigate any parking issues by providing a sum of money to be used to fund Resident Parking Zones in the event that it has been demonstrated that the development has resulted in on street parking problems. In that regard this development is more comparable with the development that has been permitted on the former Jubilee Baths site which was accepted by the LPA without the provision of bus passes. In addition it is noted that the location of the nearest bus stop for the bus to Keele University is directly adjacent to the site, on Merrial Street, and as such it could not be any more convenient for the student occupiers. In the case the former Bristol Street Motors site the occupiers would have to walk further to and from the nearest bus stop and free bus travel in those cases could persuade the occupants to travel by bus when they might not otherwise have done so.

After further consideration it is therefore accepted that the provision of parking for the occupiers of this development in addition to all the other measures to encourage non-car usage (the provision of a Real Time Passenger information system for bus services and funding improvements to the cycle route to Keele University), together with the measures to address any on street parking issues that may arise, strikes the appropriate balance without the need to secure bus passes. As such it is accepted that the requirement to provide bus passes is not necessary to make the development acceptable and as such is not justified. The recommendation is therefore amended accordingly.

On the basis of the information provided by the Highway Authority it appears likely that the financial contribution of £542,797 would be insufficient to cover such works and leave any money left to be spent on the enhancement of Brampton Park or Queen Elizabeth Park. However the developer has suggested that the works may cost considerably less and as the costs of the public realm works within Corporation Street cannot be established at this time, when no public realm works have been designed, and as such the possibility remains that there will be some of the contribution left for public open space enhancements. It is considered important that some significant contribution towards public open space is obtained, given the additional demands placed upon on public open space, so the recommendation is amended to reflect this.

#### **Revised recommendation A**

**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 at least £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, the public open space contribution being at least £250,000**
- 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.**

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