

**THE ORME CENTRE, ORME ROAD, NEWCASTLE-UNDER-LYME  
ABODE RESIDENCIES**

**18/00183/FUL**

Full planning permission is sought for the conversion of the former Orme Centre/School and the erection of a new building to provide 112 bed student accommodation. The site backs onto Buckley's Row, and has frontages to Higherland, Pool Dam, and Orme Road.

The application site is within the Newcastle Urban Area as indicated on the Local Development Framework Proposals Map.

The former Orme Centre is a Grade II Listed Building.

Consideration of this application was deferred at the meetings of the Planning Committee held on 17<sup>th</sup> July and 14<sup>th</sup> August to allow additional time for the discussions between the principal parties about the viability of the scheme to be held. The associated application for listed building consent for the works of alteration was approved (Ref. 18/00367/LBC).

**The 13 week period for this application expired on 24<sup>th</sup> July but the applicant has agreed to an extension to the statutory period until 21<sup>st</sup> September 2018.**

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## **RECOMMENDATIONS**

**(1) Subject to the receipt and consideration of final independent advice as to what financial contributions this development could support, and a supplementary report to the Committee on this aspect, and in the absence of a viability case the applicant entering into a Section 106 obligation by agreement by 14<sup>th</sup> September 2018 to require:**

- a. financial contributions to the enhancement and maintenance of Queen Elizabeth Park of £124,560 (allowing for the extant permission) and a travel plan monitoring fee of £2,200**
- b. a financial contribution of £50,000 to be used to fund a Resident Parking Zone in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems**

**PERMIT subject to conditions relating to the following matters:**

- 1. Time limit**
- 2. Approved plans**
- 3. Occupation to be restricted to students only**
- 4. Residential parking survey of streets to be agreed prior to first occupation of the development and a second survey 12 months later when fully occupied**
- 5. Provision of access**
- 6. Off-site highway works**
- 7. Details of surfacing materials, surface water drainage and delineation of parking bays**
- 8. Closure of existing access**
- 9. Car park access to remain ungated**
- 10. Provision of secure weatherproof cycle parking**
- 11. Travel plan**
- 12. Construction method statement**
- 13. Landscaping and tree protection conditions**
- 14. Contamination conditions with respect to controlled waters**
- 15. Building recording**
- 16. Written scheme of archaeological investigation**
- 17. Construction and demolition hours**
- 18. Piling**
- 19. Dust mitigation**
- 20. Dwelling noise levels**
- 21. External materials**
- 22. Drainage conditions**
- 23. Implementation of security/crime prevention measures**
- 24. Building wide ventilation system for Main Building**
- 25. Heating system of both Main and New buildings**
- 26. Air quality standards**
- 27. Kitchen ventilation system and odour abatement**

**(2) Failing completion by the date referred to in the above resolution (1) of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that in the absence of a secured planning obligation the public open space needs of the development would not be met and the development would fail to ensure it achieves sustainable development outcomes; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

## **Reason for Recommendation**

Taking into account the requirement for the decision-maker to pay special attention to such matters it is considered that the new building would be acceptable in terms of its scale, design and appearance and it would preserve the setting of the Listed Building. It is considered that sufficient parking would

be provided within the application site to ensure that significant additional on-street parking demand is not created by the development that may lead to an exacerbation of congestion and related harm to highway safety on streets in the vicinity of the development.

The applicant has submitted financial information to substantiate their claim that the Council's requirements as a Local Planning Authority would render a policy compliant scheme unviable. The draft report of an independent valuer setting out his appraisal of the development's viability has been received and a further report will be brought to members on this issue.

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

Amendments have been sought from the applicant and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

### **Key Issues**

This application seeks full planning permission for the conversion of the former Orme Centre/School and the erection of a new building to provide 112 bed student accommodation. The former Orme Centre is a Grade II Listed Building and listed building consent was granted on 23<sup>rd</sup> July for the works of alteration to the building (Ref. 18/00367/LBC).

The application site is within the Newcastle Urban Area as indicated on the Local Development Framework Proposals Map.

Planning permission was granted last year for conversion of the former Orme Centre/School into student accommodation and outline planning permission for a new building for student accommodation (Ref. 16/00796/OUT). Then earlier this year, Members resolved to permit an application for the variation of Condition 5 of that permission which sought to substitute amended plans to allow for elevational changes (Ref. 18/00090/FUL). That resolution was subject to the applicant entering into a Section 106 Agreement which is not yet completed. Reference is made to this in the quarterly report to be found elsewhere on this agenda.

The principal change now proposed is an increase in the number of beds across the site from 96 to 112, in part as a result of the provision within some of the rooms of two beds. The minor elevational changes to the new building proposed in application 18/00090/FUL are also shown. The main issues in the consideration of this application are therefore:

- Do the proposed amendments have any adverse impact upon the setting of the Listed Building and on the character and appearance of the area?
- Is sufficient parking provision proposed within the site to prevent the exacerbation of congestion and related harm to highway safety?
- What, if any, planning obligations are necessary to make the development policy compliant and would some lesser or nil contributions be justified given issues of viability?

### **Do the proposed amendments have any adverse impact upon the setting of the Listed Building and on the character and appearance of the area?**

Saved NLP Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a Listed Building.

The proposed amendments to the former School building are primarily internal alterations (and these do not require planning permission and now have listed building consent). Externally, the sole change is the insertion of additional windows in the south facing rear elevation of the new building. Although still pending a decision due to a requirement for the applicant to enter into a Section 106 Agreement, the Committee resolved to approve these elevational changes earlier this year (Ref. 18/00090/FUL) and therefore, it would not be reasonable to raise any concerns now.

### **Is enough parking provision proposed within the site to prevent the exacerbation of congestion and related harm to highway safety?**

In the approved scheme 20 parking spaces were shown for 96 rooms and in this revised scheme, 25 spaces are proposed for 112 bed spaces.

Based on the maximum parking standards in the Local Plan relating to student accommodation expected to be provided by Keele University (the closest comparison), the development should not be permitted to provide more than 28 spaces according to the Local Plan.

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 109, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 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.

The 20 spaces that were accepted as sufficient for 96 students in the approved scheme equates to 1 space for every 4.8 students. The 25 spaces now proposed for 112 students equates to 1 space for every 4.5 students so there is a slight improvement in the ratio.

Given this and given the highly sustainable location of the proposed development it is not considered that an objection could be sustained on highway safety grounds. The Highway Authority has no objections subject to conditions and planning obligations requiring financial contributions to travel plan monitoring and, potentially, subject to the results of 'before' and 'after' surveys of on street parking, to implementation of a residents zone scheme.

What, if any, planning obligations are necessary to make the development policy compliant and would some lesser or nil contributions be justified given issues of viability?

In relation to the previous scheme it was concluded that no affordable housing and no education contributions should be required. There is no reason to reach a different conclusion now. However, a financial contribution towards public open space, a travel plan monitoring fee and a contribution towards the establishment of a Resident's parking scheme were considered to comply with both Section 122 and Section 123 of the CIL Regulations and to be what a "policy compliant" scheme would require.

To comply with policy therefore, a financial contribution of £124,560 to the enhancement and maintenance of Queen Elizabeth Park, a travel plan monitoring fee of £2,200 and a financial contribution of £50,000 to be used to fund a Resident Parking Zone in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems, would be required to make the development policy compliant.

In relation to the previous scheme, the applicant submitted a Viability Assessment which concluded that the development could support no financial contributions. That was assessed by an independent valuer who agreed with its conclusions. That planning permission was subject to a Section 106 Agreement that secured a financial viability reappraisal mechanism should a substantial commencement of the development not occur within 18 months of the date of the decision on the application, and then payment of appropriate contributions, if the development were to be found capable of financially supporting these contributions.

Given the change in circumstances in that the site has now been sold to the current applicant and that 16 additional student beds are proposed, a new viability appraisal has been requested and received.

It is acknowledged that in some circumstances an applicant may believe that what is being asked for by the Council will render a development unviable. The Developer Contributions SPD, adopted by the Borough Council in September 2007, has a section on the issue of "viability" and it starts with the point that any developer contributions required will need to comply with the tests set out in the then

circular on planning obligations, which include those of fairness and being reasonably related in scale and kind to the proposed development, and reasonable in all other respects. Although the circular has since been superseded the principles continue to apply.

The Council's position is that in such circumstances, for the Council to be persuaded to reduce its requirements, the onus is upon the applicant to justify why and how special circumstances apply. A list of the type of information which an applicant might consider useful to demonstrate why the Council's requirements are too onerous is provided and it is indicated that negotiations over the level of and nature of contributions will be assessed on a 'site by site' basis, having regard to a financial appraisal (which may be informed by independent advice) and that such negotiations will need to take account of the economics of the development and other national, regional, and local planning objectives that may affect the economic viability of the proposal.

The applicant in this case has submitted financial information to substantiate their claim that the Council's requirements as an LPA would render a policy compliant scheme unviable. The information submitted has been sent by your officers to an independent valuer (the District Valuer) who has provided a draft report a policy compliant scheme is viable here – on the basis that his calculated "residual land value" of the current scheme is greater than that of the previous scheme which the the District Valuer advises is the appropriate benchmark against which to determine viability. Initial indications are that there a number of points upon which the District Valuer and the applicant disagree. It may perhaps be that upon the provision of additional information the District Valuer may wish to reconsider his position on at least some points. The matter requires further consideration and the exchange of information, and will need to be the subject of a supplementary report to the Committee.

As indicated above the contributions being sought are ones which make the development policy compliant and 'sustainable'. They are considered to meet the requirements of Section 122 of the CIL Regulations being 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.

## **APPENDIX**

### **Policies and Proposals in the approved Development Plan relevant to the decision:-**

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

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

#### [Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy H1:	Residential Development: sustainable location and protection of the countryside
Policy C22:	Protection of Community Facilities
Policy N12:	Development and the Protection of Trees
Policy N13:	Felling and Pruning of Trees
Policy B3:	Other Archaeological Sites
Policy B4:	Demolition of Listed Buildings
Policy B5:	Control of Development Affecting the Setting of a Listed Building
Policy B6:	Extension or Alteration of Listed Buildings
Policy B7:	Listed Buildings – Change of Use
Policy T16:	Development – General Parking Requirements
Policy IM1:	Provision of essential supporting infrastructure and community facilities

### **Other Material Considerations include:**

[National Planning Policy Framework](#) (July 2018) and Ministerial Statement on Parking (March 2015)

[Planning Practice Guidance](#) (NPPG) (2014)

[Supplementary Planning Documents \(SPDs\)](#)

[Affordable Housing SPD](#) (2009)

[Space Around Dwellings SPG](#) (SAD) (July 2004)

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

[Developer contributions SPD](#) (2007)

[Relevant Planning History](#)

15/00700/OUT	Full planning permission for conversion of the former Orme Centre/School into student accommodation involving demolition of a single storey toilet block and outline planning permission for a new building for student accommodation (total of 94 rooms)	Refused
15/01078/OUT	Listed building consent for the alteration and selective demolition of part of the Listed Building	Withdrawn
16/00796/OUT	Full planning permission for conversion of the former Orme Centre/School into student accommodation involving demolition of a single storey toilet block and outline planning permission for a new building for student accommodation (giving a total of 96 beds across the site)	Approved
16/00798/LBC	Listed building consent for the alteration and selective demolition of part of the Listed Building	Approved
18/00086/LBC	Listed building consent for alterations to the Listed Building	Approved
18/00090/FUL	Variation of condition 5 (changes to approved plans) of planning permission	Resolution to permit subject to S106 agreement
16/00796/OUT		
18/00367/LBC	Conversion of existing listed building into residential studios	Approved

#### Views of Consultees

The Council's **Conservation Officer** states that although a mezzanine with 3 bedroom pods are proposed within the hall, a void remains in a portion of the space so that the full height of the room will be open to a slightly greater extent than in the approved scheme. The original approved scheme slotted a floor in the hall with a mezzanine and a void to the centre. This revision has a slightly larger void at one end of the room. The difference is that the original use was always for all residents to use both floors. On balance, the experience of the space in the hall will still be enjoyed and the special character of the room retained. None of the historic features are being removed; just obscured. The proposal is considered acceptable.

The **Conservation Advisory Working Party (CAWP)** originally objected to the internal changes to the main hall space stating that the proposed rooms and corridor would significantly impact on the light within the space. They commented that this internal space, along with the exterior, is an important part of the significance of this heritage asset, and should be retained. Regarding the amended plans, the Group was pleased that the proposals have developed since they previously commented but still considers that the proposals involve an insensitive insertion into the building. The 'pod' should be independent of the structure of the building and they wish to see more details as how it will be constructed as well as an artist impression/visualisation of how the 'pod' will be seen within the hall.

The **County Archaeologist** makes no comments.

The **Highway Authority** has no objections to the proposal subject to conditions requiring occupation by students only, completion of the access, details of surfacing materials and drainage for the access and car park, delineation of parking bays, a parking survey of residential streets, a car park management scheme, details of off-site highway works, closure of the existing access, car park to remain ungated, details of secure weatherproof parking for a minimum of 56 cycles, submission and approval of a Travel Plan and submission and approval of a Construction Method Statement.

Section 106 contributions totalling £52,360 are required towards travel plan monitoring and for parking surveys and the implementation of Residents' Parking Zones or parking restrictions if deemed necessary.

**Severn Trent Water** has no objections subject to a condition requiring the submission, approval and implementation of drainage plans for the disposal of foul and surface water flows.

The **Environment Agency** has no objections subject to a condition regarding contamination.

The **Environmental Health Division** has no objections subject to conditions regarding a construction environmental management plan, glazing specification, noise assessment, noise from plant and mechanical ventilation, details of ventilation, external artificial lighting, waste storage and collection, air quality standards and provision of a kitchen ventilation system and odour abatement.

The **Landscape Development Section** states that there is proposed tree loss on the site and replacement trees would be required as part of landscaping proposals. T2 which is an important Ash tree is to be retained. The new layout will avoid the Root Protection Area of T2. Full hard and soft landscaping proposals and tree protection proposals are required along with a Section 106 contribution for nearby Public Open Space.

The **Local Lead Flood Authority** has no objections subject to a condition requiring the submission of a detailed surface water drainage scheme.

The **Crime Prevention Design Advisor** has no issues with the principle of the proposal but states there is a paucity of information in relation to security and student safety. Students can be attractive targets for offenders so it is important that this proposed development guards against this. As well as guarding against acquisitive crime, measures should promote student safety. Before approving this application, the local authority should satisfy itself that a comprehensive security strategy with a range of security measures will be in place, in an effort to provide the students with accommodation within which they will be and will feel safe and secure. Currently the application fails to demonstrate that this will be the case.

The Council's **Waste Management Section** states that no storage is shown for refuse or recycling containment on the site. The preferred location for a bin store would be adjacent to the site entrance. Information is required regarding the frequency of planned collections.

The County Council as the **Mineral and Waste Planning Authority** makes no comments on the application.

**Cadent Gas** states that there is operational gas apparatus within the application site boundary and if buildings are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus.

No comments have been received from **United Utilities**, the **Society for the Protection of Ancient Buildings**, the **Council for British Archaeology**, the **Twentieth Century Society**, the **Ancient Monuments Society**, the **Victorian Society**, the **Council's Housing Strategy Section** and the **Newcastle South Locality Action Partnership**. Given that the period for comment has now expired, it must be assumed that all of the above have no comments to make.

#### Representations

None

#### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Heritage Statement
- Noise Survey
- Air Quality Assessment
- Arboricultural Report
- Bat Survey
- Drainage Strategy

All of these documents are available for inspection at the Guildhall and as associated documents to the application via the following links



<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00183/FUL>

**Background Papers**

Planning files referred to  
Planning Documents referred to

**Date report prepared**

30th August 2018