

FORMER SAVOY CINEMA/METROPOLIS NIGHTCLUB, 72, HIGH STREET, NEWCASTLE
MODULTEC INTERNATIONAL LTD & METROPOLIS STUDENT LTD

18/00483/FUL

The application is for full planning permission for the erection of a part 9, part 12 storey building to provide 211 rooms of student accommodation.

Pedestrian access to the site would be via The Midway. No parking provision is proposed within the site. Cycle storage for 106 cycles is proposed.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The nearest Listed Building to the application site is the Guildhall.

The 13 week period for the determination of this application expired on the 8th October but an extension of the statutory period to 9th January 2019 has been agreed by the applicant.

RECOMMENDATION

A) Subject to the applicant entering into a Section 106 obligation by agreement by 14th February 2019 to require:

- i. a free bus pass to each student for travel to the Campus at Keele University, Staffordshire University, Stoke-on-Trent College or the Royal Stoke University Hospital**
- ii. a financial contribution of £22,200 towards the enhancement of public open space**
- iii. £2,200 towards travel plan monitoring**
- iv. £8,000 towards the ongoing maintenance of the Real Time Passenger Information system for bus services**
- v. £10,600 towards improvements to the cycle route from Newcastle town centre to Keele University**
- vi. £11,000 towards public realm improvements in the vicinity**
- vii. A review mechanism of the scheme's ability to make a more or fully policy compliant contribution to public open space if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution if then found financially viable**

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

- Commencement time limit**
- Approved plans**
- Report of unexpected contamination**
- Construction environmental management plan**
- Noise from plant and mechanical ventilation,**
- Ventilation provision to habitable spaces**
- Glazing specification**
- Occupation by students only**
- Secure cycle parking in accordance with approved details**
- Travel plan**
- Facing and external surfacing materials**
- Sample panel to be retained on site**
- Details of window reveals**
- Detailed surface water drainage scheme**
- Archaeological evaluation**
- Provision of security measures to alleyway including a gate and lighting**
- Security measures to the building**
- Telecommunications apparatus**

B) Should the above Section 106 obligations not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured, the development would fail to ensure it achieves sustainable development outcomes, the public realm and safety improvements required to secure an appropriate context for the development and inclusive development would not be achieved, and the public open space impacts of the development would at least in part be met, and there would not be an appropriate review mechanism to allow for changed financial circumstance, and, in such circumstances, the potential provision of a policy compliant financial contribution towards public open space; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

Reason for Recommendation

The site is located in a highly sustainable location within Newcastle town centre. The benefits of the scheme include the provision of student accommodation within an appropriate location making use of

previously developed land. The introduction of such accommodation in this location should also benefit the town centre, making it a more vibrant place. Having regard to the conclusions of the Inspector in relation to the previous scheme for this site, your Officer considers that the current proposal 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 the Listed Buildings. The statutory requirement to pay special attention to such matters is considered to be met. The proposed materials are considered appropriate subject to the imposition of conditions to ensure that the architectural details, materials and finishes are of a high standard. Acceptable residential amenity would be provided for the occupiers of the building and given the highly sustainable location of the proposed development and having regard to the conclusions of the Inspector in relation to the previous scheme, 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.

It is accepted, following the obtaining of independent financial advice, that a policy compliant scheme is not viable and that the scheme can sustain reduced contributions but the benefits of the development are considered to outweigh the harm caused by the additional demand created by the development on the public open space in the area. A Section 106 agreement is required to secure those policy compliant contributions which can be afforded and a viability review mechanism should substantial commencement not be achieved promptly.

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

Full planning permission is sought for the erection of a part 9, part 12 storey building to provide 211 rooms of student accommodation, communal areas, a laundry and bike storage.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

Full planning permission was allowed at appeal earlier this year for the demolition of the former Savoy Cinema/Metropolis Nightclub and erection of a 13-storey student accommodation building (Ref. 17/00174/FUL) of a maximum height of 37.5 m.

The main issues in the consideration of the application are:

- Is the principle of the proposed development on the site acceptable?
- Is the proposal acceptable in terms of its impact on the form and character of the Conservation Area and nearby Listed Buildings both in relation to the loss of the existing building, and the proposed development itself?
- Are acceptable residential amenity levels achieved for the occupiers?
- Are crime prevention/security considerations appropriately addressed within the development?
- 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 and would some lesser or nil contributions be justified given issues of viability?

1. Is the principle of the proposed development on the site acceptable?

1.1 In relation to the previous consent for this site (Ref. 17/00174/FUL), neither the Council in refusing the scheme or the Inspector in allowing the appeal, raised any objection to the principle of residential development in this location.

1.2 Since the previous scheme was considered and the appeal decision was received, a revised NPPF has been published (July 2018). There is nothing in the revised NPPF on this matter to suggest that there is a basis for the Local Planning Authority to reconsider its position on this issue.

1.3 This is a previously developed site in a highly sustainable location within the urban area. The site is in easy walking distance of the shops and services of Newcastle Town Centre with regular bus services to destinations around the borough, including Keele University, and beyond. It is considered that the site provides a sustainable location for additional residential development that would accord with the Town Centre SPD.

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

2.1 Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

2.2 The former Savoy Cinema, a large brick building that was constructed in 1913, is currently being demolished - part of having been deemed under the Building Act to be a dangerous structure. Consent for the demolition of the building was granted under the appeal scheme.

2.3 The NPPF states that in determining planning applications, local planning authorities 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.

2.4 Paragraph 193 of 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, Listed Building or Registered Park and Garden, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

2.5 Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

2.6 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) states in HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must:-

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.
- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

2.7 The site slopes up from the Midway towards High Street, but does not itself front onto the High

Street, being set behind the buildings occupied by Clinton Cards and the HSBC (No's 70 and 74 High Street). To the south-east of the site on the same side of the Midway there are two and three storey buildings, to the north-west is the Roebuck Centre building and overbridge, and to the south is Blackburn House which is 8 storeys in height and the Midway multi-storey car park. Overall there is a varied context within which the proposed building is set in terms of the scale and height of the buildings.

2.8 The proposal is to construct a building of between 26m and 34.5m in height. The elevation closest to High Street would be 9 storeys and the elevation closest to The Midway would be 12 storeys. It would be constructed from a series of modular units which would be pre-fabricated off site. A single access point is proposed from the Midway with a lobby/reception at the entrance and the plant, refuse, laundry and bike stores sited to the rear of the ground floor. Each of the 211 studios proposed would feature an en-suite bathroom and kitchenette facilities.

2.9 The predominant materials would comprise brick and metal cladding with a contrast provided between a lighter tone of brick with dark grey industrial cladding on the top two floors. The roof level would be stepped back and sections of brick detailing are proposed to help break up the massing of the building.

2.10 The Town Centre SPD states that the Town Centre's historic character and identity, with its special distinctiveness as a market town, is an asset that needs to be conserved and enhanced. Development must 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.

2.11 The SPD states that while elsewhere there are opportunities for taller buildings on suitably located sites, the historic core is very sensitive, and runs the risk of being undermined by buildings that are too high or too low. It states that the need to safeguard important views will also be a key issue on determining acceptable heights. It goes on to state that existing landmark buildings and features provide orientation within the town and are important at both a strategic and local level. They should be protected and enhanced and so new development should not detract, nor compete with them. Important views should not be obscured. Both St. Giles' Church and the Guildhall are identified as existing tall landmark buildings which are Listed.

2.12 Both the height and the massing of the building have been reduced compared to the scheme that was allowed at appeal (17/00174/FUL) and which as an extant planning permission and a fallback position is a significant material consideration in the determination of this current planning application. That proposal had a maximum height of 37.5 m. As the site is located within the Town Centre, views would generally be screened by existing development. The lower floors would only be visible from the Midway and from many other locations, the development would be either screened by intervening development or would be viewed in the context of the existing development including the Vue Cinema, Morston House, Blackburn House (now known as Keele House), and Midway Car Park. Given that the height and the massing of the building have been reduced, the impact of the building in views within and around the town has been reduced.

2.13 The Conservation Officer considers that the height reduction has made a significant difference to the impact the proposal would have on the character and appearance of this part of the town centre and that there is unlikely to be any harm in this character area. The character area around the Midway will gain an active frontage and that will also improve the appearance of the area. The brick detailing is supported, deep window reveals will create a higher quality building and perforated brick on the entrance is a good feature to create interest and light. It is considered that the brick detailing will be effective. Historic England states that this scheme would have a less harmful impact than previous proposals for the site.

2.14 The Urban Vision Design Review Panel (UVDRP) state that the reduction in height and footprint and the amendments to external materials are supported. They state that the simple use of materials of the brick elevations, with patterned and relief sections is welcomed but that further consideration might be given to the changes of colour and self-conscious patterning of the facades and the need for screening to the roof top areas.

2.15 In allowing the appeal proposal the Inspector stated as follows:

"I observed at my site visit that in its town centre location the views of the new development would largely be screened by existing buildings in the area. In my view it would be seen in the context of existing buildings around the Midway, including the modern cinema, the car park opposite and Keele House. The effect on key views from the High Street area has been mitigated by stepping down the building towards the High Street which would help to integrate the building into its sensitive surroundings. Therefore, the overall scale and massing of the building as evidenced by the appellant's Visual Impact Assessment, would not over dominate views towards the town centre and its sky line.

It appears to me that the building would have some adverse impacts on longer distance views towards the Town Centre, However, I am satisfied that the most important listed buildings in the locality; the Guildhall and St Giles Church would retain their status as particularly prominent, important and distinctive buildings in relation to the sky line. Their profiles and character would not be compromised or lost against the proposed development."

2.16 Given the conclusions of the Inspector in relation to the previous scheme, your Officer considers that the current proposal 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 the Listed Buildings. The statutory requirement to pay special attention to such matters is considered to be met. The proposed materials are considered appropriate subject to the imposition of conditions to ensure that the architectural details, materials and finishes are of a high standard.

3. Are acceptable residential amenity levels achieved for the occupiers?

3.1 The application site is located within the Town Centre in between the Midway, a road within the ring road that primarily provides access to the Midway car park and to service areas, and the High Street, a pedestrianised shopping street. The site is not within a residential area and as it does not directly adjoin any residential properties, it is not considered that the development will result in the loss of amenity for any nearby residents.

3.2 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. 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. The Environmental Health Division (EHD) has no objections from a noise perspective subject to conditions.

3.3 The UVDRP express concern that privacy is severely compromised for several of the proposed bedrooms at mezzanine level adjacent to the public walkway (north-west elevation) and that some of the bedrooms on the south-east elevation would have no outlook and would be severely overshadowed by the proximity of the adjacent building. Notwithstanding the views of Urban Vision, it is considered that the residents of all rooms would have an acceptable outlook and level of amenity even taking account of the close proximity of the development to existing buildings, provided improvements to the immediate public realm were achieved. The building itself with its external lighting, all round activity and natural surveillance will help "lift" the area. Whilst there is very little outside amenity space proposed, occupiers would be within close proximity to a number of open spaces and parks within and around the town.

3.4 Overall it is considered that the development could provide acceptable living conditions for its occupiers.

4. Are crime prevention/security considerations appropriately addressed within the development?

4.1 The Crime Prevention Design Advisor has raised concerns regarding the lack of reference in the application to security measures and states that the Local Planning Authority should ensure that

appropriate measures will be in place and obvious potential vulnerabilities addressed before granting planning permission.

4.2 Additional information has been submitted by the applicant who has advised that there will be a 24 hour security service. Access via the main entrance will be by key fob and then a secondary layer of security is proposed with access from the foyer to the stairs and lifts via an additional key fob access. There will be a staffed reception desk and the accommodation manager's office will have CCTV to allow monitoring of the main entrance and communal areas. The CCTV and the access control system will be professionally maintained.

4.3 The Highway Authority has expressed concern that some of the existing streetlights along the walkway along the north-western elevation of the building have been removed. They state that this will leave pedestrians vulnerable and therefore request that replacement street lighting should be provided. The applicant has advised that the walkway would be improved by the incorporation of low level wall lighting and low level planting. The walkway is currently closed off in the evening by town centre wardens from the High Street entrance (between the units currently occupied HSBC Bank and Clinton Cards) however the access from the Midway remains open. To increase the security of the bedrooms on the ground floor it is proposed to incorporate a gate on the Midway entrance and fence along the open side of the walkway so as to completely close it off during the evening. Your Officer considers that this is necessary to ensure an appropriate level of amenity for the occupiers of the rooms immediately adjacent to the walkway and it is considered that such measures would need to be secured by a Grampian style condition.

4.4 These proposals to improve the alleyway are welcomed. Restricting access during the evening/night has definite community safety benefits and reduces anti-social behaviour opportunities. Incorporating a gate at the Midway entrance to the walkway and fencing along its length to close off access during the evening/night should be beneficial for students living on lower floors.

4.5 It is considered that the building will be suitably secured and appropriate crime prevention measures adopted. A condition could be imposed to ensure such measures are provided. In addition, the presence of the building will significantly increase the natural surveillance of the Midway, the adjacent walkway and the Midway car park.

4.6 The scheme no longer provides direct pedestrian access from within the building out onto the High Street and this means that once the alleyway is closed access to the High Street would have to be via The Midway southwards and then up Friars Street or northwards along the Midway and then up Pepper Street. This issue is addressed further below in the context of required planning obligations.

5. Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?

5.1 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 53 spaces according to the Local Plan. No parking is proposed within the site.

5.2 Saved NLP Policy T17 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 109, states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe. Paragraph 110 states that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, and second to facilitating access to high quality public transport. 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.

5.3 The submitted Transport Statement states that the operator of the accommodation would organise arrivals and departures and that this would be undertaken through the Travel Plan. It is stated that both Keele and Staffordshire Universities operate a controlled parking scheme on their campuses as there is only a limited number of parking spaces available for students. The applicant has agreed to provide parking for 5 vehicles for mobility impaired drivers at the Midway multi-storey car park. Any students who have access to a car would be provided with an opportunity to buy an annual season car park pass. However Members should avoid giving any particular weight to this approach in their decision as there is no suggestion that the Highway Authority considers that a planning permission should be subject to a condition requiring the provision of such permits.

5.4 Approximately 106 cycle spaces would be provided within the site and the applicant has offered to provide free bus passes to cover travel from the site to the Universities.

5.5 There is a very good bus service between the town centre and the University Campus or 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. 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.

5.6 The Highway Authority has considered the sustainable location of the site and has no objections subject to a number of conditions including one requiring the submission, approval and implementation of a Travel Plan to promote travel by sustainable transport modes. They have also requested a number of Section 106 contributions which will be considered in detail in Section 6 of the report.

5.7 In allowing the appeal for the previous scheme (Ref. 17/0174/FUL), a scheme that similarly included no on-site parking provision, the Inspector agreed that the University's measures to discourage students from driving to campus and parking their vehicles will have some effect of discouraging students bringing their cars to their place of study. He acknowledged that measures can be secured through conditions and the section 106 agreement which will encourage the use of more sustainable methods of transport such as free bus passes, provision of on-site cycle storage, travel plan monitoring and real time passenger information systems.

5.8 The Inspector acknowledged that it is inevitable that some students will wish to use their own vehicles and may wish to park in unrestricted residential streets but concluded as follows:

Given the provisions of the Framework in the light of the Written Ministerial Statement and the package of measures that can be put in place to encourage the use of more sustainable means of transport I have insufficient evidence that in this particular case the proposal would be likely to have a harmful effect on highway safety resulting from additional demand for on-street parking.

5.9 Having regard to the conclusions of the Inspector in relation to the previous scheme and given the highly sustainable location of the proposed development, it is not considered that the lack of parking within the proposal would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

6. 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?

6.1 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

6.2 The Landscape Development Section (LDS) has requested a contribution of £205,535.10 towards public open space improvements and maintenance which would be used for town centre greenspaces, Queen Elizabeth Park and/or Queens Gardens.

6.3 The Highway Authority (HA) also requests a number of financial contributions. They request a travel plan monitoring fee of £2,200, the provision of a free bus pass to each student for travel from Newcastle Town Centre to Keele University, Staffordshire University, Stoke-on-Trent College or The Royal Stoke University Hospital, a contribution of £8,000 towards the ongoing maintenance of the Real Time Passenger Information (RTPI) system for bus services, and a financial contribution of £10,600 to provide improvements to the cycle route from Newcastle town centre to Keele University.

6.4 In allowing the appeal for the previous scheme (Ref. 17/0174/FUL) the Inspector considered the travel plan monitoring fee, the bus pass, the contribution towards the RTPI system and the public open space contribution to meet the CIL Regulations Section 122 tests in that they were necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

6.5 With regard to the contribution towards improvements to the cycle route from Newcastle town centre to Keele University, the Inspector expressed concern that the overall cost of the project was just an estimate and that there was no evidence of how the figure per cycle space related to the delivery of the cycle route improvements. As such, while he appreciated that residents may benefit from the route, he considered that there was insufficient evidence before him to justify how the contribution was related in scale and kind to the development.

6.6 The Highway Authority has advised that the cycleway is currently a committed scheme that has been approved by the Highway Authority and is due to be implemented when sources of funding have been clarified. The route, which is a key strategic link, has been agreed with Sustrans and is included as a Priority for Funding in the published Newcastle Integrated Transport Strategy 2015-2026. The cost of its delivery is expected to be approximately £100,000. Its prime purpose is to provide a direct link between the Town and Keele University for the benefit of University students. On the basis that the cycleway would be used by the occupants of the development, the Highway Authority considers it reasonable to request a contribution of £100 per cycle space leading to a contribution of £10,600 which is only approximately 10 per cent of the total cost of the cycleway. They state that further similar contributions have previously been and are to be sought in future from other proposals for student accommodation in the Newcastle-under-Lyme town centre where students will be users of the cycleway.

6.7 The Highway Authority has confirmed that the cycleway is a committed scheme and that the approximate cost of the project is known. Although the Inspector raised concerns regarding how the figure per cycle space related to the delivery of the cycle route improvements, there is nothing set out for the Highway Authority to refer to and therefore they have no alternative than to adopt a figure that they consider to be reasonable. The number of cycle spaces (106) accords with the minimum cycle parking standards in the Local Plan which for student accommodation recommend 1 cycle space per 2 students. A figure of £100 contribution per cycle space has been applied for other developments in the town centre and appears to be a reasonable figure. It is considered therefore that notwithstanding the concerns of the Inspector, that the contribution of £10,600 meets the relevant tests.

6.8 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. The environment along The Midway, particularly under the Roebuck Centre, is dominated by service yards and is currently rather unattractive to users as it is dark and secluded. The Council's case for the appeal sought a contribution of £47,000 towards public realm improvements in the vicinity of the site. £5,000 of that sum was for the landscaping and maintenance of the area adjacent to the site, £21,000 was for missing dropped kerbs on the Midway, £6,000 for improving lighting under the adjacent Roebuck overbridge and £15,000 for improvements to a nearby underpass. The Inspector did not consider that the paving, lighting and underpass works met the relevant tests but he did agree that the £5,000 for landscaping and maintaining the land adjacent to the site was necessary. Importantly and contrary to the appeal scheme, the current scheme does not propose any pedestrian access to the building from High Street. This would mean that once the walkway that runs along the side of the building is closed off in the evenings, residents would have no

alternative but to use The Midway. Walking from the north-west, this would involve walking under the overbridge past the area to the rear of Roebuck Shopping Centre which as stated above, is particularly unattractive, being dark and secluded. This is a material change in circumstances and it is considered that lighting under the Roebuck overbridge should be improved. A financial contribution of £11,000 towards public realm improvements in this area (£5,000 for improving the land adjacent to the site and £6,000 for improving lighting) is considered necessary to create a more attractive and user-friendly environment for occupants of the building, a sense of place and to create an inclusive development.

6.9 A Viability Assessment has been submitted with the application which asserts that the proposed scheme cannot support the payment of any Section 106 contributions without being rendered unviable. Initially the applicants indicated that they would nevertheless be prepared to offer a sum of £15,000 by way of a Section 106 Contribution as a gesture. The information submitted has been sent by your officers to an independent valuer who has the skills required to assess financial information in connection with development proposals. The report of the District Valuer has been received and considered. The report concludes that a policy compliant scheme is not viable and that the scheme can in financial terms sustain circa £54,000 of contributions (as opposed to the £237,335 of contributions that a policy compliant scheme would require). The applicants don't agree with certain aspects of the District Valuers appraisal, believing that he has overestimated the value of the scheme, but because timewise they are at risk of not completing the development by August 2020, they have indicated that they are prepared, provided there is no further delay, to enter into an agreement securing £54,000 of contributions.

6.10 The revised NPPF marks a significant change in the approach to be adopted to viability in planning decisions. It indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policies about contributions and the level of affordable housing need however to be realistic and not undermine the deliverability of the Plan. In the Borough it is not presently the case that up-to-date development plan policies, which have been subject of a viability appraisal at plan-making stage, have set out the contributions expected from development, so the presumption against viability appraisals at application stage does not apply. That will not be the case until the Joint Local Plan is finalised.

6.11 The scheme does provide benefits, which include the provision of student accommodation within a highly sustainable location making use of previously developed land. The introduction of such accommodation in this location should also benefit the town centre, making it a more vibrant place. Members will also be aware that such purpose built student accommodation developments are now viewed as making a contribution, albeit not on a 1:1 basis, both to the Borough Council's housing land supply position and its housing delivery performance, in that they release market housing. The contribution from purpose built student accommodation makes up about one third of the expected delivery of housing within the Borough over 5 year period commencing 1st April 2018. Maintaining and indeed boosting the delivery of housing should be a key objective of the Council. These benefits are considered to outweigh the harm caused by the additional demand created by the development on the infrastructure of the area that would be the result were a much reduced financial contribution be made.

6.12 If the Committee are prepared to accept the above conclusions, they can either reduce all of the contributions that are required by the same proportion (77%), or they can 'ring-fence' and protect one or more of the contributions and allow others to be even more substantially reduced or not obtained at all. The Council has no agreed formal "hierarchy of need" in its Developer Contributions SPD which can be referred to in such cases.

6.13 In this case, your Officer would suggest that given the lack of on-site parking provision and the potential by reason of the location to achieve as a result of the proposed measures a significant modal shift away from use of the private motor car, those contributions that are focussed on the promotion of sustainable transport, should be required in full to give them the maximum opportunity of working. The improvement of the immediate public realm both to achieve improved residential amenity and reduce crime and disorder risks should be a further priority. That would equate to £31,800 leaving the remaining £22,200 for a reduced Public Open Space contribution.

6.14 That said, market conditions, and thus viability, can change. On this basis it would be quite reasonable and necessary for the Local Planning Authority to require the independent financial assessment of the scheme to be reviewed if the development has not been substantially commenced within say one year of the grant of the permission, and upward only alterations then made to the contributions if the scheme is then evaluated to be able to support higher contributions. This would need to be also secured via the Section 106 agreement.

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 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 T16:	Development – General Parking Requirements
Policy T17:	Parking in Town and District Centres
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 B11:	Demolition in Conservation Areas
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 IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework](#) (July 2018)

[Planning Practice Guidance](#) (March 2014 as updated)

[Community Infrastructure Levy Regulations](#) (2010) as amended and related statutory guidance

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD](#) (September 2007)

[Affordable Housing SPD](#) (2009)

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

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

[Newcastle Town Centre SPD](#) (2009)

[Newcastle Town Centre Conservation Area Appraisal](#) (August 2008)

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

[Newcastle Town Centre Public Realm Strategy](#) (March 2004)

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

Relevant Planning History

04/01319/FUL	Erection of 12 storey building comprising 92 apartments with commercial/retail at ground level	Refused
05/00103/CON	Demolition of existing buildings	Refused
16/00933/FUL	Demolition of the former Savoy Cinema and the erection of an 11-storey student accommodation building comprising 174 units, communal areas, a laundry and bike storage	Withdrawn
17/00174/FUL	Demolition of the former Savoy Cinema/Metropolis Nightclub and erection of a 13 storey student accommodation building comprising 227 units	Refused and allowed at appeal February 2018
18/00005/FUL	Demolition of the former Savoy Cinema & Metropolis nightclub and erection of an 11 storey student accommodation building comprising 217 units	Withdrawn

Views of Consultees

The **Environmental Health Division** has no objections subject to conditions regarding a construction environmental management plan, noise from plant and mechanical ventilation, ventilation provision to habitable spaces, glazing specification and unexpected contamination.

The **Highway Authority** has no objections subject to conditions regarding secure cycle parking, travel plan, street lighting to the footway at the north-western boundary of the site and Construction Method Statement. A Section 106 Agreement is required securing a Travel Plan monitoring fee (£2,200), a requirement to provide a free bus pass to each student to various educational establishments, and financial contributions to Real Time Passenger Information system (£8,000) and improvements to the cycle route from Newcastle town centre to Keele University (£10,600).

The **Crime Prevention Design Advisor** makes the following comments:

- The Design and Access Statement is devoid of any references to security or student safety other than regarding fire, which is highly unsatisfactory given the scale of the development. Consequently it is not possible to determine to what extent consideration has been given to such issues.
- Queries are raised regarding access and security within the building.
- The stairwell appears to be devoid of any external glazing which will create a more intimidating and less safe environment.
- Clarification is sought regarding the bike storage.
- The rooms on the mezzanine level will be at the same level as the path that links the Midway with High Street and this has implications for privacy and security.
- The staggered bricks could present a challenge for climbers.
- The levels 9 and 10 layout drawing suggests that the rooms will have an opening window which could have safety implications.
- A well-conceived CCTV system would be important.
- Doorsets within the building should be certified to a minimum attack-resistant security standard.

- The Local Planning Authority should ensure that appropriate security measures will be in place and obvious potential vulnerabilities addressed before granting planning permission.

Historic England states that this scheme would have a less harmful impact than previous proposals for the site however they are also aware of the appeal decision (Ref. 17/00174/FUL) that granted consent for a 13-storey student accommodation. They are happy to defer to the Conservation Officer's expertise regarding the details of the proposed scheme.

The **Conservation Advisory Working Party** considers the revised scheme to be an improvement on previous proposals for this site however they have concerns over the cladding on the upper floors which may cause staining of the brickwork below, and suggest that a contrasting dark colour brick would be a better alternative. It was suggested that the projecting bricks may be a health and safety issue as they would be ideal for climbing.

The Council's **Conservation Officer** states that the photomontages and important viewpoints are useful along with the elevation cross sections which show the line of the approved scheme and reduction in height. The height reduction has made a significant difference to the impact the proposal has on the character and appearance of this part of the town centre and it is concluded that there is unlikely to be any harm in this character area. The character area around the Midway will gain an active frontage and also improve the appearance of the area. The brick detailing is supported and it is considered that they will be effective. Deep window reveals will create a higher quality building and perforated brick on the entrance is a good feature to create interests and light. The details of the windows and bricks showing the reveal are very illustrative and should be followed. Samples of the bricks should be submitted.

The **Housing Strategy Officer** states that if this is purpose built student accommodation occupied exclusively by students then affordable housing would not be sought. However, if the scheme is not exclusively for students then the affordable housing requirements as set out in the Affordable Housing Supplementary Planning Document should be applied.

The **Landscape Development Section** states that a Section 106 contribution of £205,535.10 would be required towards public open space which would be used for town centre greenspaces, Queen Elizabeth Park and/or Queens Gardens.

The Council's **Waste Section** states that the revised plans show a bin store with only 6 containers for refuse rather than the 7 shown previously and there is no information about recycling provision at all. No indication is given of how frequently the store would be serviced and it is not accepted that 6 bins if divided between recycling and refuse containment and emptied daily would be sufficient to contain waste being generated onsite. Previous applications have suggested that a private company would hold a contract for the provision of recycling and waste services. The Council would treat this as a commercial development and levy charges accordingly.

No comments have been sought from the **Lead Local Flood Authority** but regarding the previous scheme they raised no objections subject to a condition requiring submission, approval and implementation of a detailed surface water drainage scheme.

Staffordshire County Council as **Minerals and Waste Authority** has no comments on the application.

No comments have been received from the **Victorian Society, Newcastle South LAP**, the **Twentieth Century Society** and **Staffordshire Fire and Rescue Service**. Given that the period for comments has expired it must be assumed that they have no comments to make.

Representations

Four letters of objection have been received including one on behalf of the Civic Society. A summary of the objections made is as follows:

- The height, scale and mass of the building is inappropriate. A 12-storey structure would dominate the town centre in an unacceptable way.
- The proposed design and materials would detract from the existing townscape.

- There is not a need for another landmark building in the town centre.
- The development could lead to an increase in traffic in this busy area.
- It is questioned whether there is a demonstrable need for additional student accommodation in the town.
- It is disappointing that the existing building on the site could not have been modified to be put to some community use.
- The opportunities for public consultation have been totally inadequate.
- Unsuitability of the canyon-like site for residential accommodation.
- The site is unsustainable as housing accommodation in terms of public safety and amenity.
- If permission is granted it is essential that a Section 106 agreement is signed to ensure that demolition does not take place until a contract for the new development has been let.

Twenty-three letters of support have been submitted stating the following:

- The development will tidy up the site which is currently an eyesore
- It will bring people and money into the town
- It will free up housing for families
- The development will place students in the town centre close to facilities and shops
- It will support local businesses
- It will add vibrancy to the town centre

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Supporting Statement
- Statement of Community Involvement
- Design Review Report
- Structural Report
- Flood Risk and Foul Drainage Assessment
- Tree Survey Report
- Visual Impact Assessment
- Noise Assessment Report
- Heritage Statement
- Preliminary Ecological Appraisal
- Transport Statement
- Travel Plan
- Land Contamination Assessment

All of these documents are available for inspection at the Guildhall and as associated documents to the application via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00483/FUL>

Background papers

Planning files referred to
 Planning Documents referred to

Date report prepared

13th December 2018