

Full planning permission is sought for the conversion of the lower ground and upper ground floors of Morston House to 31 no. studio flats for students.

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 13 week period for the determination of this application expires on 9th July 2020.

RECOMMENDATION

A) Subject to the applicant entering into a Section 106 obligation by agreement by 31st July to secure financial contributions of £60,357 towards the enhancement of public open space and £2,443 towards travel plan monitoring

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

- i. Commencement time limit**
- ii. Approved plans**
- iii. Occupation by students only**
- iv. Prior approval of ventilation of habitable spaces**
- v. Secure cycle parking in accordance with approved details**
- vi. Implementation of travel plan**
- vii. Prior to occupation the two existing ambulance parking bays to be replaced by a loading bay**
- viii. Construction Management Plan**
- ix. Details of boundary treatments**
- x. Tree protection proposals**
- xi. Arboricultural Method Statement**
- xii. Full landscaping proposals**

B) Should the above Section 106 obligation not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that without such a matter being secured, the development would fail to meet the public open space impacts of the development and would fail to ensure it achieves sustainable development outcomes; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

Reason for Recommendation

The site provides a sustainable location for additional residential development and the change of use of the building would not have any adverse impact on the character and appearance of the Conservation Area and as such there would be no harm to the designated heritage asset. The development would provide acceptable living conditions for its occupiers and given its highly sustainable location, 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.

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

This is considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for the conversion of the lower ground and upper ground floors of Morston House to 31 no. studio flats for students. Consent has been recently granted under the prior notification procedure to convert the upper four floors of the building from offices to 84 studio flats (Ref. 20/00264/COUNOT).

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 key issues in the determination 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?
- Are acceptable residential amenity levels achieved for the occupiers?
- 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?

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

As indicated above the proposal is for residential accommodation specifically for students. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

The Newcastle Town Centre SPD states that encouraging mixed-use development increases the diversity of uses within a locality. As a result, such development would enhance the vitality and viability of the Town Centre by encouraging its use by a greater range of people for different purposes, possibly at different times of the day and night. This helps to strengthen the social fabric and economic viability of the Town Centre. It also has positive implications in terms of sustainable development as it encourages proximity of uses, reducing the need to travel.

The SPD places the application site within the Town Centre Historic Core where any development opportunities would be likely to be infilling and intensification, with special attention to conservation. It also states that retail activities must continue to predominate. This site is not on the Prime Frontage of the Primary Shopping Area which is where the SPD states that pure retail should dominate.

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.

The Council is currently able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 5.45 years as at the 1st April 2018. Development for

residential purposes on this site is supported by policies of the Development Plan and it is considered that the site provides a sustainable location for additional residential development.

Is the proposal acceptable in terms of its impact on the form and character of the Conservation Area?

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.

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.

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.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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.

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.

The Conservation Area Appraisal notes that the area around The Midway is considered to be a negative character area. Minimal external changes to the building are proposed but at ground floor level the undercroft car park would be infilled which would provide a more attractive and active frontage to the building, particularly in views from Lower Street. The introduction of a residential use into the lower levels of the building would provide more activity and natural surveillance, and should help to "lift" the area. It is not considered that the change of use of the lower ground and upper ground floors of the building would have any adverse impact on the character and appearance of the Conservation Area and therefore it is concluded that there would be no harm to the designated heritage asset.

Are acceptable residential amenity levels achieved for the occupiers?

The area is predominantly commercial in nature and therefore external noise levels from road traffic noise 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 a robust glazing specification, acceptable noise levels would be achieved within habitable areas. The Environmental Health Division (EHD) has no objections from a noise perspective subject to conditions.

It is considered that the residents of all rooms would have an acceptable outlook and level of amenity and some outside amenity space would be available in addition to a number of open spaces and parks within and around the town.

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

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

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. Saved Policy T17 of the Local Plan states that development in Newcastle Town Centre within the ring road will not be permitted to provide new private parking but will be required, where appropriate, to contribute to appropriate improvements to travel to the development. The policy identifies what such improvements may include.

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. It went on to state that Local Planning Authorities should only impose local parking standards where there is clear and compelling justification that it is necessary to manage their local road network.

As already stated, consent has been recently granted under the prior notification procedure to convert the upper four floors of this building from offices to 84 studio flats (Ref. 20/00264/COUNOT). Therefore this proposal would result in a total of 115 studio flats at the site, all for student accommodation. No parking is proposed within the site but a cycle store with capacity for 98 cycles would be provided.

The application is supported by a Transport Statement which concludes that the development proposals would not give rise to any adverse transport impacts and is considered an entirely appropriate form of development in transport and highways terms. In relation to parking, the Statement sets out that students would be made fully aware of the car-free nature of the site prior to occupation, however should any students require ownership of a car then they could purchase a season ticket to park within The Midway multi-storey car park. A Residential Travel Plan has also been submitted to promote the sustainability of the site. The implementation of the Travel Plan would be secured via a condition.

Along The Midway frontage of the site to the north, there are two on-street ambulance bays which would be converted to a short stay loading bay for deliveries, refuse collections, pick-ups and drop-offs. The applicant would fund the necessary traffic regulation order amendments.

The Highway Authority has no objections to the proposal. They refer to the very sustainable nature of the site with excellent access to the main bus station, shops and other services and highlight that the Transport Statement has demonstrated that the site can be accessed by alternative travel modes including walking, cycling and public transport. Given the sustainable location of the site they consider it acceptable that no car parking is provided. The Midway multi-storey car park is located directly adjacent to the site and it is understood that permit parking can be obtained if required. They note that there are also parking restrictions (double yellow lines) on The Midway and other roads within the vicinity of the site.

Your Officer's view is that there is a very good bus service between the town centre and Keele 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.

In allowing an appeal in 2018 for 211 rooms of student accommodation at the former Savoy Cinema/Metropolis nightclub on the Midway (reference 17/00174/FUL) without any 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 of study. He 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 that 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 there was insufficient evidence that the proposal would be likely to have a harmful effect on highway safety resulting from additional demand for on-street parking.

Having regard to the conclusions of the Inspector in relation to the Savoy 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.

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

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

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

The Landscape Development Section (LDS) has requested a contribution but has made certain adjustments in recognition that the standard contribution sought is based upon there being on average 2.5 people occupying each dwelling and that all of the units within this development will be single person accommodation. The adjustment that has been made is to request 2/5ths of the total for each unit. This is considered reasonable. The LDS has indicated that any financial contribution that is secured could be used for nearby town centre public realm and green spaces. Given the proximity of the application site to the town centre green spaces, this is considered acceptable as it would be directly related to the development.

Although omitted in error from the consultation response of the Highway Authority, a travel plan monitoring fee of £2,443 is considered to meet the CIL Regulations Section 122 tests and therefore is considered necessary.

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 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 Framework](#) (2019)

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

[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

[Relevant Planning History](#)

06/00827/COU Change of use of ground floor from use as offices to part use for provision of consultancy services for mental health and part use for administration - Approved

17/00430/COUNOT	Prior notification of conversion of 1st, 2nd, 3rd and 4th floors from offices to form 48 no. residential units (B1a - C3) – Approved
19/00698/COUNOT	Prior notification of change of use of the existing Class B1 (a) (office) floorspace on 1st, 2nd, 3rd and 4th floors to Class C3 (residential) use as 92 studio flats – Approved
20/00264/COUNOT	Application for prior approval for change of use from offices (B1A) to residential (C3) – Approved

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding implementation of a TRO, provision of the cycle store, implementation of Travel Plan and submission of a Construction Management Plan.

The **Environmental Health Division** has no objections subject to a condition requiring prior approval of ventilation of habitable spaces.

The **Landscape Development Section** states that the proposed fence is likely to impact on adjacent important retained trees and concerns are raised regarding the visual impact of the boundary treatment. Conditions are recommended requiring details of the proposed boundary treatment, tree protection details, an Arboricultural Method Statement and full landscaping proposals. An appropriate developer contribution for off-site public open space is required which could be spent on nearby town centre public realm and green spaces.

Housing Strategy states that in the past the Council has not sought affordable housing on purpose built student accommodation. On this basis, a condition is recommended specifying that the development should be for occupation by students only.

The **Waste Management Section** states that the proposed waste management plan is acceptable.

Staffordshire Police **Crime Prevention Design Advisor** states that the external layout features are welcomed as a deterrent to intrusion but there is very little narrative to explain how the development will operate including how a secure environment will be created. A number of recommendations are made.

No comments have been received from **Newcastle South LAP** and given that the period for comment has passed, it must be assumed that they have no comments to make.

Representations

One letter of objection has been received stating that there has been an enormous amount of student building in the last few years and although students contribute a small amount to the economy, it is not really supporting the long term interests of the town. Something needs to be done about the building standing empty at the centre of town before considering further student development.

Applicant's/Agent's submission

A Noise Impact Assessment, Transport Statement, Travel Plan, Waste and Recycling Management Plan and information on security measures have been submitted. All of the application documents can be viewed on the Council's website using the following link: <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00282/FUL>

Background papers

Planning files referred to
 Planning Documents referred to

Date report prepared

3 June 2020