

ONE LONDON ROAD, LONDON ROAD, NEWCASTLE
ABODE RESIDENCIES

20/00557/FUL

This application seeks to vary Condition 2 of permission 16/01106/FUL which granted consent for the redevelopment of the former Bristol Street Motors site for 499 student apartments. Condition 2 lists the approved drawings and the variations are to allow for changes to the site layout and to the elevations of blocks 1, 2 and 3.

The site lies within the Urban area of Newcastle as designated on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on the 14th October 2020.

RECOMMENDATION

A. Subject to the applicant entering into a planning obligation by 17th November that preserves the Council's position in respect of obligations secured prior to the grant of permission 16/01106/FUL, PERMIT subject to conditions relating to:

- 1. Variation of condition 2 to list the revised plans**
- 2. Any other conditions attached to planning permission 16/01106/FUL that remain relevant at this time**

B. Failing completion by the date referred to in the above resolution (A) of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that without such an obligation the development would not achieve appropriate open space provision and/or highway safety/adequate sustainable transport provision interests; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The proposed changes would have no discernible impact on the character and appearance of the area. The minor reduction in the number of car parking spaces would not give rise to severe highway safety impacts bearing in mind that occupiers of the flats would, in this location, have a choice of modes of travel. The previous permission was granted following the entering into of a Section 106 agreement and therefore a Deed of Variation is now required. Subject to this and the imposition of any conditions of 16/01106/FUL that remain relevant at this time, the proposal is considered to be acceptable.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

Key Issues

This application is for full planning permission to vary Condition 2 of permission 16/01106/FUL which granted consent for the redevelopment of the former Bristol Street Motors site for 499 student apartments. Condition 2 lists the approved drawings and the variations are to allow for changes to the site layout and to the elevations of blocks 1, 2 and 3.

In considering an application to vary a condition, the Authority has to consider only the question of the conditions subject to which planning permission may be granted. If the Authority considers that planning permission may be granted subject to different conditions it can do so. If the Authority considers that the conditions should not be varied it should refuse the application. The condition which the applicant is seeking to vary is that which lists the approved drawings. No changes are being

sought to the number of the units within the development. The principle of the development is not therefore for reconsideration.

The principal amendments to the site plan comprise the following:

- Reduction in number of car parking spaces
- Increased cycle storage

The amendments to the elevations of blocks 1, 2 and 3 are:

- Minor amendments to window and door positions and sizes
- Amendment to balconies and divider screens

The amendments to the fenestration and balconies are very minor and would have no discernible impact on the character and appearance of the area. Therefore the main issues in the consideration of the application are as follows:

- Is the proposed level of car parking acceptable?
- Is a planning obligation required?

Would there be any impact on car parking provision or highway safety?

The approved scheme comprised a total of 203 parking spaces and 124 cycle spaces. The revised plans show a reduction in the number of parking spaces by 9 across the site and an increase in the number of cycle spaces to 180. Of the 203 parking spaces proposed, 157 were for students, 30 were for the occupiers of the existing properties along London Road and the remaining 20 were for visitors/deliveries to the London Road residents. The number of spaces for the London Road properties would be unchanged in the revised plans and a reduced number of 148 spaces would now be allocated to students.

In accordance with the Local Plan car parking standards, a maximum of 125 car parking spaces should be provided for the students on the basis of 1 space per every 4 units. Therefore, there was some overprovision in the approved scheme and even with the loss of 9 spaces, given the sustainable location of the site and the significant provision of cycle spaces, the reduced level of car parking is considered acceptable.

Is a planning obligation required?

In law the consequence of the granting of an application to vary a condition of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one (16/01106/FUL in this case). That previous permission was granted on the 30th October 2017 following the completion of a Section 106 agreement which secured a number of financial contributions towards public open space and public realm improvements, highways and transportation matters as well as a landscaping scheme to the Lyme Valley Parkway boundary. Subject to the applicant entering into a Deed of Variation to the original Section 106 agreement that ensures the Council's interests would be protected, then the application can be permitted.

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 CSP1: Design Quality

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

Policy T16: Development – general parking requirements

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

[Planning Practice Guidance \(March 2014\)](#)

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

Relevant Planning History

16/01106/FUL Redevelopment of the site for 499 apartments (comprising of student accommodation) Approved

Views of Consultees

The **Highway Authority** has no objections.

The **Waste Management Section** has no objections.

The **Environmental Health Division** has no objections.

Representations

None received.

Applicant's/Agent's submission

The application plans are available for inspection via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00557/FUL>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

29 September 2020