

ONE LONDON ROAD (FORMER BRISTOL STREET FORD SITE), NEWCASTLE
ABODE RESIDENCIES

20/01002/FUL

Full planning permission is sought for the temporary variation of Condition 7 of Application Reference 16/01106/FUL which granted consent for the redevelopment of the former Bristol Street Motors site for 499 student apartments. Condition 7 restricts occupation of the development to students only and the temporary variation sought is to allow occupation of the accommodation by any person (student or non-student) until 31st August 2022.

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

The 13 week period for the determination of this application expired on the 22nd February 2021.

RECOMMENDATION

A. Subject to the applicant entering into a planning obligation by 5th March that preserves the Council's position in respect of obligations secured prior to the grant of permission 16/01106/FUL, PERMIT subject to:

1. Variation of condition 7 so that it reads as follows:

7. The development hereby approved shall be occupied by any person (student or non-student) until 31st August 2022 after which date it shall only be occupied by students unless otherwise agreed in writing by the Local Planning Authority.

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

Given the sustainable location of the site and the provision of a reasonable level of car parking at the site, it is not considered that the highway safety impacts of the occupation of the development by non-students for a temporary period would be so severe to justify a refusal. Given the temporary nature of the application, it is not considered reasonable to request affordable housing provision and given that it is likely that the rooms would remain single person accommodation and that there will be no children among the occupants, it is not considered reasonable to request an additional financial contribution towards public open space.

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

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

Key Issues

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

The applicant has submitted a Planning Statement highlighting the following points:

- This request has arisen as a consequence of the COVID-19 pandemic which has had a dramatic effect on uptake of rooms, particularly foreign students who have been unable to travel. The temporary variation of condition will enable the applicant to offer the apartments to nonstudents, including key workers, construction workers and others for a temporary period, by which time it is hoped that normality will have been restored and demand from students will have been restored.
- Application 20/00532/FUL for The Met in the town centre proposed the temporary variation of an occupancy condition to allow occupancy by both students and non-students for a temporary period of two years. The scheme was submitted in response to the downturn in the student lettings marketing arising as a consequence of the COVID-19 pandemic and was granted consent by the Local Authority. The application and the conclusions raised in the determination of the application constitute material considerations in the assessment of this application.
- The approved development is currently under construction, with Blocks 1 and 2 due to be completed by the end of January 2021, with Block 3 scheduled completion for February 2021. This represents a total of 282 apartments coming online at the beginning of the year.
- The applicant is an experienced student accommodation provider, having been involved in the market for the last 8 years, and has a number of other sites around the country. Lettings for their student accommodation are managed by the Homes for Students, who are the second largest student lettings agency in the UK. Prior to the COVID-19 pandemic the purpose built student accommodation sector was in good health, with the 112 properties (30,000 beds) managed by Homes for Students having been in and around 99% occupancy.
- However, the onset of the COVID-19 pandemic has had very significant implications for the student accommodation sector, with significantly reduced occupancy levels being observed, now averaging around 65% with some accommodations as low as 25% occupancy. With the second wave now upon us the pandemic shows no signs of easing, and uncertainties surrounding the demand for student accommodation are expected to persist, particularly when it comes to foreign students who are unable or unwilling to travel at present, and / or have deferred their courses. The impact of the pandemic on purpose built student accommodation has been exacerbated by Universities now offering their courses online thereby diminishing the need for students to take up accommodation and enabling them to stay at home to study.
- As a consequence of these impacts, there is a fair prospect that the accommodation will sit empty and underused. The proposed variation of Condition 7 will enable the applicant to temporarily let the accommodation to non-students in order to make beneficial use of the accommodation during these testing times.
- The site is noted to benefit from very close proximity to the Royal Stoke University Hospital and Harplands Hospital, and thus is likely to be attractive to key workers from those sites. The applicant has held constructive discussions with the accommodation manager of the Royal Stoke University Hospital who is keen to utilise the facility for staff accommodation, anticipating further demand given the current second wave of COVID-19.
- The full time occupancy of the approved apartments by non-students would usually give rise to a requirement for affordable housing provision (25%) or financial contributions towards off-site provision. However, given that this proposal is for a temporary variation of the occupancy for a period of two years, with reversion to student occupancy thereafter, it would be unreasonable to require the provision of affordable housing or off-site contributions in such circumstances. Indeed, no Registered Social Landlord is likely to have any interest in taking on such accommodation for such a limited period of time. The Local Authority reached a similar view in its assessment of application 20/00532/FUL which had proposed a temporary variation of a student only occupancy condition at The Met.
- In assessing the original application, it was noted that the provision of 157 dedicated student spaces represented over-provision in relation to the Local Authority's car parking standards which requires one space to be provided per 4 units of accommodation. The use of the apartments by non-students would alter the parking requirement in relation to the car parking standards, which require a maximum of 1 space per unit, plus 1 space per 3 dwellings. This

would equate to a maximum parking requirement of 665 spaces for the full, completed development of 5 blocks, if all were to be occupied by non-students.

- As the COVID-19 situation improves and confidence returns, it is expected that the number of students on site will increase, but the levels are hard to predict as the pandemic is still in a state of flux and its impacts could worsen or improve. The site falls short of the maximum parking standards based on the lowest levels of occupancy, but as occupancy by students increases over the next two years, that requirement will gradually reduce.
- It needs to be recognised that these are maximum parking standards, not a minimum, and this is a highly sustainable location, within easy walking and cycling distance of day-to-day services on offer within the town centre (600 metres to the northwest), as well as public transport connections from the main bus station (550 metres). The site is also in close proximity to the Royal Stoke University Hospital (450 metres) and Harplands Hospital (600 metres). The approved scheme also makes provision for some 124 cycle spaces, thereby offering further opportunities for sustainable modes of transport to be adopted.
- The Met site has no parking provision at all but the Highway Authority raised no objection to that application, noting that the site occupies a very sustainable location with good access to day-to-day services and public transport connections. The current application site at London Road likewise comprises a highly sustainable location, with future occupiers having a realistic choice in their means of transportation to access day-to-day services and employment opportunities. The application site is nevertheless considered to occupy a more advantageous position than The Met on account of it having a large amount of parking provision available, whereas The Met has none. To this end the proposal is not considered to give rise to any unacceptable or severe residual impacts to highway safety, and thus meets the requirements of paragraphs 108 and 109 of the NPPF.

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 reason given for the imposition of Condition 7 is as follows:

Because affordable housing requirements would otherwise be triggered and to ensure there is no adverse impact upon highway safety in accordance with the requirements of Saved Policies T16, IM1, IM2 of the Newcastle-under-Lyme Local Plan 2011, Policies CSP1, CSP5 and CSP6 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, and the aims and objectives of the National Planning Policy Framework.

On this basis, the main issues in the consideration of the application are as follows:

- Is the amount of car parking acceptable?
- Is affordable housing required?
- Is an additional contribution to public open space required?
- Is a planning obligation required?

Is the amount of car parking acceptable?

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.

Although the applicant's agent states that 157 spaces are to be provided for students, the Planning Committee recently resolved to permit amendments to the approved scheme which included a reduction in parking spaces to 148 (Ref. 20/00557/FUL). This number is significantly below the number recommended in the Local Plan car parking standards for residential accommodation for non-students which would be a maximum of 665.

The Highway Authority has no objections to the proposed variation of condition stating that the site is in a sustainable location in close proximity to the town centre and the main bus station and noting that there are bus stops adjacent to the site on London Road.

Although it is acknowledged that the occupation of the building by non-students is likely to lead to more residents owning a car, there are parking spaces at the site and your Officer concurs with the views of the Highway Authority that given the sustainable location of the site, it is not considered that the highway safety impacts of the development would be severe. It must also be acknowledged that the Council recently approved a variation of condition application for the former Savoy site in the town centre which has no car parking, to allow occupation of the accommodation by any person (student or non-student) (Ref. 20/00532/FUL).

The Highway Authority recommend that the variation of the condition be allowed until 1st February 2022 rather than until August 2022 as requested. Given that the variation of condition for the former Savoy was granted until 31st July 2022, it is considered that such a restriction would be unreasonable and that a temporary consent to August 2022 is acceptable.

Is affordable housing required?

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.

In relation to 16/01106/FUL, no affordable housing provision (either on-site or an off-site contribution) was required on the basis that the development was for purpose built student accommodation.

The applicant's agent states that given that this proposal is for a temporary variation of the occupancy for a period of two years, with reversion to student occupancy thereafter, it would be unreasonable to require the provision of affordable housing or off-site contributions in such circumstances. They go on to state that no Registered Social Landlord is likely to have any interest in taking on such accommodation for such a limited period of time and they highlight that the Local Authority reached a similar view in its assessment of application 20/00532/FUL (the former Savoy).

Although it is the case that occupation of the units by non-students would ordinarily trigger a requirement for affordable housing provision, as with the former Savoy application, given the particular circumstances here and the temporary nature of the application, it is not considered reasonable to request provision in this instance.

Is an additional contribution to public open space required?

In relation to 16/01106/FUL, the financial contribution towards public open space was reduced in recognition that all of the units would be single person accommodation. The standard contribution sought is based upon there being on average 2.5 people occupying each dwelling and includes a play element on the basis that children are likely to be among the occupants. The adjustment that was made was to request 2/5ths of the total and to remove the play element of the contribution.

Given that the rooms would remain single person accommodation, it is very unlikely that there would be children among the occupants. Therefore it is considered appropriate to maintain the adjusted

contribution. In any event, this is an application for the temporary variation of the condition and there is no suggestion that the applicant would wish to seek unrestricted occupation for any longer than the period applied for.

On the basis of the above, it is not considered reasonable to request an additional financial contribution towards public open space.

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 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 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 T16: Development – General Parking Requirements
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 \(NPPF\) \(2019\)](#)

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

[Supplementary Planning Guidance/Documents](#)

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

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

Relevant Planning History

16/01106/FUL	Redevelopment of the site for 499 apartments (comprising of student accommodation) – Approved
20/00557/FUL	Variation of condition 2 of planning ref 16/01106/FUL (to be changed to approve minor amendments to the planning drawings) – Resolution to approve subject to completion of S106

Views of Consultees

The **Landscape Development Section** states that the original section 106 calculation included a reduction, whereby the removal of the play element of the contribution was made due to the need for playground facilities in single occupancy student type accommodation being considered as low. Should the development be altered to a different occupancy then the need for a contribution to play should be considered.

The **Highway Authority** has no objections subject to conditions limiting the variation to until February 1st 2022, provision of 124 cycle parking spaces and submission of the details of the available car parking.

No comments have been received from the **Housing Strategy Officer** and **Newcastle South LAP**. Given that the period for comments has expired it must be assumed that they have no comments to make.

Representations

None received

Applicant's/Agent's submission

The application is accompanied by a Planning Statement. 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/20/01002/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

14 January 2021