

ONE LONDON ROAD (FORMER BRISTOL STREET FORD SITE), NEWCASTLE
ABODE RESIDENCIES **21/01070/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 2024. Planning permission was granted earlier this year for the temporary variation of the condition to August 2022 (Ref. 20/01002/FUL).

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 expires on the 16th February 2022.

RECOMMENDATION

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 2024 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.

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.

In relation to the previous application the applicant highlighted that the onset of the COVID-19 pandemic had had very significant implications for the student accommodation sector, with

significantly reduced occupancy levels being observed. The applicant now sets out that despite the roll out of vaccines, demand for student accommodation continues to be low. The impact of the Covid-19 pandemic on the student accommodation market has been exacerbated by universities now offering their courses online, thereby diminishing the need for students to take up accommodation. Without a more flexible use to the approved accommodation there is a risk of the buildings sitting empty and underused until circumstances return to comparative normality.

It is asserted that the proposed further temporary variation of Condition 7 of 16/01066/FUL will allow the applicant to continue to offer the apartments to non-students as well as students. Following the recent grant of temporary consent under application 20/01002/FUL there has been a notable uptake in occupancy by non-students, in particular by local hospital workers. The site is noted to benefit from very close proximity to the Royal Stoke University Hospital and Harplands Hospital, which reinforces its attractiveness to key workers from those sites. In support of this, a letter from the University Hospitals of North Midlands NHS Trust has been submitted which sets out their support for this proposal. It states as follows:

The recent pandemic has highlighted the great importance of NHS workers to our society and the need to support them. One London Road provides high quality fully furnished accommodation with residential amenities including communal games room, computer room, gym, and cycle storage. Furthermore, the developer would be a preferred supplier by the NHS Trust to provide accommodation for their NHS staff.

The NHS fully support the application for change of use to allow single person's accommodation and for the development to be fully utilised whilst also providing much needed accommodation for the key workers located at the Royal Stoke University Hospital.

The location, just a short walk away from the Hospital c. 300m is ideal for Trust key workers allowing staff to walk/cycle to work as oppose to bus and or private car. Climate change and ways to increase sustainability and to protect the environment has been a key consideration nationally and locally as highlighted within the updated NPPF and specifically Section 14.

Locally, Newcastle-under-Lyme declared a climate change emergency in April 2019 and councillors agreed to take action locally to try and make a difference. The proximity of the accommodation to the hospital is clearly aligned to the broader Council's plans regarding the climate change agenda, reducing the need for travel and promoting sustainable travel by walking/cycle.

The use of One London Road for Trust key workers also supports the Trust in securing accommodation for their staff without the need to relocate on a short-term basis, providing tenants with a sense of place and security. The NHS Trust welcome the aspiration for key work staff to be located together, with tenancies being encouraged to keep like for like tenants together, separate from the students where possible.

In summary, the NHS Trust wholly support the application for change of use of application ref. 16/01106/FUL which would allow for single person's accommodation for Trust key workers in a key location situated 300 m from The University Hospital and the town's shopping area, plus the regular bus service to The University of Keele and Staffordshire University Hospital. As well as ideally located in the town centre with access off the main arterial route.

One London Road would provide high quality accommodation for the NHS Trust key workers, being delivered by a preferred developer of the Trust and in a location where staff can easily walk/cycle to The University Hospital.

Furthermore, a range of tenancy lets are available to allow the key workers to live flexibly.

The Trust fully support this application and welcome the proposals.

The agent concludes that there is a consequently a very clear demand for this type of accommodation and the further temporary variation of Condition 7 of 16/01106/FUL will ensure that this demand can continue to be met, whilst also maintaining flexibility to permit continued occupancy by students.

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 111, 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 112 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.

There are 148 parking spaces at the site which 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. In relation to the previous application the Highway Authority had 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.

In approving the previous proposal, the Council accepted that although 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 given the sustainable location of the site, the highway safety impacts of the development would not be severe. There has been no material change in circumstances since the previous application was determined and therefore it is considered that the proposal remains acceptable in highway safety terms.

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, 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.

In approving the previous application, the Council accepted that given the particular circumstances here and the temporary nature of the application, it was not considered reasonable to request affordable housing provision. There has been no material change in circumstances since the previous application was determined and therefore it is considered that the same conclusion should be reached now.

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 on a permanent basis.

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.

In some cases, the applicant is required to enter into a Deed of Variation to the original Section 106 agreement to ensure that the Council's interests are protected. In this instance however, there is a clause within the Deed of Variation relating to a previous application (Ref. 20/00557/FUL), which states that in the event that the Council shall at any time grant a planning permission for a variation of a condition attached to the original planning permission, then references in the S106 to the planning permission shall be deemed to include any such subsequent permissions for variations. On this basis, no planning obligation is now required.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

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 \(NPPF\) \(2021\)](#)

[Planning Practice Guidance \(PPG\) \(2018\)](#)

[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) – Approved
20/01002/FUL	Variation of condition 7 of planning permission 16/01106/FUL to allow temporary occupancy of the approved student apartments by both students and non-students – Approved

Views of Consultees

None.

Representations

One letter has been received expressing concern that the accommodation is too small for students and therefore it really is too small for 'non-students' for whom this might be their main dwelling.

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/21/01070/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

16 December 2021