

Full planning permission is sought to vary condition 7 of planning application 16/01106/FUL (Redevelopment of the site for 499 apartments comprising of student accommodation) to allow for the use of approved student apartments by both students and hospital staff. Condition 7 restricts occupation of the development to students only. Permission has been granted on two occasions for the temporary variation of the condition to allow occupation of the accommodation by any person (student or non-student). The most recent temporary consent ends on 31st August 2023.

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 11th May but an extension of time has been agreed to 23rd June 2023.

RECOMMENDATION

PERMIT subject to:

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

The occupation of the development shall be limited to full time students and a maximum of 200 essential workers employed at the Royal Stoke University Hospital only.

- 2. Any other conditions attached to planning permission 16/01106/FUL that remain relevant at this time.**

Reason for Recommendation

Subject to restrictions on the number and nature of non-students allowed to occupy the site, and given the sustainable location of the site, it is not considered that the highway safety impacts of the proposal would be so severe to justify a refusal. It is also not considered reasonable to request affordable housing provision or 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

Full planning permission is sought to vary condition 7 of planning application 16/01106/FUL (Redevelopment of the site for 499 apartments comprising of student accommodation) to allow for the use of approved student apartments by both students and hospital staff. Condition 7 restricts occupation of the development to students only. Permission has been granted on two occasions for the temporary variation of the condition to allow occupation of the accommodation by any person (student or non-student). The most recent temporary consent ends on 31st August 2023.

The previous applications to vary condition 7 on a temporary basis were submitted because the COVID-19 pandemic had major implications for the student accommodation sector, with significantly reduced occupancy levels being observed. Following the grant of the temporary consents, there has been significant demand for the accommodation from hospital workers. Given its proximity, the accommodation has proven very popular with staff from Royal Stoke University Hospital. A letter from the University Hospitals of North Midlands International Nurse Lead has been submitted which sets out their support for this proposal. It states as follows:

UHNM have worked with One London Road since June 2022 and as of this date 217 nurses have been accommodated at the property. The One London Road property has been vital for our international nurse recruitment and we anticipate further international recruitment in the coming years, whether that be for nurses or other healthcare professionals. Due to the close proximity to the Royal Stoke hospital, One London Road is an ideal base for our nurses and the accommodation offers excellent facilities.

UHNM would gladly support One London Road in its application...as having sufficient accommodation availability is essential to our international recruitment project.

Although consent is now sought on a permanent basis, it is no longer to be extended to all non-students. The applicant has confirmed that they would accept restrictions on occupancy by non-students to essential workers employed at the Royal Stoke University Hospital only and they also suggest a restriction on the number of rooms where occupation by hospital workers is allowed to no more than 200. This would leave the remaining 299 rooms exclusively for occupancy by students as per the terms of the original permission.

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.

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. Although the original permission was granted following the completion of a Section 106 agreement, there is a clause within a deed of variation relating to a subsequent application which states that in the event that the Council grants 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.

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 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 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 139 parking spaces at the site. In approving the applications for the temporary variations of the condition, 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.

The site is in close proximity to the hospital where the non-students would be employed and it is located within easy walking and cycling distance of the shops and services on offer within the town centre, as well as public transport connections from the bus station. The approved development also makes provision for some 124 cycle spaces, thereby offering further opportunities for sustainable modes of transport to be adopted. As a consequence, no severe residual impacts to highway safety would accrue as a consequence of the proposed development.

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.

In approving the previous applications, the Council accepted that given the particular circumstances and the temporary nature of the application, it was not considered reasonable to request affordable housing provision. For this application, given that occupancy would be restricted specifically to students and workers from one particular, clearly defined hospital, it is again not considered reasonable to require affordable housing provision.

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.

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

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 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
21/01070/FUL	Application for temporary variation of condition 7 of planning permission 16/01106/FUL to allow occupancy for both students and non-students until 2023 – Approved
22/00548/FUL	Application for variation of condition 1 of planning permission 20/00557/FUL to make amendments to the floor plans, roof plan and elevations of Block 5 – Approved
23/00164/FUL	Application for variation of condition 1 of planning permission 20/00557/FUL to make amendments to the floor plans, roof plan, site plan and elevations of Block 4 – Pending Consideration

Views of Consultees

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

The **Housing Strategy Section** states that ordinarily planning permission for a development of this scale would have given rise to a requirement for 25% affordable housing provision of financial contributions towards off-site provision. If the application is looking to allow occupation by non-students (albeit hospital workers) then the affordable housing provision should be activated.

Representations

None

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/23/00104/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

12 June 2023