

This application seeks full permission for the variation of condition 1 of planning permission 22/00548/FUL to make amendments to the floor plans, roof plan and elevations of Block 4. There are also changes proposed to the previously approved layout of the site.

At the meeting of the Planning Committee on 20th June, the agenda report set out that a reduction in the number of parking spaces was proposed and Members resolved to refuse the application on the grounds that such a reduction would be likely to result in an increase in on-street parking on surrounding streets that would have an adverse impact on highway safety and residential amenity. Information was received following the meeting that demonstrates that the report was incorrect in stating that parking spaces were to be lost and therefore this report seeks to correct the advice given to Members.

The site formerly operated as a Ford Bristol Motors car sales dealership and servicing provider, with access directly onto London Road, as well as rear access from Lyme Valley Road. Planning permission was granted for the redevelopment of the site for student accommodation under planning application reference 16/01106/FUL.

The site does not have any particular policy designation other than being within the Urban Area of Newcastle as defined on the Local Development Proposals Map. The site lies adjacent to Lyme Valley Parkway which is designated as Green Belt.

The redevelopment of the site for 499 studio apartments arranged into a series of 5 individual blocks has commenced with Blocks 1, 2, 3 and 5 complete. Block 4, the subject of this application, is at an advanced stage of construction.

The 13 week period for the determination of this application expires on 6th June 2023, however the applicant has agreed to an extension of time to this determination date until the 21st July.

RECOMMENDATION

PERMIT, subject to conditions relating to:

- 1. Variation of condition 1 to list the revised plans,**
- 2. Any other conditions attached to planning permission 22/00548/FUL that remain relevant at this time.**

Reason for Recommendation

The proposed changes would maintain the design and appearance of the scheme and there would be no reduction in the number of parking spaces. The development represents a sustainable form of development that accords with the development plan for the area and the guidance and requirements of the NPPF.

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 development plan for the area and National Planning Policy Framework.

Key Issues

This application seeks to vary condition 1 of planning permission 22/00548/FUL to make amendments to the floor plans, roof plan and elevations of Block 4 which along with other planning permissions, granted the construction of 499 studio apartments. There are also changes proposed to the previously approved layout of the site.

Condition 1 related to the list of approved drawings and documents that the permitted development must be carried out in accordance with.

In considering an application to vary or remove a condition, the Authority has to consider only the question of the conditions that are the subject of the application, it is not a complete reconsideration of the application. 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 or removed it should refuse the application.

This application is seeking changes to the external appearance of the building referred to as Block 4 which includes alterations to the size and position of a number of windows and doors, changes to the extent of timber cladding detail surrounding the proposed windows and updating drawings, including additions to the roof plan. Changes are also sought to the overall site plan for the development and include alterations to the parking layout and siting of cycle parking associated with Blocks 2 and 4; alterations to the number of disabled parking spaces; along with minor amendments to the layout of the car park adjacent to Block 5.

While there are some internal changes to the layout of the building, this does not result in any changes to the number of units or the size of the bedrooms or shared living spaces. Therefore these alterations are considered to be non-material and would not raise any implications in relation to amenity or design.

The principle of the development remains unaltered and so is not for re-consideration within this application. Furthermore, a clause within a previous deed of variation for this development, secured under planning application reference 20/00557/FUL, protects the Council's interests in terms of S106 Obligations, should any further variation of condition applications be permitted. Therefore, a further deed of variation is not required for this application.

Therefore the key issues to consider in the determination of this application are;

- The design of the proposal and impact on the wider landscape and
- Issues relating to parking and highway safety.

Design of the proposal and impact on the wider landscape

Paragraph 126 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 130 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

Block 4 sits at the western edge of the site, adjacent to Lyme Valley Road.

The amendments to the fenestration and extent of timber cladding are considered to be minor and would have no discernible impact on the design and appearance of the building or the character of the wider area. Such changes would also reflect those agreed in alterations to the other blocks within the development site and so would ensure that the design throughout the site is cohesive.

The overall changes to the site layout are also considered to be minimal, and would not disrupt the overall character or appearance of the site. The positioning of the cycle storage remains appropriate

and the addition of the condenser fan units on the external wall of all of the building is not considered to visually harm the character or appearance of the building or the site when viewed as a whole.

Revisions to the approved drawings also include changes to the roof layout. The roof plan drawing now includes details of the lift overrun, roof access hatch and extraction equipment to be installed on the roof. While elements would be visible above the main roof, this is not considered to be out of character with the area and such paraphernalia is expected to a certain extent with high rise development. The scale of the extraction and lift infrastructure is considered to be appropriate and does not disrupt the overall appearance of the building.

As such, the changes to the proposed development are considered to be acceptable and would be in accordance with local and national planning policy.

Parking and Highway Safety.

Paragraph 110 of the NPPF states that safe and suitable access to a site shall be achieved for all users and 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.

The original planning permission for the scheme, reference 16/01106/FUL, had a total of 203 parking spaces which comprised 30 for London Road residents, 20 for visitors/deliveries and the remaining 173 spaces for student parking.

A variation to the approved plans granted under application reference 20/00557/FUL reduced the overall number of parking spaces to 193 which comprised 27 spaces for London Road residents, 20 spaces for visitors/deliveries and the remaining 146 spaces for students. That was considered acceptable on the basis that 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.

At the meeting of the Planning Committee on 20th June, the agenda report set out that a reduction in the number of parking spaces was proposed and Members resolved to refuse the application on the grounds that such a reduction would be likely to result in an increase in on-street parking on surrounding streets that would have an adverse impact on highway safety and residential amenity. However, information was received following the meeting that demonstrates that the report was incorrect in stating that parking spaces were to be lost.

During the consideration of the application, your officers sought confirmation from the applicant's agent of the number of parking spaces, and were advised that the total number of spaces would be 166. Your officers incorrectly assumed that the figure included spaces that would be allocated to existing London Road residents and that this left only 139 spaces remaining for students, rather than the 146 student spaces previously approved. It was on this basis that Members were advised that there would be a reduction in spaces available for students.

Following the resolution of the Committee, the applicant's agent queried the content of the report presented to Members and provided information to demonstrate that there would be no reduction in parking spaces as a result of the development. This information has been verified and it the case that a total number of 195 parking spaces would be provided which would include 148 spaces for students. On that basis that would be no reduction in the number of parking spaces when compared to the figures approved by virtue of varied planning permission 20/00557/FUL and the development would continue to provide an above policy compliant level of parking.

The proposal would result in the number of disabled bays halving from 16 to 8. Although an unfortunate loss, there is nothing within the Local Plan parking standards that dictates that a specific number of accessible/disabled spaces must be provided. Further advice was sought by your Officers from the Highway Authority on this matter, and they have advised that in the absence of specific local policies, Manual for Streets guidance recommends a 5% provision of parking for disabled spaces. On that basis, the reduction proposed would still accord with the recommended standards and so would remain acceptable.

The number of spaces for cycle parking would be unaffected by the proposed changes.

Therefore in light of the above the proposed development would still present a policy compliant level of parking for the development and existing dwellings and as such would comply with the relevant policies of the development plan as well as the aims and objectives of the Framework.

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 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 CSP1: Design Quality
Policy CSP10: Planning Obligations

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

None Relevant

Other Material Considerations include:

[National Planning Policy Framework \(2021\)](#)

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

[Supplementary Planning Guidance/Documents](#)

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

[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) – Permitted
- 20/00557/FUL Variation of condition 2 of planning ref 16/01106/FUL (to be changed to approve minor amendments to the planning drawings) – Permitted
- 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 – Permitted
- 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 – Permitted
- 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 - Permitted
- 23/00104/FUL Application to vary condition 7 of planning application 16/01106/FUL (Redevelopment of the site for 499 apartments comprising of student accommodation) to allow for use of approved student apartments by both students and hospital staff – Pending Consideration

Views of Consultees

None Received

Representations

None Received

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:
<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/23/00164/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

10 July 2023