

Full planning permission is sought for the change of use and side extensions to Morston House to provide student only living accommodation in the form of 126 studios, with new personnel entrance to The Midway with ancillary concierge, communal rooms, gym, laundry, cycle store and associated works including landscaping.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

**The 13-week period for the determination of this application expired on 21<sup>st</sup> June but an extension of time has been agreed to 19<sup>th</sup> July 2024.**

**RECOMMENDATION**

- A) Subject to the applicant entering into a Section 106 obligation by 30 August to secure a financial contribution of £13,800 towards the implementation of a loading bay on The Midway,**

**Permit, subject to conditions relating to the following matters: -**

- i. Commencement time limit**
- ii. Approved plans**
- iii. Occupation by students only**
- iv. Construction Method Statement**
- v. Secure cycle parking**
- vi. Gated maintenance access on The Midway and Lower Street not to permit the use of motorised vehicles and gates shall be made to open inwards only**
- vii. Details of boundary treatments**
- viii. Works to be implemented in accordance with approved Arboricultural Method Statement, Landscape Proposals and Landscape Design Strategy**
- ix. Detailed landscaping scheme**
- x. Details/samples of materials**
- xi. Implementation of travel plan**

- B) Should the above Section 106 obligation not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that without such a matter being secured, the development would fail to achieve sustainable development outcomes; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.**

**Reason for Recommendation**

The site provides a highly sustainable location for residential development. It is not considered that there would be any harm to the setting of the nearby listed St Giles' Church or the character and appearance of the Conservation Area. The development would provide acceptable living conditions for its occupiers and given its highly sustainable location, it is not considered that the lack of parking within the proposal would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

**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 a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

## **Key Issues**

Full planning permission is sought for the change of use and side extensions to Morston House to provide student only living accommodation in the form of 126 studios, with new personnel entrance to The Midway with ancillary concierge, communal rooms, gym, laundry, cycle store and associated works including landscaping.

Planning permission was refused in 2022 for the change of use and upward and side extensions to the building to provide student living accommodation in the form of cluster bedrooms (48) and studios (146) (Ref. 22/00300/FUL). The reasons for refusal were as follows:

*1. By reason of its excessive height, scale and massing and its inappropriate design, the upward extension of the building would be overly prominent in views within and into the Newcastle Town Centre Conservation Area resulting in substantial harm to its character and appearance. The public benefits of the development would not outweigh the substantial harm and the development would therefore be contrary to Policies CSP1 and CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies B9, B10 and B14 of the Newcastle-under-Lyme Local Plan 2011, the aims and objectives of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document, and the aims and objectives of the National Planning Policy Framework (2021).*

*2. The proposed development, by reason of its excessive height, scale and massing and its inappropriate design, would result in overdevelopment of the site which would be harmful to the character and appearance of the area at this important gateway into the town centre. As such the development is contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, the guidance set out in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document 2010 and the requirements and policies of the National Planning Policy Framework 2021, in particular paragraphs 126 and 130.*

*3. The lack of car parking provision within the site for the use of people with disabilities would have an adverse impact on the residential amenity of those occupiers, and as such the development is contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, the guidance set out in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document 2010 and the requirements and policies of the National Planning Policy Framework 2021.*

An appeal against the decision was dismissed in May 2023.

Prior to that, consent was granted for the conversion of the lower ground and upper ground floors to 31 student studio flats (Ref. 20/00282/FUL) and for the conversion of the upper four floors to 84 studio flats (Ref. 20/00264/COUNOT).

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

Given that the principle of the proposed development was considered acceptable in the determination of the previous application, it is not considered necessary to revisit that matter now. Therefore, the key issues in the determination of the application are:

- Is the proposal acceptable in terms of its impact on the form and character of the Conservation Area?
- Are acceptable residential amenity levels achieved for the occupiers?
- Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?
- What, if any, planning obligations are necessary to make the development policy compliant?

Is the proposal acceptable in terms of its impact on the form and character of the Conservation Area?

The application site lies within the Newcastle Town Centre Conservation Area and close to the Grade II\* Listed St Giles' Church.

In considering development affecting Listed Buildings, special regard will be given to the desirability of preserving the building, its setting or any features of special architectural or historic interest (Section 66, Planning [Listed Buildings and Conservation Areas] Act 1990).

Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

The NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

Saved Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a listed building.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) states in HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must: -

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.
- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

The Town Centre SPD states that the Town Centre's historic character and identity, with its special distinctiveness as a market town, is an asset that needs to be conserved and enhanced. Development must be designed to respect, and where possible enhance, its surroundings and contribute positively to the character of the Town Centre, helping to improve its image and identity, having particular regard to the prevailing layout, urban grain, landscape, density and mix of uses, scale and height, massing, appearance and materials.

The previous scheme comprised an upward three storey extension to the building along with a side extension to infill the space between Morston House and the adjacent Midway car park. The extension was to be partly clad in brick slip and partly in cladding of 2 colours. The scheme was refused on the grounds that due to the excessive height, scale and massing of the building and its

inappropriate design, the upward extension of the building would be overly prominent in views within and into the Newcastle Town Centre Conservation Area resulting in substantial harm to its character and appearance.

An appeal against the decision was dismissed with the Inspector concluding that Morston House would appear significantly higher than the surrounding buildings, to the extent that it would appear out of scale in its setting. He stated that: -

*The significant increase in scale and bulk would alter the proportions of the building, so that it would lose its existing horizontal emphasis, which would be replaced by a more vertical form. The character of the building would be changed significantly, exacerbated by the proposed pattern of fenestration to the upper floors. Although they would align with the windows below, the proposed square windows would fail to reflect the existing horizontal emphasis of the building.*

*The use of brickwork to match the existing building on the first level of the proposed extension, and the continuation of the vertical banding, would help to tie the new addition in to the original building to some extent. However, the overall effect would be to lose the coherent appearance to the building, with an addition that would not relate well to the existing form and appearance of building.*

While the revised scheme would still comprise a side extension, no increase is proposed in the height of the building. The main building would be predominantly finished in brickslip cladding and in response to the comments of the Inspector, the horizontal and vertical proportions of the existing building would be retained. New windows would be installed with coloured frames. The new side infill extension would be finished in metal effect cladding, while the lower ground floor which would infill the undercroft car park, would be clad in light-coloured timber. The external area would be landscaped, and a small sub-station would be integrated within the landscaped area.

Due to its vacancy and undercroft parking, the site does not currently contribute positively to the character of this part of the Town Centre or the Conservation Area. The Newcastle Town Centre Conservation Area Appraisal notes that the area around The Midway is considered to be a negative character area characterised by large bulky development of the 1960s and later, mainly associated with the construction of the ring road in the mid-1960s. It goes on to state that the area is an unpleasant and in places threatening environment for pedestrians.

A Heritage Statement that accompanies the application concludes that from identified viewpoints the proposed scheme would not detrimentally impact upon the settings of heritage assets and impacts on designated heritage assets would be either neutral or low beneficial.

The Council's Conservation Officer agrees that views would be neutral in their impact on this part of the Conservation Area and that the proposal would not have any harmful impact on relevant settings of the surrounding Listed Buildings.

The proposal would provide residential accommodation within an appropriate sustainable location and the introduction of student accommodation in this area should benefit the Town Centre, making it a more vibrant place. In particular, a residential use into the lower levels of the building and the addition of an attractive landscaped area onto Lower Street, would provide more activity and natural surveillance, and should help to "lift" the area.

On this basis the proposed development accords with the NPPF and the local planning policies and guidance set out above.

#### Are acceptable residential amenity levels achieved for the occupiers?

The area is predominantly commercial in nature and therefore external noise levels from road traffic noise and night-time noise during the weekend are likely to affect the living conditions of the occupiers of the development. The application is accompanied by a Noise Impact Assessment which concludes that noise levels measured internally demonstrate that the existing external building fabric would be sufficient in providing a suitable residential environment and therefore no further mitigation measures should be required in order to protect the proposed habitable spaces from external noise intrusion.

An Air Quality Assessment has also been submitted which concludes that the site is considered suitable for the proposed use from an air quality perspective.

The Environmental Health Division (EHD) raises no objections subject to the imposition of conditions. Although contamination and noise related conditions are requested, given that they were not sought in relation to the previous application and that there has been no material change in planning circumstances since that time, it would not be reasonable to request them now.

It is considered that the residents of all rooms would have an acceptable outlook and level of amenity and some outside amenity space would be available in addition to a number of open spaces and parks within and around the town.

Overall, it is considered that the development would provide acceptable living conditions for its occupiers.

Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?

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. Saved Policy T17 of the Local Plan states that development in Newcastle Town Centre within the ring road will not be permitted to provide new private parking but will be required, where appropriate, to contribute to appropriate improvements to travel to the development. The policy identifies what such improvements may include.

The NPPF, at paragraph 115, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

One of the reasons for refusal of the previous application for this site related to the lack of car parking provision within the site for the use of people with disabilities.

The Inspector considering the appeal against the Council's decision noted that the building had been designed to ensure inclusive access in accordance with Building Regulations. He went on to highlight that the appeal site is in a central location, from which local shops and services can be reached on foot or in a wheelchair and that public transport links to the Universities are close by, with a layby outside the building allowing for pick-up or drop-off by car or taxi. He concluded that the provision of dedicated on-site parking is not necessary to make the appeal development accessible.

As already stated, consent has previously been granted for a total of 115 studio flats at the site. The current proposal would comprise 126 bed spaces. As with the previous scheme, no parking is proposed within the site but a cycle store with capacity for 124 cycles would be provided.

Notwithstanding the conclusions of the Inspector, the applicant has revisited the potential to accommodate disabled parking bay provision. However, site constraints inhibit the potential to provide a disabled parking space on-site. Furthermore, the Highway Authority has confirmed that it would not support the provision of on-street disabled parking.

A short-stay loading layby is proposed at the approximate location of the existing on-street ambulance bay to the front of the site. It is considered suitable for this loading layby to accommodate deliveries and refuse collection associated with the site and also accommodate pick-up and drop-offs at the start and end of term.

The Highway Authority has no objections to the proposal. Having regard to the conclusions of the Inspector in relation to the previous scheme and given the highly sustainable location of the proposed development, it is not considered that the lack of parking within the proposal would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

What, if any, planning obligations are necessary to make the development policy compliant?

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

The development would put pressure on nearby areas of public open space (POS) given that such needs are not satisfied on site and therefore it is considered that in principle, a financial contribution towards such areas could comply with CIL Regulations and the Council's adopted Developer Contribution SPD.

In the previous application, a contribution of £1,947 per studio was sought towards POS. Adjustments were made to the standard contribution of £5,579 in recognition that it is based upon there being on average 2.5 people occupying each dwelling and that all of the units within that development were to be single person accommodation. The adjustment that was made was to request 2/5ths of the total for each unit. It was also considered reasonable to deduct the funding for play in recognition of it being for students rather than families with children.

Applying the same approach for this development, a POS contribution of £245,322 is considered reasonable. The LDS has previously indicated that any financial contribution that is secured could be used for nearby public realm spaces and/or Brampton Park which is a 790m walk away. Given the proximity of the application site to the town centre green spaces and Brampton Park, this is considered acceptable as it would be directly related to the development.

The Highway Authority has requested contributions of £3,000 towards Travel Plan monitoring and £13,800 towards a scheme of signing and lining works including any supporting Traffic Regulation Orders to remove the existing ambulance bay and implement a loading bay on The Midway. These are both considered to meet the CIL Regulations Section 122 tests.

The applicant has submitted a viability report that seeks to demonstrate that even with no financial contributions the scheme would not generate any developer profit, and on that basis, that any Section 106 contributions would further impact the scheme's profitability and viability.

Paragraph 58 of the NPPF states that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

The submitted viability assessment has been considered by an independent valuer who has revised a number of the assumptions set out in the viability report in respect of land value, rental and operational costs. The report of the valuer concludes that the scheme would generate a profit of 11.01%. This falls below a minimum allowance of 12% and therefore, the scheme is shown to be marginally unviable and unable to support the requested level of S106 contributions.

On this basis, any requirement for a S106 contribution must be set aside.

Notwithstanding this, the developer has agreed to fund the works to implement a loading bay on the Midway – a financial contribution of £13,800.

## **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 CSP1: Design Quality  
Policy CSP2: Historic Environment  
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 H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy T16: Development – General Parking Requirements  
Policy T17: Parking in Town and District Centres  
Policy B5: Control of Development Affecting the Setting of a Listed Building  
Policy B9: Prevention of Harm to Conservation Areas  
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area  
Policy B13: Design and Development in Conservation Areas  
Policy B14: Development in or Adjoining the Boundary of Conservation Areas  
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 Framework](#) (2023)

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

[Supplementary Planning Guidance/Documents](#)

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

[Affordable Housing SPD](#) (2009)

[Space Around Dwellings SPG](#) (SAD) (July 2004)

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

[Newcastle Town Centre SPD](#) (2009)

[Newcastle Town Centre Conservation Area Appraisal](#) (August 2008)

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

#### [Relevant Planning History](#)

06/00827/COU                      Change of use of ground floor from use as offices to part use for provision of consultancy services for mental health and part use for administration - Approved

17/00430/COUNOT	Prior notification of conversion of 1st, 2nd, 3rd and 4th floors from offices to form 48 no. residential units (B1a - C3) – Approved
19/00698/COUNOT	Prior notification of change of use of the existing Class B1 (a) (office) floorspace on 1st, 2nd, 3rd and 4th floors to Class C3 (residential) use as 92 studio flats – Approved
20/00264/COUNOT	Application for prior approval for change of use from offices (B1A) to residential (C3) – Approved
20/00282/FUL	Conversion of Lower Ground and Upper Ground Floors for Student Residential Development of 31 No Studio Flats – Approved
22/00300/FUL	Change of use and upward and side extensions to Morston House to provide student living accommodation in the form of cluster bedrooms (48) and studios (146), with new personnel entrance to The Midway with ancillary concierge, communal rooms, gym, laundry, cycle store and associated works including landscaping – Refused and dismissed at appeal

### Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding a Construction and Demolition Method Statement, provision of secure weatherproof cycle parking and the gated access not to permit use by motorised vehicles and the gates to open inwards only. Section 106 contributions are sought towards residential travel plan monitoring and any supporting Traffic Regulation Orders.

The **Conservation Officer** states that views in and out of the Conservation Area (CA) are impacted on greatly by the topography and built-up frontage of the main streets within the town centre. The scale and massing of the proposed building will be very similar to the existing building and therefore views will be neutral in their impact on this part of the CA. It is considered that the proposal is unlikely to have any harmful impact on relevant settings of the surrounding Listed Buildings. The wider setting of the church is set against the very modern character of the edge of the ring road and the retention of the trees and landscaping on the corner of the site will have a positive albeit minor impact on the gateway into the town. The landscape proposals and sections show that the grassy bank and steps will lessen the impact of the new plant building positioned on the frontage. The scheme shows that around the perimeter will be a railing and gates with examples in the documents. This will hopefully help to create the appearance of an active frontage and a positive use to the building.

The **Conservation Advisory Working Party** was concerned about the use only being for student accommodation meaning that it wouldn't be easy to re-purpose into the future. It was felt that the design is disappointing and that the appearance should have a cohesive relationship with the Midway car park when it is developed as residential.

**Historic England** does not offer any advice.

The **Environmental Health Division** has no objections subject to conditions regarding noise mitigation, land contamination and submission of a Construction Environmental Management Plan.

The **Landscape Development Section** has no objections subject to conditions requiring a detailed landscaping scheme and implementation of the works in accordance with the approved documents.

The **Housing Strategy Officer** states that in cases where no affordable housing has been sought on the grounds that the development is for students only, that has been required by condition.

Staffordshire Police **Crime Prevention Design Advisor** states that it is apparent and encouraging that the applicant has given some careful thought to matters of site security and student safety. Bringing this building back into life in the manner proposed should provide significant opportunities for natural surveillance over the surrounding areas (where currently it is limited) and increase the amount of activity within the locality, which should be generally beneficial. The elimination of the vehicle



access from the Midway MSCP and effective separation of Morston House from it (via the side extension) is viewed positively. A number of security recommendations are made.

**Cadent** has no objection.

No comments have been received from **Newcastle South LAP** and the **Waste Management Section** and given that the period for comment has passed, it must be assumed that they have no comments to make.

#### 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:  
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00202/FUL>

#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

1 July 2024