

Full planning permission is sought for the construction of 2 commercial units (Classes E(a) & E(b)) and 55 student flats with associated communal, ancillary accommodation and amenity spaces.

The site is within the Primary Shopping Area of Newcastle Town Centre as indicated on the Local Development Framework Proposals Map and adjoins Newcastle Conservation Area. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Northern Quarter.

The 13-week period for the determination of this application expired on 20th September 2022 but an extension of time has been agreed to 6th December 2024.

RECOMMENDATION

A) Subject to the applicant entering into a Section 106 obligation by agreement by 17th January 2025 to secure a financial contribution of £145,058 towards the enhancement of public open space,

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. Provision of travel packs**
- vii. Contaminated land**
- viii. Glazing and ventilation scheme**
- ix. Details of fixed mechanical ventilation or refrigeration /air conditioning plant**
- x. External lighting**
- xi. Details of boundary treatments**
- xii. Landscaping details**
- xiii. Security details**
- xiv. Details/samples of materials**

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 meet the public open space impacts of the development; 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 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

Amended plans and additional information have been sought and received and the proposal is now considered to be 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 construction of 2 commercial units fronting Liverpool Road (Classes E(a) & E(b)) and 55 student flats with associated communal, ancillary accommodation and amenity spaces.

The site lies within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The site is adjacent to but not within the Newcastle Town Centre Conservation Area. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Northern Quarter.

The key issues in the determination of the application are:

- Is the principle of the proposed development on the site acceptable?
- Is the proposal acceptable in terms of its design and 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 principle of the proposed development on the site acceptable?

Two commercial units are proposed on Liverpool Road which would be either retail or café use. Both uses are defined by the NPPF as 'main town centre uses' and given that the site is within the Town Centre, the proposal accords with national policy.

In terms of the residential element, local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

The Newcastle Town Centre SPD states that encouraging mixed-use development increases the diversity of uses within a locality. As a result, such development would enhance the vitality and viability of the Town Centre by encouraging its use by a greater range of people for different purposes, possibly at different times of the day and night. This helps to strengthen the social fabric and economic viability of the Town Centre. It also has positive implications in terms of sustainable development as it encourages proximity of uses, reducing the need to travel.

This is a previously developed site in a highly sustainable location within the urban area. The site is in easy walking distance of the shops and services of Newcastle Town Centre with regular bus services to destinations around the borough, including Keele University, and beyond. It is considered that the site provides a sustainable location for additional residential development that would accord with the Town Centre SPD.

Development for residential purposes on this site is supported by policies of the Development Plan and it is considered that the site provides a sustainable location for additional residential development.

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

The site is not located in a conservation area, however, Newcastle Town Centre Conservation Area lies adjacent to the south-west. There are no listed buildings within the site, but the Grade II* listed Church of St Giles lies 150m to the south of the application site.

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.

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.

A Heritage Statement that accompanies the application concludes that the proposed development is of an acceptable design, scale and massing that preserves the setting of the Conservation Area and whilst it has some adverse impact on the setting of St Giles Church, the level of harm can be offset by the introduction of a new building of high-quality design that improves the visual amenities of the area and provides new student accommodation that will contribute to the vitality of this part of the town centre.

Given that this is just a very limited incidental glimpse of the Church from Ryecroft, Officers consider that it makes such a limited contribution to the setting and significance of the Church, that there would be no harm to its setting.

Therefore, to conclude, it is not considered that there would be any adverse impact on the setting of any listed buildings or on the character of the Conservation Area.

The scheme essentially comprises three elements: the two blocks of student accommodation and the central landscaped court with the first floor of the existing Salvation Army premises forming the

enclosure to the courtyard. The Bridge Street entrance would be the principal entrance with landlord/management office space located immediately off the entrance foyer.

The development would comprise five storeys fronting Liverpool Road and three storeys to Bridge Street. Further to concerns from Officers regarding a potential 'canyoning' effect of the building and the multi-storey car park on the opposite side of Liverpool Road, the fifth storey has been significantly set back from the Liverpool Road frontage so that it has the appearance of four storeys from the road.

The architectural language would be clean and contemporary, and the materials palette would be kept to a minimum comprising predominantly brick and zinc cladding with limited elements of timber cladding. Depth to facades would be achieved through careful detailing of window reveals with a minimum of 200mm reveal depth consistently throughout the development.

It is considered that the design of the proposed scheme would be in keeping with other contemporary style buildings in the vicinity and that this high-quality development would improve the visual amenities of the area.

Are acceptable residential amenity levels achieved for the occupiers?

The proposed development is located within the town centre and in close proximity to the A34, a public house and two restaurants. The application is supported by a Noise Assessment and the Environmental Health Division (EHD) has no objections on noise grounds subject to the imposition of conditions.

The application is also supported by an Odour Risk Assessment in relation to the emissions from the kitchens of The Jug public house, The Peony and the Koh I Noor. For the Jug it predicted a high odour risk to the proposed development. The Odour Risk Assessment recommends that mitigation measures are implemented in relation to the kitchen ventilation system of the Jug and that the Peony and Koh I Noor are dealt with through the existing conditions that have been imposed to address the odour from these. On this basis, the EHD recommends that the applicant carries out appropriate odour mitigation works at the Jug. Such works can be required via a Grampian condition.

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.

The development would be serviced from both Bridge Street and Liverpool Road. It is proposed to retain the existing undercroft car parking area for 10 no. vehicles. The car park would provide parking for the Salvation Army premises, for staff of the proposed retail stores and staff and small service vehicles associated with the running of the student accommodation.

Although no student or retail customer parking is proposed, given the highly sustainable location of the site and the fact that the building was previously operated as a children's play centre, the proposed development would be unlikely to result in any material increase in vehicular traffic on the local highway network. The development would not have an impact on on-street parking on surrounding roads due to comprehensive on street parking restrictions already being in place.

Secure and undercover cycle parking will be provided.

The application is supported by a Transport Statement which states that the proposed development would not have a negative impact on the capacity or safety of the local road network. The Highway Authority has no objections to the proposal.

Your Officer's view is that there is a very good bus service between the town centre and Keele University Campus or Staffordshire University, and very limited parking is available to students at both Staffordshire and Keele Universities – all of which would influence students to leave any vehicle they may have at home. In addition, there is a wide range of facilities and services within a very short distance of the site that can be accessed more easily on foot than car. Such factors will encourage student occupiers to not have a vehicle.

On the basis of the above and given the previous use of the site, 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 given that such needs are not satisfied on site and 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.

The Landscape Development Section (LDS) has requested a contribution of £4933 per dwelling for the studios and £5,579 per cluster for nearby public realm spaces and/or Brampton Park which is a 755m walk away. For the studios, the play area element (£512) and a proportionate amount of the maintenance contribution (£134) has been deducted from the total.

In other student developments in the Town Centre, adjustments have been made to the required contribution in recognition that the standard contribution sought is based upon there being on average 2.5 people occupying each dwelling and that all of the student units are to be single person accommodation. The adjustment that was made was to request 2/5ths of the total for each unit.

On this basis, for this site, the contribution for each studio room is £1,947. For each of the clusters of rooms, with a reduction of the play funding element, a contribution of £4,868 is sought. This equates to a total contribution of £145,058. This is considered reasonable.

The LDS has indicated that any financial contribution that is secured could be used for nearby public realm spaces and/or Brampton Park. 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.

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](#)

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|---------------|--|
| 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 B9: | Prevention of Harm to Conservation Areas |
| Policy B10: | The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area |
| 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](#) (2021)

[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)

Relevant Planning History

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|--------------|--|
| N9111 | Erection of supermarket – Approved |
| 11/00617/FUL | Change of Use from Office/Teaching Area to 1 No. 3 Bedroom self-contained flat (Class C3) – Approved |
| 12/00194/COU | Change of use from retail (Class A1) to part seating area/refreshment/snack bar (Class A3) and part indoor play area (Class D2) – Approved |

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding a Construction Traffic Management Plan, provision of travel packs and cycle facilities.

The **Conservation Officer** states that the site is not within the town centre Conservation Area (CA) but the frontage of Bridge Street is within, so it's close. This section of Bridge Street does not currently make any positive contribution to the CA, so an improved and active frontage is welcomed. Concerns were raised in relation to the original plans submitted regarding the height of the building, particularly on Liverpool Road. It was felt that further consideration was required of the adjacent smaller scale of buildings in the CA which would be dwarfed by the proposal and may create a tunnelling effect given the plans for the new multi-storey. The retail or non-residential use at the ground floor is welcomed.

On receipt of amended plans, concerns were raised regarding the radical changes to the Bridge St frontage given that the original scheme was preferred. The materials were queried as red brick was considered preferable and tonally the cladding on the first scheme was preferred. The attempt to reduce the impact on the Liverpool Road elevation is welcomed. Again, preference was for the original scheme and materials which linked better with the adjacent restaurant. It was less fussy with the clean brick edge on the first scheme and regular rhythm which is easy to read. The shop frontages appear simple and more lightweight on the new scheme which works better with the contemporary building.

Details of materials and solar panels should be required via condition.

The **Conservation Advisory Working Party** was pleased with the partial reduction in height but this will still be visible in longer distance views. They were happy with the salvation army building being visually separate. They welcomed the use within the town centre but felt that the appearance was still a little fussy, would prefer no metal cladding even though it was slightly simpler than the previous design. They felt that the Bridge St frontage appeared more complicated on the entrance corner now given there was general support for this elevation on the original scheme. Overall the design was trying too hard to bring variety in the elevations. Concern was expressed with the use of buff colour bricks.

Subject to a S106 Agreement to ensure the provision of odour mitigation at the Jug public house, the **Environmental Health Division** has no objections subject to conditions relating to contaminated land, an environmental management plan, glazing and ventilation scheme, details of fixed mechanical ventilation or refrigeration /air conditioning plant, external lighting and the town centre location to be emphasised to potential occupants.

The **Landscape Development Section** has no objections. A public open space contribution of £4933 per dwelling for the studios and £5,579 per cluster is sought for nearby public realm spaces and/or Brampton Park which is a 755m walk away. For the studios, the play area element (£512) and a proportionate amount of the maintenance contribution (£134) has been deducted from the total.

Staffordshire Police **Crime Prevention Design Advisor** has no concerns with the principle of the redevelopment of the site broadly along the lines proposed, although there are a number of aspects which require some clarification and/or reconsideration. A summary of the points made is as follows:

- The elimination of the covered former loading bays on Bridge Street would be a significant benefit
- Access to the undercroft area should be suitably controlled
- Stairwell to the side off Bridge Street conflicts with the presence of the lockable gate
- The recess to the side of the plant room should be gated off to deny unauthorised access
- Importance and need for a suitably robust and layered access control policy
- A well-designed and professionally installed CCTV surveillance camera system can play an important part within a multi-layered security strategy
- Security recommendations are made for the retail component of the proposals

No comments have been received from **Newcastle South LAP**, the **Housing Strategy Section** 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

Two representations have been received raising the following concerns:

- Impact on The Jug public house. Conditions are required to ensure adequate sound proofing and colling of the residential units.
- Lack of a coherent plan for the wider area.
- Inappropriate design.
- Ai quality issues.

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/22/00397/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

19 November 2024