

Full planning permission is sought for the temporary variation of Condition 3 of Application Reference 17/00252/FUL which granted consent for the demolition of the former swimming baths and construction of a 273-room student development with associated communal area and car parking, Condition 3 restricts occupation of the development to students only and the temporary variation sought is to allow the use of up to 68 rooms within the development to be occupied as serviced apartments until 30th September 2025.

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 31st October but an extension of time to 6th December has been agreed.

RECOMMENDATION

PERMIT the application subject to conditions relating to the following matters: -

- 1. Variation of condition 3 to allow the use of up to 68 rooms within the development to be occupied as serviced apartments until 30th September 2025**
- 2. Any other conditions which are still relevant to the original decision**

Reason for Recommendation

On the basis that only 68 of the 273 rooms would be occupied which would result in the same parking shortfall as the approved scheme, it is not considered that a refusal on highway safety grounds could be sustained.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

Amended details have been provided and the application 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 temporary variation of Condition 3 of Application Reference 17/00252/FUL which granted consent for the demolition of the former swimming baths and construction of a 273-room student development with associated communal area and car parking, Condition 3 restricts occupation of the development to students only and the temporary variation sought is to allow the use of up to 68 rooms within the development to be occupied as serviced apartments until 30th September 2025.

The site lies within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The applicant has submitted a Planning Statement highlighting the following points:

- The reason for requesting this variation is due to the delayed construction of the development which has meant that the applicant has been unable to accept students in the September 2024 student intake. The site is therefore unable to operate as student accommodation until September 2025 at the earliest.
- The introduction of serviced apartments would be supported by policies and would make an immediate contribution to the housing need, of which the council can only currently demonstrate a 5.26-year housing land supply, marginally above the required 5.
- No physical changes are proposed to the building.

- As part of application 17/00252/FUL, a S106 agreement secured a residents' parking zone contribution, and a condition secured a parking survey to establish whether any on-street parking issues arise as a result of the development. These same agreements/conditions would remain in place.
- In reviewing the approved application, it is noted that 'in accordance with saved maximum Local Plan Parking Standards, the approved 273 student flats would require 69 parking spaces based on 1 parking space per 4 students. This equates to 27% of the maximum parking requirements or potential shortfall of 50 parking spaces if fully occupied'.
- In respect of this approach, 68 serviced apartments would require 68 parking spaces based on 1 parking space per hotel bedroom. This would therefore result in a shortfall of 49 parking spaces if fully occupied. Given this parking level has already been approved previously it is deemed the level of parking would be acceptable.
- The site is not intended for use as asylum seekers' accommodation.

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:

For the avoidance of doubt and because the level of parking provided would not be sufficient for other types of residential occupation.

Although an objection has been received on the grounds of the potential impact on a local hotel/serviced apartment provider, competition is not a material planning consideration. The sole issue in the consideration of the application is whether the level of car parking is 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 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 of development would be severe.

The development has 19 parking spaces and 96 cycle spaces at basement level.

It was originally proposed to vary the condition to allow all of the 273 rooms to be used as serviced accommodation. The Highway Authority (HA) objected on the grounds that there would be a significant shortfall in the required on-site parking causing off-site traffic/congestion issues in nearby residential streets.

Further to discussions between the applicant and the HA, the scheme has been amended to propose that just 68 rooms within the development could be occupied as serviced apartments. On review of the applicant's revised Planning Statement, the HA agrees that the occupation of 68 flats as serviced apartments would not result in any additional parking demand to that of the approved 273 room student accommodation. The proposed reduction of rooms to be occupied as serviced apartments therefore mitigates the previous concerns of the HA.

The secured planning obligations secured via S.106 agreement and other planning conditions will not be affected by the variation of condition 3.

It is considered that the occupation of the building by non-students is likely to lead to more of the residents owning a car. However, on the basis that only 68 of the 273 rooms would be occupied, that would result in the same parking shortfall as the approved scheme and therefore it is not considered that a refusal on highway safety grounds could be sustained.

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 \(NPPF\) \(2023\)](#)

[Planning Practice Guidance](#)

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD](#)

[Newcastle-under-Lyme Open Space Strategy](#)

Relevant Planning History

15/00166/FUL Demolition of former swimming baths and construction of 244 room student development with associated communal area and car parking - Approved

16/00244/FUL Construction of 273 room student development with associated communal area and car parking - Refused and appeal dismissed

17/00252/FUL Demolition of former swimming baths and construction of 273 room student development with associated communal area and car parking, alternative to Planning Approval 15/00166/FUL – Approved

17/00252/NMA Application for a Non-Material Amendment to planning permission 17/00252/FUL for the additional areas of render to the fourth-floor external wall and alterations to the boundary treatment and landscaping adjacent to the Jubilee Baths – Approved

Views of Consultees

The **Highway Authority** has no objections.

Representations

One letter of representation has been received from the owner of the Lyvedale Suites on Liverpool Road expressing concern that this proposal will have a very severe detrimental long-term impact on their hotel /serviced apartment operation and the wider market for hotels and serviced apartments in

the Newcastle area which will potentially threaten jobs and their long-term ability to invest in their business.

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/24/00576/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

22 November 2024