

ORCHARD HOUSE, CLAYTON ROAD, NEWCASTLE
GLADMAN RETIREMENT LIVING LTD

18/00693/FUL

The application is full planning permission for specialist accommodation for the elderly comprising 75 residential apartments with care, communal facilities, parking and associated private amenity space for persons aged 55 and over.

Vehicular access would be off Clayton Road.

The application site lies within the major urban area of Newcastle, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 0.87 hectares.

The 13 week period for the determination of this application expired on the 10th December but the applicant has agreed an extension to the statutory determination period to the 11th January 2019.

RECOMMENDATIONS

A. Subject to;

(i) the receipt and consideration of further tree protection information, and
(ii) the applicant first entering into a Section 106 agreement by the 20th February 2019 securing a financial contribution of £130,203 (index linked) towards the maintenance and improvement of public open space at Lyme Valley Parkway, restriction of the occupancy of the accommodation so that it falls within the C2 Use Class, and a travel plan monitoring fee of £2,360 (index linked), PERMIT the application subject to conditions relating to the following matters:-

1. Standard time limit for commencement of development
2. Approved plans
3. Materials
4. Boundary treatments
5. Finished ground levels and floor levels
6. Detailed soft landscaping scheme, including replacement trees
7. Dimensioned Tree Protection Plan
8. All special engineering within tree RPAs
9. Schedule of works to retained trees
10. An arboricultural site monitoring schedule
11. Submission and approval of access improvements
12. Design improvements/ screens to balconies to prevent overlooking
13. Visibility splays
14. Access, parking, turning and servicing areas
15. Submission and approval of a car park management scheme
16. Bus stop upgrades
17. Submission and approval of a travel plan
18. Submission and approval of secure weatherproof cycle parking
19. Submission and approval of construction method/ environmental management plan
20. Waste management and collection arrangements (including hours restriction)
21. Surface water drainage design
22. Pumping station details – noise and odour impact
23. Drainage plans for the disposal of foul and surface water flows
24. Land contamination
25. External lighting
26. Kitchen Ventilation System and Odour Abatement details
27. Mechanical Ventilation of Residential Rooms
28. External plant details
29. Electric Vehicle Charging Provision
30. Bat and Bird box provision

B. Should the obligations referred to above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that in the absence of such the proposal would be contrary to policy on the provision of affordable housing, open space for housing developments and monitoring of an acceptable travel plan, or, if he considers it appropriate, to extend the time period within which the obligation referred to above can be secured.

Reason for Recommendations

Whilst the development is not located on land that would all meet the definition of previously developed land, it is located within a sustainable urban area and there is a presumption in favour of sustainable development, which results in the development being considered acceptable in principle. The design and scale of the proposed development would have an acceptable impact on the visual amenity of the area, existing residential properties and ecology. The new access and parking arrangements are unlikely to cause a detriment to highway safety but additional tree information is required. The proposed development, subject to conditions and the completion of a Section 106

agreement as indicated above, accords with policies of the development plan and the guidance and requirements of the National Planning Policy Framework.

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

Officers have been in discussions with the applicant to address concerns raised by consultees and this has resulted in amended and additional information and plans being submitted. Further information is still required to address concerns and the applicant has been given further opportunity to do this prior to the committee meeting.

KEY ISSUES

1.1 This is an application for full planning permission for specialist accommodation for the elderly comprising 75 residential apartments with care, communal facilities, parking and associated private amenity space for persons aged 55 and over. The proposed accommodation falls within Use Class C2 - residential care homes/ institutions.

1.2 The application site, of approximately 0.87 hectares in extent, and is located within the urban area of Newcastle which has no specific land use designations, as indicated on the Local Development Framework Proposals Map.

1.3 A prior approval application for the demolition of the Orchard House building was granted in September 2018 but the works have not yet been carried out.

1.4 Members may recall that the site has been the subject of a hybrid planning application for full planning permission for the demolition of Orchard House together with the conversion of No. 35 Clayton Road (previously offices) into four flats and outline planning permission for the erection of up to 20 dwellings on the remaining part of the site, reference 17/00194/OUT. The application was permitted in November 2017.

1.5 35 Clayton Road does not form part of the application site here being considered.

1.6 The main issues for consideration in the determination of this application are accordingly:-

- Is the principle of the development on this site acceptable?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Would the proposed development have any material adverse impact upon highway safety?
- Would the impact on trees and ecology be adverse?
- Would the development impinge unduly upon levels of residential amenity of adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the proposed dwellings themselves? and
- What planning obligations are considered necessary, directly related to the development, fairly and reasonably related in scale and kind to the development, and lawful?

2.0 Is the principle of the development on this site acceptable?

2.1 Local planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

2.2 Saved Local Plan policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - setting 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 1,000 dwellings within Newcastle Urban South and East (within which the site lies).

2.3 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.

2.4 Whilst the site was formerly occupied by the Orchard House building the majority of the land is garden and does not meet the NPPF definition of previously developed land. The site is within the urban area in close proximity to Newcastle town centre and its associated shops, public transport links, leisure facilities and entertainment facilities. Therefore, it is considered that the site provides a highly sustainable location for additional residential development.

2.5 The National Planning Policy Framework (NPPF) advises, at paragraph 11 that decisions should apply a presumption in favour of sustainable development. It goes on to say that for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

2.6 Footnote 7 indicates that out-of-date as referred to in the second bullet point includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

2.7 The Council's position, following the adoption of the latest five-year housing land supply statement at Planning Committee on 27th September, is that it can now demonstrate a housing land supply of deliverable housing sites, allowing for the appropriate buffer, of 5.45 years. The policies of the Development Plan referred can therefore be considered to be up to date and can be given due weight given that they are not inconsistent with the NPPF. The fact that the site is in the main greenfield does count against the proposal. That aside the site is in a very sustainable location within a relatively short walking distance of the town centre and its facilities and services. The principle of residential development has furthermore already been accepted on the site and there is an extant planning permission as well. In all other respects policies within the development plan are supportive of residential development in this location.

2.8 On the basis of all of the above, it is considered that the principle of residential development in this sustainable location should be supported.

3.0 Would the proposed development either have a significant adverse impact on the character and form of the area?

3.1 Paragraph 124 of the revised National Planning Policy 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. It lists at paragraph 127, 6 criteria a) – f) with which planning policies and decisions should accord and sets out, 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.

3.2 Policy CSP1 of the CSS under the heading of 'Design Quality' advises new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape. The Urban Design SPD further expands on this by advising in R14 that

“Developments must provide an appropriate balance of variety and consistency, for example by relating groups of buildings to common themes, such as building and/ or eaves lines, rhythms, materials, or any combination of them.”

3.3 The proposed development is primarily for a 4-storey building that would front Clayton Road. The site is located on a busy route into the town centre and has been undeveloped in recent years. The site is occupied by Orchard House which dominates the site frontage but offers very limited visual merit within the street scene. The frontage of the site is also dominated by trees, as is the rear of the site, which adjoins the Lyme Brook that runs in between the application site and the adjacent Lyme Valley Park public open space.

3.4 The proposed building would have a large footprint that would occupy much of the site curtilage but car parking and outdoor amenity space for future residents is also proposed. The building would be in use as a C2 residential care home. 75 apartments are proposed to be occupied by residents in need of care with communal facilities, which include a lounge, coffee bar, restaurant, kitchen, assisted bathroom, guest suite, hair salon, activities and therapy suite and landscaped gardens – this is the reason for the scale of the building that is proposed.

3.5 The site is set on a lower existing ground level than Clayton Road. The proposed building would be stepped down from front to rear so that it follows the sloping gradient of the land with the largest section of the building, at 4-storeys in height, fronting Clayton Road. The proposed building would be seen in the context of the existing 4-storey building at the junction of Clayton Road and Lyme Valley View that adjoins the application site to the south.

3.6 Whilst a number of objections have been received raising concerns about the scale of the proposal and the impact on the character of the area, it is considered that the submitted street scene plans and site sections demonstrate that the development can assimilate well with the surroundings. Your officer is of the view that the proposal responds well to the appearance of the street scene, which has a varied architectural character and a range of style and scale of buildings. A palette of facing materials has also been submitted and additional soft landscaping would further aid the appearance of the proposal within the street scene. The design is therefore considered acceptable.

3.7 The mature trees on the site frontage would soften the impact of the building from the Clayton Road frontage and the trees on the rear boundary would do the same from views out of the Lyme Valley Parkway. Subject to these trees being protected and retained, along with the recommended conditions, the proposal is considered to be in accordance with policy CSP1 of the CSS and the guidance and requirements of the NPPF.

4.0 Would the proposed development have any material adverse impact upon highway safety?

4.1 The NPPF, at paragraph 109, 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 are severe. 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. Policy T16 of the Local Plan, adopted in 2003, states that development will not be permitted to provide more parking than the levels set out in an appendix and also 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.

4.2 The planning application is supported by a Transport Statement, travel plan and Parking Statement. The Parking Statement has been updated during the determination of the application following concerns raised by the Highway Authority (HA) and the level of objections regarding car parking and highways safety. A revised car parking layout has also been submitted which increases car parking provision within the site from 43 spaces to 55 spaces. Four spaces would be maintained

for no. 35 Clayton Road which are additional to the 55 spaces now proposed for the C2 apartment building.

4.3 The 55 spaces includes staff car parking for management, personal care, catering and building maintenance in shift patterns to provide continual care to residents. The application details that because the residents are receiving a care package they are unlikely to drive a car and parking provision will therefore be "largely for visitors, plus drop-off area for the taxis, ambulances etc. which will be residents' primary transport".

4.4 Access to the proposed development would utilise the existing single point of access onto Clayton Road but works to significantly modify the access would be required to serve the proposed development. These modifications were primarily approved when permission was granted for the recent hybrid planning application for the demolition of Orchard House together with the conversion of No. 35 Clayton Road (previously offices) into four flats and outline planning permission for the erection of up to 20 dwellings.

4.5 It is acknowledged that the site is within 800 metres of Newcastle town centre and therefore offers an alternative to use of private motor vehicles by walking and cycling. There are bus stops directly outside of the site that also offer good public transport links to the wider area.

4.6 As discussed the building is for residential care accommodation with communal facilities on site that is likely to reduce the level of vehicle movements to and from the site. The proximity of the site to the town centre is also likely to reduce car ownership by future residents, albeit this is not guaranteed.

4.7 It is acknowledged that on street car parking, both on Clayton Road and the neighbouring residential streets, could be exacerbated by the proposed development if an acceptable level of off street car parking is not proposed. On street car parking, in particular on Clayton Road, could lead to significant highway safety implications from vehicles parking on this busy road into the town centre in the proximity of the traffic light junction. However, off street car parking has been increased to 55 spaces and the HA have now raised no objections to the application subject to conditions which should secure safe access arrangements. A travel plan and car park management plan, along with bus stop improvements and the availability of an onsite minibus for residents should all help reduce potential on-street parking demand

4.8 Subject to the advised conditions by the HA it is accepted that the application has demonstrated that the proposed development is unlikely to lead to severe cumulative impacts on the road network.

5.0 Would the impact on trees and ecology be adverse?

5.1 NLP Policy N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. N12 also states that where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

5.2 The vehicular access arrangements are similar to those permitted under the recent hybrid planning permission that granted the removal of a mature tree (T1) to ensure a more visually significant tree – a Horse Chestnut and a category B tree (T18) - could be retained. However, a pedestrian footpath from Clayton Road, which would allow disabled access to the entrance of the building, is also now proposed.

5.3 The Landscape Development Section (LDS) have raised objections to the application on the grounds that major works around tree T17 (Ash) and T18 (Horse Chestnut) are required due to the levels changes and the provision of the pedestrian and mobility scooter access. The loss or damage to either tree, both of which are classed as Category B trees, would be contrary to policy N12 of the local plan and would be harmful to the amenity of the area.

5.4 A number of trees on the site have been removed including some of moderate quality or are proposed to be removed to facilitate the proposed development but many trees on the eastern brookside boundary are to be retained. The loss of trees is unfortunate but they are not covered by a Tree Preservation Order and no consent was required to remove these trees. Replacement planting can also be secured by condition as part of a wider soft landscaping scheme which would build on the existing landscaping strategy plan that has been submitted which sets out that planting will be proposed to mitigate the impact of the development.

5.5 The applicant is satisfied that the pedestrian access works would not harm or result in the loss of T17 and T18 and they are seeking to demonstrate this.

5.6 An Ecology Appraisal has been submitted which sets out that there are no ecological statutory or non-statutory designations present within or adjacent to the site and it is considered that no such designations within the vicinity of the site will be significantly negatively impacted by the proposed development. Bat and bird boxes are advised and these can be secured by condition.

6.0 Is a footpath link to adjacent public open space necessary and justified?

6.1 The application site is adjacent to the Lyme Valley Parkway (Parkway) which is located beyond the rear boundary. However, there is no direct link from the application site to the public open space because the Lyme Brook separates the two and there are also trees and vegetation on the rear boundary of the site.

6.2 The possibility of a direct link from the application site to the parkway was explored during the consideration of the previous hybrid application (ref 17/00194/OUT) but this was discounted because any new footbridge over the Lyme Brook was only likely to benefit the future occupiers of the development, as opposed to providing wider community benefits. The existing footbridge off Tansey Way to south was considered to provide sufficient existing access to the Parkway for the wider community.

6.3 The matter now to be considered is: does the nature of the new proposals change the position from that previously permitted or not? On one hand the distance to the Parkway for future residents by reasons of restricted mobility is likely to be a greater obstacle to access. However the applicant has indicated that the average age of residents is normally 79 years old and the onsite landscaped gardens and their individual apartment balcony are likely to meet their individual needs and may not choose to use the Parkway anyway. Only a certain proportion would be likely to be physically able to access the Parkway anyway. On this basis, and on balance, your officers are of the opinion that a new footbridge is not justified in this instance. Any new footbridge would provide only limited benefits for future residents and none to the wider community who would not be able to use the footbridge. It would also not improve access to the town centre on foot significantly with the existing arrangements via Clayton Road being considered appropriate.

7.0 Would the development impinge unduly upon levels of residential amenity on adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the proposed development themselves?

7.1 Paragraph 127 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

7.2 As discussed, the scale of the proposed building would be 4-storeys in height but it would follow the gradient of the land, which slopes from west to east. The proposed building also acknowledges that there are existing residential properties beyond the northern and southern boundaries and the scale of the building seeks to reflect the potential impact on the residential amenity levels of neighbouring properties.

7.3 Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on new dwellings, including the need for privacy, daylight standards, and environmental considerations.

7.4 The proposed building includes a number of balconies and principal windows that would face towards neighbouring dwellings. These have the potential to result in a loss of privacy to neighbouring occupiers. In particular no. 1, 3 & 5 Chervil Close to the south and 2, 3, & 4 Dellbrook Court to the north have rear elevations that face towards the site and the proposed building, which will have principal windows in the facing elevations. The Council's SPG sets out that where principal windows face other principal windows a separation distance of 21 metres should be achieved, plus an additional 3 metres for each additional storey. Where principal windows do not directly overlook each other, for example on angled development sites, the 21 metre distance may be reduced to 17 metres, depending on height and topography.

7.5 There is a two storey element of the building close to the side (northern) boundary with properties on Dellbrook Court which does have a principal window (the main window of a second bedroom) but a separation distance of approximately 20.6 metres is considered acceptable due to ground levels and potential screening from landscaping. There is however a rear balcony at first floor which faces towards the Lyme Valley Parkway. The balcony would allow the future occupiers to have a restricted outlook towards no. 2 Dellbrook Court. A screen (attached to the side of the balcony) would address this issue and could be secured by condition.

7.6 There are balconies and principal windows in the northern elevation of the proposed building at first, second, third and fourth storey level that would directly face towards the rear elevations of no. 3 & 4 Dellbrook Court. The separation distances are between 30 and 40 metres which is considered to meet the guidance of the SPG.

7.7 There are also balconies and principal windows in the southern elevation of the proposed building at first, second, third and fourth storey level that would directly face towards the rear elevations of no. 1, 3 & 5 Chervil Close to the south. The separation distance for windows and balconies that directly face the existing properties is approximately 35 metres and the proposed building is on a much lower ground level than the existing properties and on this basis this separation distance complies with the SPG. However, there are also balconies and principal windows set at an angle to 1, 3 & 5 Chervil Close which are much closer. The angled separation distances are between 20 and 30 metres and one balcony raises concerns on the top (third) floor. A screen could be secured to restrict any overlooking from this balcony or the balcony could be removed altogether.

7.8 The proposed car park (and extended car park) would be immediately adjacent to the northern boundary which is shared with properties on Dellbrook Court. Due to site level differences the car parking area would be higher than the rear gardens of the existing residential properties. Site sections have been submitted which show the relationship of the car park with neighbouring rear gardens. The site sections show a difference in finished ground levels of just over a metre. A 1.8 metre high boundary fence would be erected which would prevent overlooking and car headlights shining into rear windows. The height of the fence would result in the occupiers of the neighbouring properties having an outlook towards a 2.8 metre high fence but this would be softened by landscaping. On this basis it is considered that the relationship between the car park would be acceptable and should not result in a significant and harmful impact to the living conditions of neighbouring occupiers. The submitted noise assessment also indicates that it is unlikely that noise from typical use of the car park spaces will result in noise disturbance to neighbouring properties.

7.9 The proposed development provides areas of communal landscaped gardens for the future residents which would be east facing and would get sunlight in the morning. There are also internal communal areas for the enjoyment of future residents. The outdoor space is considered limited but the financial contribution and distance to the public open space would give future residents an acceptable alternative.

7.10 Conditions advised by EHD regarding odour abatement and ventilation from the on site residents restaurant are also considered necessary, as are the other conditions advised. An underground pumping station is proposed close to the northern boundary with neighbouring properties also. EHD have requested details of any noise impact and potential odour. The applicant has submitted some information but it is considered that matters can be addressed by a suitably worded condition. Any further comments received from EHD prior to the meeting will be reported.

7.11 Subject to a condition that secures a method of minimising overlooking from certain balconies it is considered that the proposal accords with the Council's SPG. Furthermore, the proposed development should secure a good standard of amenity for all existing and future occupants of land and buildings, as required by the NPPF.

8.0 What planning obligations are considered necessary, directly related to the development

8.1 CSS Policy CSP6 states that residential development within the urban area, on sites of 15 dwellings or more will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. Within the plan area the affordable housing mix will be negotiated on a site by site basis to reflect the nature of development and local needs.

8.2 In this instance the application is for a C2 residential care use – 75 apartments with care for the elderly. The application indicates that the C2 use would be occupied by persons aged 55 and over who are in need of care. The occupation of the development can be secured by an appropriately worded condition and a planning obligation to ensure that there is a restriction of the occupancy of the accommodation so that it falls within the C2 Use Class. On this basis, Housing Strategy advise therefore that the development would not need to provide affordable housing and this is consistent with the Affordable Housing SPD.

8.3 The LDS have requested a financial contribution of £3,519 per unit which takes into account the nature of the C2 use proposed, i.e. that the usual play and outdoor sports elements of a policy compliant contribution are not justified. The contribution towards POS is sought for improvements and enhancements to the Lyme Valley Parkway. However, the applicant has contested whether this request is CIL Regulation compliant. They do not consider that without this request the development is unacceptable in planning terms with many future residents having mobility issues and the onsite landscaped gardens would meet their needs. They also believe that it is a tariff style contribution and it is not directly related to the proposed development but is simply a desire to improve and enhance the Parkway.

8.4 Further information has been requested from the applicant with regards to the likely mobility of future occupiers to access the Parkway. They have indicated that in their experience 23% of residents would choose to go to the park and would be able to; 23% of residents could go to the park but would not necessarily choose to due to other interests/lifestyle choices; and 54% of residents would not be able to go to the park due to ill health/disability.

8.5 The amount of onsite landscaping/ amenity space for 75 apartments does appear limited and whilst most of the proposed apartments would have balconies that would offer some outdoor living space it is considered that the proposed development would put additional pressure on the infrastructure of the area, in particular the nearby Parkway. However, it is accepted that only 50% of residents of the scheme are likely to make regular use of the public open space and on this basis is considered that a financial contribution of £3,519 per unit for 37 apartments is justified. This results in a total contribution of £130,203 which is considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, to be directly related to the development and fairly and reasonably related in scale and kind to the development.

8.6 It is also necessary to consider whether the financial contributions sought comply with Regulation 123 of the CIL Regulations. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010.

8.7 The LDS have indicated that the contribution would be used towards improving and enhancing the historic remains of the canal basin in the parkway, which is on the other side of the park and improvements would make it more accessible, particularly for future residents of the proposed development. Further details on this specific project have been sought but it is considered that Regulation 123 would be complied with.

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N12	Development and the Protection of Trees
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](#) (July 2018)

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

[Community Infrastructure Levy Regulations](#) (2010) as amended and related statutory guidance

Supplementary Planning Guidance/Documents

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

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

[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)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Relevant Planning History

The site has been the subject of a number of previous planning applications related to the previous use of the site as a drug and alcohol rehabilitation centre which ceased in 2016. The buildings and site are now vacant. The last planning permission was a hybrid one for full planning permission for the demolition of Orchard House together with the conversion of No. 35 Clayton Road (previously offices) into four flats and outline planning permission for the erection of up to 20 dwellings on the remaining part of the site, ref 17/00194/OUT.

A recent application for the prior approval for the demolition/ removal of buildings except for No.35 was permitted under reference 18/00586/DEM.

Views of Consultees

The **Highways Authority** raises no objections following the submission of an amended car parking layout which shows the provision of 55 spaces. The following conditions are advised;

- Submission and approval of access improvements;
- Visibility splays;
- Access, parking, turning and servicing areas;
- Submission and approval of a car park management scheme;
- Bus stop upgrades;
- Submission and approval of a travel plan;
- Submission and approval of secure weatherproof cycle parking;
- Submission and approval construction method plan.

A Travel Plan monitoring fee of £2,360 is also sought.

Staffordshire County Council Flood Risk Team advises that the submitted Flood Risk Assessment demonstrates that an acceptable Drainage Strategy can be achieved as part of the proposed development. Therefore, a condition to secure a detailed surface water drainage design is advised.

The **Environment Agency** raises no objections.

The **Environmental Health Division (EHD)** raises no objections subject to conditions related to construction, contaminated land, external lighting, odour abatement and ventilation, design measures to control internal noise levels, waste collection and deliveries, approval of external plant, electric vehicle charging provision. They also request further information regarding pumping station.

The **Landscape Development Section (LDS)** maintains objections and concerns to the proposed development due to a major increase in levels within the Root Protection Area of the important horse chestnut tree T18, on the frontage with Clayton Road, which would be likely to cause the demise of the tree and would not be acceptable. Excavation may also be necessary within the RPA of the ash T17. There are also concerns about trees on the important boundary to the Lyme Valley Parkway and which these concerns need to be addressed. Permission should be subject to provision of a dimensioned Tree Protection Plan and detailed Arboricultural Method Statement to BS5837:2012 for the construction phase of the scheme, details of all special engineering within tree RPAs and other relevant construction details, a schedule of works to retained trees, and an arboricultural site monitoring schedule.

They also request a financial contribution by the developer for capital development/improvement of off-site green space. This should be the full contribution less the play and outdoor sports items totalling £2,793 per dwelling, in addition to £726 pro rata per dwelling for 60% of maintenance costs for 10 years. Total contribution £3,519 per dwelling. This would be used to improve and enhance the Lyme Valley Parkway.

Severn Trent Water raises no objections subject to conditions which secure drainage plans for the disposal of foul and surface water flows, along with the implementation of the approved plans.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** advises that the site would appear to lend itself reasonably well to the construction of a specialist residential apartment block for the elderly. It is self-contained and enclosed on three sides with no through routes, which represents a strong starting point for future residents. However, improvements are recommended regarding boundary treatments, CCTV and general security.

Housing Strategy Section advises that due to the designation of the use class C2, affordable housing will not be applicable. However, an appropriately worded planning condition and obligation is

required to secure the future continuation of use of the development as C2 accommodation for the appropriate age group.

The **Waste Management Section** maintains concerns about the proposed waste collection and storage arrangements. They require assurances that 26 tonne freighters can manoeuvre around the car park and there are concerns about the dimensions of the bin store.

Cadent (National Grid) advises that searches have identified that there is apparatus within the site which may be affected by the activities specified. They therefore provide a number of advisory notes/ recommendations prior to works commencing on site.

The County Archaeologist and The Newcastle South Locality Action Partnership (LAP) have been consulted on this application and have not responded by the due date and so it is assumed that they have no comments to make on the application.

Representations

27 letters of objection have been received raising the following concerns;

- Loss of mature trees,
- The scale of the four storey building is not appropriate,
- Overdevelopment of the site,
- The building is out of character with the area,
- There is minimal landscaping proposed,
- Insufficient/ lack of car parking,
- The access arrangements are not adequate for the size of the development,
- Clayton Road is already dangerous with on street car parking problems,
- Flooding concerns and the impact on the Lyme Brook,
- Loss of privacy and light to neighbours,
- There are plenty of other similar developments in Newcastle without needing another,
- The existing bus stops will need to be upgraded but there is little room for improvements,
- Clarification of C2 use of the proposed building,
- Noise and disturbance from construction,
- The additional car parking is at the expense of landscaping which is not acceptable,
- The additional parking does still not address the issues,
- The Garden Storage Area has now been replaced with a pumping station on the revised plans with no noise and smell issues addressed,

Applicant/agent's submission

The application is supported by the following key documents;

- Planning Statement,
- Design and Access Statement,
- Revised Parking Statement,
- Care Statement,
- Transport Statement
- Revised Arboricultural Assessment,
- Flood Risk Assessment & Drainage Strategy,
- Air Quality Assessment,
- Noise Assessment,
- Ecology Appraisal.

All of these documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00693/FUL>

Background Papers

Planning file

Planning documents referred to

Date report prepared

18th December 2018