

**FORMER CLAYTON LODGE HOTEL, CLAYTON ROAD**

**22/00284/FUL**

The application seeks full planning permission for the erection of 48 no. dwellings at the former Clayton Lodge Hotel located on Clayton Road.

The application site contains a number of buildings and areas of hardstanding which are associated with the former hotel and the site is therefore classed as brownfield land. Part of the site is also covered by Tree Protection Order no.6.

The application site, of approximately 16.1 hectares in extent, falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map and lies close to the Clayton Conservation Area.

**The statutory 13 week determination period for this application expired on the 7<sup>th</sup> September and an extension of time has been agreed to the 3<sup>rd</sup> February 2023.**

**RECOMMENDATIONS**

**A) Subject to the applicant entering into a Section 106 obligation by 17<sup>th</sup> March 2023 to secure the following:**

- **A contribution of £10,000 towards travel plan monitoring**
- **A contribution of £174,500 towards primary education**
- **A management agreement for the long-term maintenance of the open space on the site**

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Facing and roofing materials**
- 4. Boundary treatments**
- 5. Hardstandings**
- 6. Woodland and open space management plan**
- 7. Arboricultural Method Statement**
- 8. Waste collection and storage arrangements**
- 9. Details of vehicle access works including engineering works to reform the existing access onto Clayton Lodge**
- 10. Details of offsite highway scheme to implement tactile pedestrian crossing on Clayton Road**
- 11. Details of the design and construction of any new roads, footways and accesses**
- 12. Restriction on the gradient level of highway carriageway**
- 13. Provision of access, parking and turning areas**
- 14. Provision of cycle storage areas**
- 15. Details of surface water drainage interceptors**
- 16. No soakaways or attenuation tanks are to be placed within 4.5m of the highway boundary**
- 17. Submission of a Structural Design Assessment**
- 18. Submission of a Travel Plan**
- 19. Construction Method Statement**
- 20. Electric vehicle charging provision**
- 21. Construction and demolition hours**
- 22. Works to be completed in accordance with the surface water drainage details**
- 23. Temporary arrangements for the control of surface water and pollution are to be in place prior to completion of the proposed**
- 24. Land contamination investigations and mitigation measures**
- 25. Unexpected land contamination**
- 26. Ecology mitigation and enhancements**
- 27. Drainage plans for the disposal of foul and surface water**

**B) Should the Section 106 obligation referred to in (A) above not be secured within the above period, then the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured, the development would fail to be acceptable in planning terms and would not 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 recommendations**

The redevelopment and regeneration of this vacant site within a sustainable urban location, accords with local and national planning policy. The scheme represents a good quality design that would enhance the appearance of the area and it has been demonstrated that the proposed development would not cause highway safety concerns or impact residential amenity. A number of trees would need to be removed from the site to accommodate the proposed development which will result in a loss of natural habitats, however it is considered that subject to a number of conditions, the development represents a sustainable form of development and should be supported.

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

The LPA has requested further information throughout the application process and the applicant has subsequently provided amended and additional information. 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**

The application seeks full planning permission for the erection of 48 no. dwellings at the former Clayton Lodge Hotel located on Clayton Road.

The application site, of approximately 16.1 hectares in extent, falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map and lies close to the Clayton Conservation Area. Part of the site is covered by Tree Protection Order no.6.

The proposed application raises the following key issues:

1. The principle of the development of this site for residential purposes,
2. The design of the development and its impact on the surrounding area,
3. The impact of the development on highway safety,
4. Acceptable standards of residential amenity,
5. The impact on trees and ecology,
6. Flood risk and sustainable drainage,
7. Planning obligations and financial viability and
8. Conclusions

**Is the principle of the development of this site for residential purposes acceptable?**

The hotel has not been in use since before the start of the covid pandemic and is currently in a state of disrepair which is causing it to detract from the character of the area. There are also ongoing issues relating to trespassing, vandalism and other unlawful activities on the site.

Core Spatial Strategy (CSS) Policy ASP5 sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026. Policy SP3 seeks to maximise the accessibility of new residential development by walking, cycling and public transport.

Policy H1 of the Newcastle Local Plan (NLP) seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes which are considered sustainable locations for residential development.

The Council is currently able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 7.3 years as at the 31st March 2021. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

The NPPF seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

The application site comprises previously developed land which is located in the urban area and is considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities.

The principle of the proposed development complies with local and national planning policy guidance.

**The design of the residential development and its impact on the surrounding area**

## Classification: NULBC UNCLASSIFIED

Paragraph 126 of the 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. Furthermore, paragraph 130 of the framework lists 6 criteria, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. In particular, Policy R3 states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it, exploiting existing site characteristics, such as mature trees, existing buildings or long views and incorporating them into the proposal. In addition, Policy R14 states that developments must provide an appropriate balance of variety and consistency.

Policy CSP1 of the Core Spatial Strategy (CSS) lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the revised NPPF.

A total of 48 dwellings are proposed on the site which has been reduced from the 52 originally submitted proposed. The proposed houses would be a combination of detached and semi-detached two storey properties which would be of traditional design. The surrounding area comprises residential properties of various styles with St James the Great Church of England and its associated car park located directly to the east of the site and Our Lady & Saint Werburgh Catholic Church located to the west. The majority of nearby dwellings are two-storey however there are some bungalows located to the west of the site along Waveney Grove and some terraced properties can be found in the Kingsdown Mews development to the north.

The proposed development has been presented to a Design Review Panel (DRP) at an early stage in the process, as encouraged by the NPPF, and a number of amendments and enhancements have been made to the scheme at the request of the case officer to ensure that the scheme demonstrates a high quality design as required by both national and local policies. The site has been designed to include a good number of varied house types with the chosen designs being considered to be acceptable additions to the local design vernacular. A number of landscaped areas and new planting will also help to break up new built up frontages and soften the overall visual impact of the development.

Through the removal of the Hotel the proposal would also result in an improvement to the overall setting of the Clayton Conservation Area which is located to the south east of the site, however the CA itself has a strong defining boundary in the form of a high level hedge and row of mature trees which limits the spatial and visual relationship between the two sites.

To conclude, the proposal will help to remove what is currently an eyesore in the area and replace this with a high quality residential development which will integrate well with surrounding land uses. It is therefore considered that the design of the proposed development is acceptable and subject to conditions, it will comply with design principles and policies of the Council's Urban Design Guidance, policy CSP1 of the CSS and the guidance and requirements of the NPPF.

### The impact of the development on highway safety

Paragraph 110 of the NPPF states that in assessing specific applications for development it should be ensured, amongst other things, that appropriate opportunities to promote sustainable transport modes; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The NPPF further states at paragraph 111 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

## Classification: NULBC UNCLASSIFIED

## Classification: NULBC UNCLASSIFIED

Saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) 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. Such a policy is, however, of limited weight as it is not in full consistency with the Framework given its reference to maximum parking levels.

Objections have been received from residents about the suitability of the access and the level of potential congestion in the area.

The application is accompanied by a Transport Assessment which considers the transport impacts associated with the proposed development. The net increase of development trips generated compared to existing use is considered to be a material change.

The majority of trips within the AM and PM peak periods are forecast to route north of the development site on Clayton Road towards the Clayton Road/ Warwick Avenue/ Seabridge Lane Signalised junction. Traffic count data has been used to demonstrate that the increased number of trips on Clayton Road as a result of the development would not materially impact traffic flow on this highway within the peak period. The Highway Authority states that the increase of traffic flow on Clayton Road will be minimal and accepts that no junctions have been identified as requiring capacity assessment as a result of the development traffic impact.

Concern initially raised by the Highway Authority in regard to substandard visibility splays to the north have been addressed by revised plans which now demonstrate that a 2.4m by 95m splay can be provided, which is appropriate due to the presence of a splitter island. The parking and internal road layout of the proposed development, as well as details relating to construction vehicles, EV charging points, waste collections and pedestrian connections have again all been found to be acceptable by the Highway Authority.

The Recycling and Waste Servicing Team have requested that a Swept path analysis be provided to show that their refuse collection vehicles would be able to make collections. The internal road arrangement has been designed in accordance with up to date highway requirements, and it is considered that there would be a good level of turning and manoeuvrability areas available for larger vehicles, including refuse vehicles within the site.

There are a number of bus stops within walking distance of the site, with the Clayton Road stops providing access to bus routes which operate on a frequent basis throughout the day and provide access to a range of key destinations. It is also relevant to note that former use of the hotel would, at its maximum capacity, see large numbers of vehicles entering and leaving the site on a daily basis, including during the night time and early morning periods.

In the absence of any objections from the Highway Authority and subject to conditions, it is not considered that the proposal would have any significant adverse impact on highway safety and it is considered that the proposal complies with Policy T16 of the Local Plan and the aims and objectives of the Framework.

### Acceptable standards of residential amenity

Paragraph 130 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. It further sets out at paragraph 185 that decisions should also ensure that new development reduces potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.

The Council's Supplementary Planning Guidance (SPG) - Space Around Dwellings provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

## Classification: NULBC UNCLASSIFIED

## Classification: NULBC UNCLASSIFIED

There are existing residential properties to the south, west and north which share boundaries with the proposed development. A number of objections have been raised by occupants of Kingsdown Mews which is located to the north of the site regarding the potential loss of privacy as a result of the development. Several dwellings proposed in the original scheme for the site would have breached the 21m separation distance required for new housing development as set out in the Council's SPG. This breach would have been emphasised by the difference in land levels found along the application site's northern boundary. Amendments were requested and received and all properties within the development site would now achieve acceptable separation distances, in accordance with the Council's SPG.

A row of houses proposed in a central section of the application site have also been removed, which has allowed for a lower density form of development. The rearranged properties now also provide the added benefit of providing a good level of surveillance over the large section of amenity space found close to the main entrance to the site.

Furthermore, the proposed development demonstrates acceptable separation distances and relationships between plots, particularly for plots that occupy a central position within the development where the difference in ground levels is significant. All plots will also have an acceptable amount of private amenity space.

The Council's Environmental Health Division has no objections subject to conditions relating to land contamination, piling, construction management and hours of construction in order to ensure that these works do not have an unacceptable impact on the amenity of neighbouring properties.

The EHD did initially raise objections in relation to potential lighting pollution from the nearby petrol station on the residents of the proposed development. However, a submitted lighting assessment has sufficiently demonstrated that there would be no adverse implications and the EHD are satisfied on that basis.

Objections were also raised in relation to the absence of an appropriate noise assessment which should consider the impact of noise from road traffic and the petrol station on residents and any design or mitigation measures that need to be incorporated into the development. An assessment was submitted on the 11<sup>th</sup> January 2023, and your officers will report the comments of the Environmental Health Division through a supplementary report.

Therefore subject to no further objections from the EHD in relation to the submitted noise assessment, and subject to the inclusion of appropriate conditions, the development is in accordance with the NPPF, in particular paragraphs 130 and 185.

### Impact on Trees and Ecology

Policy CSP4 of the Core Strategy states that "the quality and quantity of the plan area's natural assets will be protected, maintained and enhanced through the following measures ... ensuring that the location, scale and nature of all development planned and delivered through this Core Spatial Strategy avoids and mitigates adverse impacts, and wherever possible enhances, the plan area's distinctive natural assets, landscape character".

Paragraphs 174 & 180 of the NPPF set out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

Policy N12 of the Local Plan 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.

A large section of the site is covered by a Tree Preservation Order (no.6) which was originally designated following concerns that a number of trees had been felled without the consent of the LPA.

## Classification: NULBC UNCLASSIFIED

## Classification: NULBC UNCLASSIFIED

While a number of trees covered by the blanket TPO are of low quality, there are a number of mature trees covered by the TPO which positively contribute to the site.

The plans originally submitted with the application proposed the removal of the majority of trees from the site, and whilst some mitigation was provided in the form of new tree planting, the overall level of landscaping and replanting was not considered to be an acceptable mitigation. To address these concerns a revised scheme has been provided which has reduced the number of dwellings proposed from 52 to 48 and includes a more ambitious planting scheme inclusive of a new designated non-accessible landscaping strip which has been incorporated into the proposal.

The application is supported by an Arboricultural Impact Assessment, an Arboricultural Method Statement and an Ecological Impact Assessment. The Council's Landscape Team (LDS) has been consulted on the application and have provided ongoing advice throughout the determination process. The LDS have noted that the details provided in support of the proposed landscaping scheme are acceptable and have welcomed the alterations to the scheme, however they have confirmed that they cannot support the removal of healthy mature trees from the centre of the site.

Some of the existing mature trees on site are to be retained including a number of large Ash trees which are located close in the eastern section of the site, a large sycamore located in the north east corner of the site and a large Beech tree in the south western corner of the site. There are also a number of sycamore trees located along the eastern edge of the site which run adjacent to Clayton Road which are to be retained. However a sizeable group of trees within the central area of the site are still proposed to be removed. While these trees are of various quality with some having grown out of sections of hardstanding and others that have been inspected by officers and are clearly unhealthy, there are several trees which provide a positive contribution to the site in respect of visual appearance and their contribution to biodiversity. The applicant has confirmed that without the removal of the trees, the application site would not be financially or physically appropriate for redevelopment, especially when the financial cost of removing the hotel from the site is taken into consideration.

The Ecological Impact Assessment (EIA) identifies that habitats for breeding birds and bats could be negatively affected by the proposed development. No evidence of badger sets or activity were recorded at the site however it was noted that the application site has habitat features such as plantation woodland which provides suitable commuting habitat for this transient species. The reptile survey showed no evidence to suggest that there was a permanent population of reptiles onsite.

The EIA has recommend a number of mitigation measures to safeguard the status of the species referred to above, a summary of the main mitigation measures is listed below:

- i) New tree planting and sowing of areas with wildflower seed mixes*
- ii) Submission of a supporting Landscape and Ecological Management Plan*
- iii) Works should be avoided during the nesting bird season*
- iv) New Bat Boxes and wall boxes to be agreed on*
- v) No artificial security lighting should be installed on the elevations of buildings in close proximity to the south-western boundary of the site*
- vi) All buildings to be demolished should be subjected to a pre-dawn re-entry survey to confirm the presence / absence of bats*
- vii) Additional surveys are to be submitted if works are started within 12 months of the decision notice*
- viii) Vegetative connectivity around the edges of the should be maintained*
- ix) If any protected species are found on site works are to cease until the advice of a qualified ecologist has been sought.*
- x) removal of any low suitability trees should be undertaken following a 'soft-felling' methodology*

A number of public objections have also raised concerns about the loss of wildlife from the site. However it is considered that the mitigation methods outlined above are reasonable and achievable and can be controlled through suitably worded planning conditions. Subject to the imposition of these conditions it is considered that the application has demonstrated that the impact and loss of wildlife and biodiversity can be suitably mitigated, therefore, it accords with Paragraphs 174 & 180 of the NPPF.

## Classification: NULBC UNCLASSIFIED

### Flood Risk and sustainable drainage

The application has been accompanied by a Flood Risk Assessment (FRA), which includes a drainage strategy. The drainage strategy incorporates a sustainable urban drainage strategy scheme (SuDS) in the form of permeable paving where feasible, filtration trenches and an attenuation pond with aquatic planting and low flow channels with permanent wet area.

The FRA identifies that the site is within Flood Zone 1, being an area of low probability (of flooding), Development within Flood Zone 1 is the preferable option when considered in the context of the sequential test found in the NPPF. The Lead Local Flood Authority (LLFA) have been consulted on the application.

The LLFA originally raised concerns with the FRA and the drainage strategy, in particular. There were concerns relating to the location of cellular storage units, emergency overflow from the attenuation basin, performance calculations, exceedance flows and management and maintenance of the proposed drainage strategy.

Additional information has been submitted to address the concerns of the LLFA which has resulted in the FRA and its associated appendices being updated. The submission of these revisions has now overcome the concerns that were raised by the LLFA, and they no longer raise any objections subject to conditions to secure the development takes place in accordance with the submitted FRA and Drainage Strategy and subject to temporary arrangements for the control of surface water and pollution being used prior to the completion of the proposal. Subject to these conditions, the development will be acceptable and minimise flood risk, in accordance with local and national planning policy.

### Planning obligations and financial viability

Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It must be:-

- 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.

Public open space is to be provided within the site and therefore no contribution to off-site provision is required. The open space should be maintained by a management company which can also be secured by a Section 106 Agreement.

With respect to affordable housing provision, as a vacant building is to be demolished as part of the proposal, vacant building credit can be used to determine how much affordable housing provision should be provided on site. Vacant Building Credit is a national policy which is set out in Paragraph 64 of the NPPF, intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. When vacant building credit is applied, the equivalent of the gross floor space of any relevant vacant buildings being demolished as part of the scheme are deducted from the overall affordable housing contribution calculation applied to the scheme. Normal Affordable Housing requirements for the site would be 25%.

The application has been supported by a Vacant Building Credit Statement which has provided an analysis of the site in respect of whether Vacant Building Credit is applicable. The Statement concludes that a total of 5,751.61sqm floor space is proposed whilst the level of existing floor space to be removed from the site is 6,036sqm. This calculation means that there is a -284sqm excess in floor space differences which equates to no affordable housing provision being required for the site.

In order for the vacant building credit to be applicable, the building in question to be removed must not have been abandoned. It is important to note that for the purposes of Vacant Building Credit, an abandoned site does not simply mean a site which is currently not in use. The Vacant Building Credit Statement has provided a robust and accurate analysis of the site to demonstrate that the site does not meet the definition of having been abandoned and overall the justification is considered to be reasonable and is therefore accepted.



Given the above no affordable housing provision is required for this development site.

The County Council's Education Authority have advised that the planning application would result in an education contribution of £174,500 to be sought from the developer to mitigate the impact on education from the development and would be acceptable from an education perspective subject to a S106 agreement which meets this requirement. The response from the Education Authority indicates that there would be sufficient school places at the secondary phase of education, but insufficient spaces to accommodate the additional demand of 10 primary school places created by the development.

### Conclusions

The proposed development would result in the loss of several trees which provide natural screening for parts of the site and provide habitats for a number of species. However, the proposal would provide various social and economic benefits, most notably the construction of 48 new houses in a sustainable location within the urban area, which will increase the housing mix and make a contribution to boosting housing supply in the Borough. The removal of the Clayton Lodge Hotel would also be welcomed due to visual harm of the building and the ongoing vandalism and trespassing issues relating to the site. It has also been demonstrated that the design and appearance of the scheme would be of an appropriate quality and would not harm the visual amenity of the area. Onsite replanting and biodiversity enhancements have been proposed and other environmental objectives will be secured. Therefore, the three overarching objectives of sustainable development will be achieved.

On this basis planning permission should be granted provided the required S106 obligations are secured to address infrastructure requirements, alongside appropriate planning conditions, as recommended.

### Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions. People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

Classification: NULBC **UNCLASSIFIED**

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics

Classification: NULBC **UNCLASSIFIED**

**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 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 CSP4:	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

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 H1:	Residential development: Sustainable location and protection of the countryside
Policy T16:	Development - General Parking Requirements
Policy N12:	Development and the Protection of Trees
Policy N13:	Felling and Pruning of Trees
Policy N17:	Landscape Character – general Considerations
Policy IM1:	Provision of essential supporting infrastructure and community facilities.

**Other material considerations include:**

National Planning Policy Framework (2021)

Planning Practice Guidance (March 2019, as updated)

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

Supplementary Planning Guidance/Documents

Developer contributions SPD (September 2007)

Affordable Housing SPD (2009)

Newcastle-under-Lyme Open Space Strategy – adopted March 2017

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 approved in 2003 and last updated in February 2016

### Relevant Planning History

05/00450/FUL - Redevelopment of existing site to provide 71 dwellinghouses comprising 16 two storey dwellings; 3 bungalows; alterations and reuse of existing building as a single dwelling; alterations and conversion of existing building to form 5 apartments and 46 apartments within 3 new buildings (Amended Description) – Refused

06/00152/FUL - Alterations and extensions to existing building – permitted

06/00663/FUL - Change of use of staff training area to restaurant, external staircase and extended terrace – permitted

06/01146/FUL - Retention of engineering works widening existing driveway on frontage, erection of railings on existing boundary wall and erection of automatic gates – permitted

16/00427/FUL - Extension to restaurant – permitted

16/00695/ADV - Retention of 3 banner signs – refused

### Views of Consultees

The **Education Authority** advise that the planning application would require a contribution of £174,500 to mitigate the impact of the development on education. This is towards primary school education within which there are not considered to be a sufficient number of places.

The Council's **Waste Management Section** request that a swept path analysis needs to be provided to ensure that their standard fleet would be able to make collections at the location within the proposed layout.

The **County Highway Authority** raise no objections to the proposal subject to a number of conditions that relate to access, parking, surfacing and pedestrian connections, the submission of a Travel Plan and details relating to the structural integrity of a wall that abuts the highway.

Following the submission of various updates and additional information, the most recent response from the **Lead Local Flood Authority** raise no objections subject to all works taking place in accordance with the submitted drainage details and subject to temporary arrangements for the control of surface water and pollution being used prior to the completion of the proposed.

**CADENT (network maintenance pipelines)** request that an informative note is added to any decision notice.

The **Environmental Health Division** raise no objections to the proposal subject to conditions relating to contamination investigation.

Following the submission of additional information, the **Landscape Development Section (LDS)** note that additional boundary tree planting has been included in the landscape proposals to replace the trees lost from the perimeter of the site and they are satisfied that, as the majority of the existing trees in these areas are younger or of impaired condition, the proposed planting will mitigate their loss. Subject to works being completed in accordance with the submitted details, then the LDS have no objection in principle to the overall layout and landscaping proposals.

The LDS however are still unable to support the loss of all of the mature trees covered by Tree preservation Order number 217 from the centre of the site.

The **Crime Prevention Design Advisor** is in support of the application and has provided guidance on a number of security matters.

**Severn Trent Water** confirms that they have no objections to the proposals subject to the inclusion of a condition which requires the submission of drainage plans for the disposal of foul and surface water flows.

Representations

**Thirty (30)** letters of representation have been received raising objections on the following grounds;

- There are too many houses already in the area
- The proposal will result in an increase to traffic which will be detrimental to highway safety
- Concerns over dust nuisance and asbestos as a result in the demolition of the hotel
- Harmful impact on wildlife and biodiversity
- Properties that are to be built close to Kingsdown Mews will be visually dominating
- Loss of privacy to residents of Kingsdown Mews
- Additional pressure on local schools and healthcare services
- Impact to a listed building
- Not all properties have been consulted on the application
- Drainage impacts on nearby properties

Applicant/agent's submission

All of the application documents can be viewed on the Council's website using the following link.

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00284/FUL>

Background Papers

Planning File

Development Plan

Date report prepared

16<sup>th</sup> January 2023