

The application is for the variation of condition 2 of planning permission 15/00692/FUL to replace the approved plans listed within the condition with new plans which seek amendments to the site layout, plot size and elevations of the proposed 12 houses.

The application site, of approximately 0.33 hectares, is within the village envelope of Bignall End, as indicated on the Local Development Framework Proposals Map.

The site is accessed off New Road which is a B classified Road.

A grade II Listed milepost is sited located on New Road opposite and in close proximity to the site.

**The 13 week period for the determination of this application expires on the 7<sup>th</sup> March 2017.**

### **RECOMMENDATION**

**(A) Subject to further consideration of the design of the side elevation of plot 1 which faces New Road; the applicant first entering into a S106 obligation, by 3<sup>rd</sup> March 2017, to preserve the Council's position in respect to obligations entered into in respect of 15/00692/FUL which secured a review mechanism of financial contributions if the development is not substantially commenced within 12 months from the date of the decision, PERMIT the variation of condition 2 of 15/00692/FUL as applied for subject to the imposition of all other the other conditions attached to planning permission 15/00692/FUL as they remain relevant. Such conditions relate to the following matters:**

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Submission and approval of external materials**
- 4. Boundary treatments**
- 5. Prior submission and approval of a landscaping scheme**
- 6. Removal of permitted development rights for hardstandings within all front gardens**
- 7. Removal of permitted development rights for extensions, roof alterations and outbuildings for all plots**
- 8. Provision of access prior to occupation**
- 9. Provision of parking and turning areas**
- 10. Surfacing details**
- 11. Access road shall remain un-gated**
- 12. A surface water interceptor**
- 13. Construction Method Statement as approved**
- 14. Tree Protection (overhanging trees)**
- 15. Tree pruning (overhanging trees)**
- 16. Design measures to secure noise levels**
- 17. Construction/ Demolition Hours**
- 18. Drainage – foul and surface water**
- 19. Full contaminated land**

**B. Should the matters referred to in (A) above not be secured within the above period, that the Head of Regeneration and Planning Services be given delegated authority to refuse the application on the grounds that without a review mechanism there would be no up to date justification for a development with no policy compliant financial contributions towards public open space and education.**

### **Reason for Recommendation**

The proposed changes to the site layout, plot sizes and elevations would not result in a development that would raise any significant concerns compared to the scheme permitted under 15/00692/FUL and so it continues to accord with policies of the development plan and the guidance and requirements of the NPPF subject to conditions and a Deed of Variation to the S106 agreement to reflect the new planning permission.

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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

**KEY ISSUES**

This is an application can be made under section 73 of the Town and Country Planning Act 1990 to vary condition 2 of planning permission 15/00692/FUL, which granted full planning permission in May 2016 for the construction of 12 houses on the former Audley Workingmens Club. Condition 2 lists the approved plans - to change the site layout, plot size and elevations.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended.

A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

The layout fundamentally remains as was previously permitted but an area of landscaping would be replaced with hard surfacing in front of plots 11 and 12 which achieves parking on those plots. The plot sizes would be increased and all plots would now be three bedroom properties. The elevations would also fundamentally remain the same but a design feature of the previously approved scheme on the side gable of plot one, a narrow two storey box 'bay' feature with ground and first floor windows, is now no longer proposed.

The design feature added visual interest to this elevation which faces New Road. This would have avoided a blank gable in a prominent position within the street scene. Whilst the reasons given for the removal of the feature is acknowledged, the removal of this design feature is disappointing and as such alternative design are being explored with the applicant to avoid a large expanse of brick being presented as a key feature of the street scene.

The replacement of the soft landscaping with hard standing is also disappointing but the harm would be limited with very minimal views from outside of the site and would secure on plot parking for all of the dwellings within the development.

The applicant for the previous application had demonstrated that the scheme for 12 dwellings on the site was not financially viable with policy compliant financial contributions of £33,093 towards education places and £41,202 towards off site public open space. However, a S106 agreement secured a review mechanism should the development have not been substantially commenced within 12 months of the decision – 16 May 2017. A new S106 agreement will need to be secured to reflect the new permission and this can be done by a deed of variation of the original agreement. The applicant has not indicated that a substantial commencement cannot be made by the 16 May 2017 and this date should still apply.

Information secured through conditions has subsequently been approved since the previous decision and the approved information should continue to apply.

In summary the development, with the changes proposed, continues to accord with policies of the development plan and the guidance and requirements of the NPPF.



## **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 (adopted 2009)

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP5: Open Space/Sport/Recreation  
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 C4: Open Space in New Housing Areas  
Policy C22: Protection of Community Facilities  
Policy IM1: Provision of Essential supporting Infrastructure

### **Other Material Considerations**

National Planning Policy

National Planning Policy Framework (2012)  
Planning Practice Guidance (March 2014)

Community Infrastructure Levy Regulations 2010, as amended

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

Developer Contributions Supplementary Planning Document (SPD) (September 2007)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

RICS Guidance Note 'Financial Viability in Planning' 1<sup>st</sup> Edition

HCA Good Practice Note Investment and Planning Obligations – responding to the downturn

Relevant Planning History

15/00279/FUL	Proposed Re-development at Audley Workingmens Club for the erection of 14 houses	<b>Refused</b>
15/00692/FUL	Erection of 12 houses	<b>Permitted</b>

Views of Consultees

The **Environmental Health Division** indicates that they have no comments to make on the application.

The **Highway Authority** raises no objections subject to conditions which secure the access prior to the occupation of any of the dwellings; ensure surfacing, parking and turning are provided; ensure the access remains un-gated; provision of a surface water drainage intercepto;r and the submission and approval of a Construction Method Statement.

The **Landscape Section** have concerns that the revised scheme will have less visual appeal than the previous approved application, as the planted landscaped area between the site and the adjacent open space will be exchanged for paving, and the remaining space for meaningful tree and shrub planting will be much reduced. Conditions regarding tree protection and a landscaping scheme are advised and S106 contribution requests would remain the same as the previous application.

The **Education Authority** has advised that as there is no change to the dwelling number or dwelling breakdown, our response remains as previously submitted on 7 October 2015 under application 15/00692/FUL. The comments were that the development falls within the catchments of Sir Thomas Boughey High School and Ravensmead Primary School. A development of this size could add 3 primary aged pupils and 2 secondary aged pupils. Sir Thomas Boughey High School is projected to have sufficient space to accommodate the likely demand. Ravensmead Primary School is projected to be full for the foreseeable future and an education contribution for 3 Primary School places (3 x £11,031) = £33,093 is therefore required.

Comments were also invited from **Waste Management** and **Audley Parish Council** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

#### Representations

None received

#### Applicant/agent's submission

The applicant has indicated the following points;

- The gable end windows were removed because at ground floor it was felt that there would be a lack of privacy in the dining space, with it being located adjacent to the pavement.
- At first floor the previously shown window would sit exactly where a wardrobe would be located following the redesign.
- Changes to the parking arrangement on the site can now result in cars parking in front of plots 11 & 12.
- Paved access all the way round to Plot 7 is now achieved.
- The new car parking arrangement now results in the size of the garden of plot 6 being increased in size.

All of the application documents can be viewed at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/01036/FUL>

#### Background Papers

Planning files referred to

Planning Documents referred to

#### Date report prepared

16<sup>th</sup> January 2017