

**LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND
NORTH OF LINLEY ROAD, BUTT LANE, KIDSGROVE
TAYLOR WIMPEY (NORTH MIDLANDS)**

18/00002/FUL

The application seeks to vary condition 2 of planning permission 14/00562/REM which granted reserved matters for the erection of residential development of 171 dwellings, area of community woodland, public open space and formation of new accesses. Condition 2 lists the approved drawings and the variation sought seeks to substitute amended plans to allow for amendments to the house type and garage position for Plot 39.

The site is within the Kidsgrove Neighbourhood and Urban Area on the Local Development Framework Proposals Map.

The statutory 13 week determination period for the application expires on the 16th April 2018.

RECOMMENDATION

PERMIT subject to the following conditions:

- 1. The variation of condition 2 to reflect the revised drawings**
- 2. Any other conditions of 14/00562/REM that continue to apply to the development**

Reason for recommendation

The application raises no issues of impact on residential amenity or highway safety and the amendments proposed to the house type and the siting of the garage would have no adverse impact on the character and appearance of the area.

Statement as to how the Local Planning Authority has worked 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.

KEY ISSUES

The application seeks to vary condition 2 of planning permission 14/00562/REM which lists the approved drawings, to allow for amendments to the house type and garage position for Plot 39.

In considering an application to vary a condition, the authority has to consider only the question of the conditions subject to which planning permission may be granted. If the Authority considers that planning permission may be granted subject to different conditions it can do so. If the Authority considers that the conditions should not be varied it should refuse the application.

Although the Landscape Development Section has requested further details regarding the gradient and treatment of the slope between the proposed garage and public footpath link, given that the garage is moving further away from the footpath link than in the approved scheme, it is not considered that this raises any concerns. It is not considered that the changes proposed would have any material impact on issues of residential amenity or highway safety and therefore the sole issue for consideration now is whether the proposed amendments would have any adverse impact on the character and appearance of the area.

The application seeks permission for a substitution of house types for Plot 39. The dwelling would be changed from a 'Shelford' to a 'Lydford' and the garage would be repositioned from the western boundary of the plot to the eastern boundary. The amendment is required due to ground levels which mean that it would not be possible to construct the garage in accordance with the approved plans without the use of large retaining structures. Both housetypes are 4-bed dwellings and the Lydford is

found elsewhere on the site. It is not considered that the changes proposed would have any adverse impact on the character and appearance of the area.

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 CSP1: Design Quality

Policy CSP3: Sustainability and Climate Change

[Newcastle-under-Lyme Local Plan](#) (NLP) 2011

Nil

Other material considerations include:

[National Planning Policy Framework](#) (NPPF) (2012)

[Planning Practice Guidance](#) (PPG) (2014)

Supplementary Planning Guidance/Documents

[Space Around Dwellings SPG](#) (SAD) (July 2004)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

Relevant Planning History

11/00645/OUT	Residential development of 176 dwellings, area of community woodland, public open space and formation of new accesses	Refused
12/00127/OUT	Residential development of 172 dwellings, an area of community woodland, public open space and the formation of new accesses	Approved
14/00562/REM	Reserved matters relating to internal access arrangements, layout, scale, and landscaping in respect of a residential development of 171 dwellings	Approved
14/00562/NMA	Application for non-material amendment to approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 171 dwellings, area of community woodland, public open space and formation of new accesses to allow for re-planning of plots 24-35 and revision to the garage and parking spaces to plot 36	Approved
15/00916/REM	Revised application for the approval of reserved matters for plots 149-153 relating to 12/00127/OUT for residential development of 127 dwellings, area of community woodland, public open space and formation of new accesses	Approved
17/00553/FUL	Variation of condition 2 (alterations of boundary layout showing the perimeter fence between plots 134-153 as 1800mm high close board) of reserved matters approval 14/00562/REM	Approved

Views of Consultees

The **Highway Authority** raises no objections subject to the garage being retained for parking and the access and parking being constructed in accordance with the approved plans.

The **Landscape Development Section** has requested confirmation of the gradient and treatment of the slope between the proposed garage and public footpath link.

The **Environmental Health Division** has no comments to make on the application.

No comments have been received from **Kidsgrove Town Council** and given that the period for comment has passed, it must be assumed that they have no comments to make.

Representations

One letter of representation has been received stating that access to Church Street is access only but is not observed or enforced and this development will increase illegal usage.

Whilst the objections are noted, the principle of the development and access has been established and such matters are not for consideration under this current proposal.

Applicant/agent's submission

The application forms and plans have been submitted. These documents are available for inspection at the Guildhall and via the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00005/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

9th February 2018