

**LAND OFF DEANS LANE AND MOSS GROVE, RED STREET
PERSIMMON HOMES (NORTH WEST)**

19/00772/FUL

The application seeks a variation of condition 12 of planning permission 19/00375/FUL (residential development comprising 50 dwellings and associated works) to allow the provision of a public footpath link at a later phase of the development.

The application site lies on the edge but within the Newcastle urban area as indicated on the Local Development Framework Proposals Map. The site extends to approximately 1.47 hectares.

The 13 week period for the determination of this application expires on the 1st January 2020.

RECOMMENDATION

REFUSE for the following reason:

1. The delay to the provision of the footpath link from the development site to the public footpath (Newcastle 21) until the occupation of the 46th dwelling house, would discourage future residents from using alternative modes of transport to the private car and therefore would not meet sustainable development objectives. It would therefore be contrary to the core principles and sustainable development objectives set out in the National Planning Policy Framework 2019.

Reason for Recommendation

The proposed variation of condition application and the requested delay in providing a footpath link would discourage future residents from using alternative modes of transport to the private car and therefore would not meet sustainable development objectives. It would therefore be contrary to the core principles and sustainable development objectives set out in the National Planning Policy Framework 2019.

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

Officers sought a compromise with the applicant prior to the application being submitted and further discussions were held during the consideration of the application. However, a compromise has not been possible and the fundamental concerns of the LPA have not been overcome.

Key Issues

The application seeks a variation of condition 12 of planning permission 19/00375/FUL (residential development comprising 50 dwellings and associated works) to allow the provision of a public footpath link at a later phase of the development.

The planning permission was granted in association with an outline planning permission for a residential development of up to 50 dwellings (16/00902/DEEM4).

The reserved matters consent (18/00854/REM) approved details relating to internal access arrangements, layout, scale, appearance and landscaping. Condition 2 of this reserved matters approval was varied under planning permission 19/00375/FUL to allow changes to the disposition of plots 1-8 only.

Condition 12 of the latest permission states that;

12. Prior to the first occupation of any of the dwelling houses hereby approved the footpath link on the eastern boundary of the site, which links to the existing public footpath (Newcastle 21), shall be completed and made available for use. The footpath link shall thereafter be retained for the life of the development.

The reason for the condition was to provide pedestrian access to the wider area and the primary school, in the interests of sustainable development in accordance with the guidance of the National Planning Policy Framework 2019.

This application now seeks to vary this condition so that the footpath link from the development site to the public footpath can be provided at a later phase of the development.

The approved development is for 50 dwellinghouses and the applicant has suggested that the footpath link should not be provided until the occupation of the 46th dwellinghouse. The reason for the suggested variation, as advised by the applicant, is on the grounds of health and safety during the construction of the houses. The delay would also allow the developer to prepare a suitable phasing programme for the development.

The location of the approved footpath link is to be in the south eastern corner of the site and would provide a direct connection between the development and public footpath Newcastle 21 with a pedestrian access gate to the primary school on the other side of the footpath.

A construction phasing plan has been submitted to support the application which shows a construction compound in the south eastern corner of the site which will be used for staff parking and storage of plant and materials whilst the development is being constructed. The plan also indicates that the houses to be constructed in this part of the site will be built as part of phase 7 of the development, this being the last and final stage.

The proposed construction plan differs from previous construction management plans (CMP) submitted to satisfy conditions of the outline planning permission. The previous CMP showed the construction compound in the south western corner of the site i.e. away from the approved footpath link.

In essence the implications of the proposed delay in providing the footpath link would be that 45 future households would not have direct access to the primary school and the wider areas of public open space for at least 18-24 months whilst construction is completed. This would have significant implications on future residents and would require them to take much longer alternative routes to access the primary school and public transport links on Liverpool Road. This would discourage future residents from walking to the school in particular and using public transport.

Your officers are not satisfied that the construction compound cannot be located elsewhere within the site so that the footpath link can be provided much sooner. A suitable compromise has been discussed with the applicant but discussions have not been successful.

The delay to the provision of the footpath link to the occupation of the 46th dwelling would discourage future residents from using alternative modes of transport to the private car and therefore would not meet sustainable development objectives. On this basis the application should be refused.

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 ASP5 Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1 Design Quality

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

Nil

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework](#) (February 2019)

[Planning Practice Guidance](#)

[Supplementary Planning Guidance/Documents](#)

[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)

Relevant Planning History

19/00375/FUL Application to vary condition no. 2 of application ref. no. 18/00854/REM (residential development comprising 50 dwellings) - minor changes to the planning layout to plots 1 - 8, with changes to the private drive and plots that front on to Deans Lane Permitted

18/00854/REM Reserved Matters application (appearance, landscaping, layout and scale) for residential development comprising 50 dwellings associated works pursuant to outline consent 16/00902/DEEM4 Permitted

16/00902/DEEM4 Outline Planning Consent for the development of up to 50 dwellings (Resubmission of 16/00634/DEEM4) Permitted

16/00634/DEEM4 Outline planning consent for the development of up to 50 dwellings Withdrawn

Views of Consultees

None required

Representations

None received.

Applicant's/Agent's submission

The application is accompanied by a covering letter which sets out the reason for the application and a justification for the delay in providing the footpath link.

All of the application documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00772/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

15th November 2019