

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

19/01009/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 for a temporary pedestrian footpath link to be used until such time as the permanent footpath link on the eastern boundary is completed and made available for use.

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 19th March 2020.

RECOMMENDATION

PERMIT the variation of Condition 12 of 19/00375/FUL so that it reads as follows:

Prior to the first occupation of any of the dwelling houses hereby approved, the temporary footpath link, as shown on drawing ref: DLN-SDA.07 - Temporary Footpath Route, which links to the existing public footpath (Newcastle 21), shall be completed and made available for use. The temporary footpath link shall be retained until all of the dwelling houses and the permanent footpath link on the eastern boundary of the site which links to the existing public footpath (Newcastle 21) have been completed. The permanent footpath link shall thereafter be retained for the life of the development.

and subject to the imposition of all other conditions attached to planning permission 19/00375/FUL that remain relevant at this time.

Reason for Recommendation

The temporary footpath arrangements would enable future households to have direct access to the primary school and the wider areas of public open space from the outset which the original condition sought to achieve. This would meet sustainable development objectives which is a core principle of the National Planning Policy Framework.

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

Officers sought an acceptable compromise since the previous withdrawn application and this has now been achieved and it is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

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 for a temporary pedestrian footpath link to be used until such time as the permanent footpath link on the eastern boundary is completed and made available for use.

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;

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 follows a previous application, reference 19/00772/FUL, for the variation of the same condition which proposed the provision of the footpath link on the occupation of the 46th dwelling house. This was not supported by your officers on the grounds that the delay would discourage future residents from using alternative modes of transport to the private car and therefore would not meet sustainable development objectives contrary to the core principles and sustainable development objectives set out in the National Planning Policy Framework 2019. The application was withdrawn prior to determination.

The application to vary condition 12 now proposes a temporary pedestrian route through the site for the duration of the construction phase to overcome health and safety concerns. Once the construction period is completed a permanent footpath link would then be made available.

Your officers are now content that the temporary arrangements are satisfactory and would enable future households to have direct access to the primary school and the wider areas of public open space from the outset which the original condition sought to achieve. On this basis the condition can be varied.

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](#)

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

Relevant Planning History

19/00772/FUL Variation of condition 12 to allow the provision of the footpath at a later phase of the development of planning permission 19/00375/FUL (residential development comprising 50 dwellings and associated works) Withdrawn

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.

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 permanent 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/19/01009/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

17th January 2020