

This application seeks consent to vary condition 6 of outline planning permission 16/00866/DEEM4 for residential development for up to 55 homes, with associated landscaping and infrastructure.

The application site lies outside the village envelope of Loggerheads and within the open countryside and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map.

The statutory 13 week determination period for the planning application expires on 28th May 2020.

RECOMMENDATIONS

PERMIT the variation of Condition 6 of 16/00866/DEEM4 so that it reads as follows:

In relation to the development hereby permitted, construction activities, including deliveries, shall be restricted to the following days and times:

08:00 - 18:00 Monday to Friday

08:00 - 13:00 Saturdays

Construction shall not be undertaken on a Sunday or a public holiday.

and subject to the imposition of all other conditions attached to planning permission 16/00866/DEEM4/FUL that remain relevant at this time.

Reason for Recommendation

Whilst an extension of the weekday hours to 18:00 would have no significant adverse impact on residential amenity, it is not considered that an extension past 13:00 on a Saturday would be acceptable.

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

The requested variation is not acceptable however the variation detailed above is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

Consent is sought to vary condition 6 of outline planning permission 16/00866/DEEM4 for residential development for up to 55 homes, with associated landscaping and infrastructure.

Condition 6 states as follows:

In relation to the development hereby permitted, construction activities, including deliveries, shall be restricted to the following days and times:

08:00 - 16:00 Monday to Friday

08:00 - 13:00 Saturdays

Construction shall not be undertaken on a Sunday or a public holiday.

The application proposes to amend condition 6 to extend the hours to 18:00 Monday to Saturday. The applicant's agent states that the existing condition is far too restrictive to the deliverability of the

proposed development and that the proposed revision to the condition would enable the applicant to efficiently deliver the proposed development.

There are residential properties adjacent to, directly opposite, and to the rear of the site. The reason for the imposition of the condition was to protect the amenity of residents during the construction phase of the development. The Environmental Health Division raises no objection to the extension to the weekday hours to 18:00 but does object to the requested extension to 18:00 on Saturdays.

Construction hours are generally restricted on a Saturday to no later than 13:00 and given the proximity to residential dwellings, it is not considered that an extension past that hour would be acceptable. It is considered however that an extension of the weekday hours to 18:00 would have no significant adverse impact on residential amenity and therefore such an extension is considered to be acceptable.

The effect of a grant of permission upon an application to vary a condition is to create a new planning permission. Accordingly, unless there have been other material changes, such a permission should also make reference to the other conditions of the original planning permission where they remain relevant.

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](#)

Nil

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

Nil

Other Material Considerations

National Planning Policy

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

[Planning Practice Guidance](#) (2018)

Relevant Planning History

16/00866/DEEM4	Erection of up to 55 dwellings	Approved
20/00158/REM	Reserved Matters application (appearance, landscaping, layout and scale) for residential development of 44 bungalows	Pending consideration

Views of Consultees

The **Environmental Health Division** objects to the hours after 13.00 on a Saturday but has no objections to construction taking place until 18.00 during the week.

Loggerheads Parish Council objects strongly to the request to change working hours on Saturdays and requests that the condition for Saturday remains 9am to 1pm.

Representations

Two letters of representation have been received stating that an extension of the hours of construction between 1pm and 6pm would constitute a significant noise nuisance and the original restriction on a Saturday should be maintained.

Applicant's/Agent's submission

The submitted documents are available for inspection on the Council's website by searching under the application reference number 20/00159/FUL on the website page that can be accessed by following this link; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00159/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

1st April 2020