

LAND OFF BIRCH HOUSE ROAD, HOLLY ROAD AND WHITETHORNE WAY
ASPIRE HOUSING

20/00932/FUL

The application seeks a variation of condition 8 of planning permission 17/01033/FUL so that an off road parking space for no.2 Laburnam Place is no longer provided.

The planning permission, reference 17/01033/FUL, was granted in February 2019 for the demolition of former Community Centre and construction of 30 dwellings. The approved development is currently under construction.

The site lies within the Urban area of Newcastle as designated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as adjoining the Northern Gateway. The site area is approximately 0.96 hectares.

The 13 week period for the determination of this application expires on the 29th January 2021.

RECOMMENDATION

PERMIT the variation of Condition 8 of 17/01033/FUL so that it reads as follows:

8. Plots 1, 2 and 27 to 30 shall not be occupied until the following off-site highway works have been constructed in accordance with the approved plans:

- ***the widening of Laburnum Place to 5.5m and improvements to the turning head as broadly detailed on drawing no: D50 rev A; and***
- ***provision of two off road visitor parking bays;***

and subject to the imposition of all other conditions attached to planning permission 17/01033/FUL that remain relevant at this time amended as necessary to reflect where details have been approved.

Reason for Recommendation

The proposed variation of condition 8 as proposed is unlikely to lead to on street car parking problems and future highway safety implications. The development is still in accordance with development plan policies and the guidance and requirements of the NPPF and the variation of condition 8 is accepted.

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

The proposal is still considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework and no additional had to be requested from the applicant.

Key Issues

The application seeks a variation of condition 8 of planning permission 17/01033/FUL relating to the provision of parking at no.2 Laburnam Close. The applicant advises that no. 2 Laburnum Place is under the ownership of others and the owners do not want the additional parking space as secured by the condition in its current. Therefore, a space is no longer to be proposed within the amended plans submitted as part of this application.

The planning permission, reference 17/01033/FUL, was granted in February 2019 for the demolition of former Community Centre and construction of 30 dwellings. The approved development is currently under construction.

Condition 8 as currently worded is as follows;

8. Plots 1, 2 and 27 to 30 shall not be occupied until the following off-site highway works have been constructed in accordance with the approved plans:

- the widening of Laburnum Place to 5.5m and improvements to the turning head as broadly detailed on drawing no: D50 rev A;
- **provision of off road parking bays for 2 and 6 Laburnum Place;**
- provision of two off road visitor parking bays;

Reason: To ensure a safe access and satisfactory parking arrangements for existing occupiers to comply with the aims and objectives of the National Planning Policy Framework (2018).

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.

Given the above, it is considered that the main issue in the determination of this application is the impact of the loss of an off road parking bay for no. 2 Laburnum Place and whether it would lead to on street car parking and highway safety issues in the locality or not.

The impact of the loss of an off road parking bay for no. 2 Laburnum Place

The approved site plan and condition of the planning permission secured a parking space for no. 2 Laburnum Place, to help avoid future potential on street car parking problems once the development is completed and the proposed dwellings are occupied.

Condition 8 was requested by the Highways Authority (HA) and was considered necessary and reasonable to make the development acceptable, in accordance with the guidance and requirements of the National Planning Policy Framework.

The application confirms that the owners of no.2 Laburnam Close do not want the space and that two visitor spaces are still being proposed.

The HA have raised no objection to the loss of the parking space and acknowledge that the space for no. 6 is still proposed, along with the two visitor's spaces for the development and the widening of the carriageway to 5.5 metres which would help to avoid potential highway safety issues from on street car parking on Laburnum Place.

The NPPF indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

On the basis that HA have raised no objections and the other mitigation measures will be implemented, the development is still in accordance with development plan policies and the guidance and requirements of the NPPF. Therefore, the variation of condition 8 is accepted.

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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 SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP3	Sustainability and Climate Change

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

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16	Development – General Parking Requirements

Other Material Considerations include:

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

[Planning Practice Guidance \(2018 as updated\)](#)

[Supplementary Planning Guidance/Documents](#)

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

[Relevant Planning History](#)

The site received planning permission for the demolition of the former Community Centre and the construction of 30 dwellings, under reference 17/01033/FUL, in February 2019.

The approved development is currently under construction.

[Views of Consultees](#)

The **Highways Authority** raises no objections.

[Representations](#)

No letters of representation have been received.

[Applicant's/Agent's submission](#)

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00932/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

11th December 2020