

LAND OFF PEPPER STREET KEELE
SEDDON HOMES

21/00952/FUL

The application seeks to vary condition 2 of 18/00262/REM that granted approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 100 dwellings. Condition 2 lists the approved drawings. The variations sought are primarily for amended house types of the appointed developer, Seddon Homes.

The application site lies within the Green Belt and is also within an area of landscape restoration as defined by the Local Development Framework Proposals Map. The Haying Wood within the site is protected by Tree Preservation Order No. 1.

The 13 week period for the determination of this application expires on 12th January 2022.

RECOMMENDATION

PERMIT subject to receipt of plans amending the position of the affordable housing and subject to conditions relating to the following matters:

- 1. The variation of condition 2 to reflect the revised drawings**
- 2. Approval of boundary treatments prior to occupation of the dwellings which shall ensure permeability to wildlife, particularly hedgehogs.**
- 3. All other conditions of 18/00262/REM as they continue to apply to the development**

Reason for Recommendation

Subject to an amendment to the location of the required affordable housing the proposals are considered acceptable in design and appearance. The application raises no issues relating to access, parking, residential amenity and impact on trees.

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

Amendments have been sought from the applicant and subject to receipt the proposal is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

This application seeks to vary condition 2 of reserved matters approval 18/00262/REM relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 100 dwellings. It followed the granting of an outline planning permission in April 2015 for residential development of up to 100 dwellings (13/00970/OUT).

Condition 2 lists the approved drawings and the variations sought are primarily for an amended house type range of the appointed developer, Seddon Homes.

In deciding an application under section 73 the local planning authority must only consider the condition/s that are the subject of the application, it is not a complete re-consideration of the application.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. In granting permission under section 73 the local planning authority may impose new conditions, provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. For the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

The application site lies within the Green Belt and is also within an area of landscape restoration as defined by the Local Development Framework Proposals Map. The Haying Wood within the site is protected by Tree Preservation Order No. 1.

Although the reserved matters approval, 18/00262/REM, was for 100 dwellings the current proposal includes 97 dwellings. This is due to part of the site that accommodated three dwellings being excluded from this application.

In other respects, the layout proposed within this application is very similar to that approved. Those amendments shown on the submitted plan do not raise any issues as regards to access, parking, residential amenity and impact on trees. Therefore, the main issues to be considered are;

- The design of the development and its impact on the visual amenity of the area; and
- Affordable housing.

The design of the development and its impact on the visual amenity of the area

As illustrated in the comparison table below, the proposed housing mix as currently proposed is different to that already approved.

TYPE	PROPOSED SCHEME (97 houses)	APPROVED SCHEME (100 houses)
Five bed detached	14	4
Four bed detached	10	36
Three bed detached	26	16
Three bed semi-detached	16	26
Two bed semi-detached	6	0
Three bed terraced	15	0
Two bed terraced	10	18

There are no objections to the changes in the numbers of three, four and five bed detached and three bed semi-detached houses as currently proposed. In addition the introduction of two bed semi-detached and three bed terraced houses increases the choice of property types available within the development and is acceptable.

As with the approved scheme, the dwellings are all two storeys in height and of a traditional design, predominantly constructed in brick and tile with some use of render. Included in the design of some of the properties are projecting gables, projecting single storey additions on front elevations with lean to roofs, and bay windows. There is a consistency in the design approach to the different house types proposed and it will be viewed as a single, cohesive development.

Overall it is considered that the house types and design as now proposed is acceptable, in accordance with design principles set out in the Council’s Urban Design Guidance SPD and the NPPF.

Affordable Housing

A Section 106 planning obligation that was entered into when outline planning permission was granted requires the provision of affordable housing within this development. The level of affordable housing secured (15%), however, did not accord with policy as the applicant demonstrated that the development would be unviable if the policy compliant percentage was secured in addition to the education contribution that was required to satisfy policy.

Subsequently an application was received under Section 106BA of the 1990 Town and Country Planning Act which enabled, for a limited period, the revision of the affordable housing contribution requirement of a planning obligation. The outcome of that process was a further reduction in the level of affordable housing provision within the development to 6% for a 4 year time limited period (from the date of the planning permission). That period has been extended twice and has not lapsed. The level of provision that is required to satisfy the planning obligation therefore remains at 6%.

The 6 affordable houses (as required by the S106) as approved is a pair of 3 bed semi-detached dwellings (plots 24 and 25) and a block of four 2 bed terraced properties (plots 82 to 86). The current proposal is a pair of 3 bed semi-detached dwellings (86 and 87) and a block of four 2 bed terraced properties (plots 82 to 86). Confirmation is being sought from the Council's Housing Section as to whether the type of affordable housing now proposed is acceptable.

Unlike the approved scheme the affordable dwellings are all grouped together. The proposal is therefore not fully compliant with the Affordable Housing SPD which indicates that affordable housing should be seamlessly integrated and distributed throughout the development scheme consisting only of small groups. Amended plans are being sought to address this concern.

Other matters

Keele Parish Council (KPC) has requested that boundary treatments are permeable to wildlife, such as hedgehogs. It is considered that it would be reasonable to impose a condition that seeks approval of the boundary treatments given that there are amendments to the layout, by virtue of the change to the house type design across the site and some adjustment to plot position, and the submitted information supporting this application does not include such details.

KPC has also made reference to condition 28 of the outline planning permission relating to surface water drainage. The scheme that has been submitted to satisfy this condition has not, to date, been agreed with the Lead Local Flood Authority and the application remains undetermined. Such an outstanding matter is not, however, directly relevant to the determination of this application. The condition will still need to be satisfied.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is noted that access to all dwellings will need to be compliant with Part M of Building Regulations. It is therefore considered that it will not have a differential impact on those with protected characteristics.

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

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

Policy T16: Development - General Parking Requirements

Other Material Considerations include:

[National Planning Policy](#)

[Affordable Housing SPD](#) (2009)

[National Planning Policy Framework](#) (July 2021)

[Planning Practice Guidance](#) (March 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

13/00970/OUT Residential development of up to 100 dwellings including means of access – Permitted.

15/00359/DOAHR Application under Section 106BA of the Town and Country Planning Act 1990 to revise the affordable housing contribution secured within the planning obligation entered into in association planning permission 13/0970/OUT for residential development - Permitted

18/00262/REM Application for approval of reserved matters for layout, scale, appearance and landscaping for the erection of 100 Dwellings – Permitted

20/00431/DOB and 21/00780/DOB Applications for the modification or discharge of planning obligations made under Section 106 of the Town and Country Planning Act relating to planning permission ref 13/00970/OUT – Approved

Views of Consultees

Keele Parish Council (KPC) has no objections to the change of house types proposed by Seddon. KPC asks that, if the decision is to permit, that a condition be placed upon the decision. The location is next to ancient woodland and is an important wildlife corridor for numerous species, most particularly hedgehogs. KPC would like to see it required that all boundary treatments are permeable to wildlife. It notes that the planning statement from Knights contains several errors and that the application 13/00970/2CN28 with regard limiting water run-off has yet to be decided despite having been made in June 2020.

Representations

None received to date.

Applicant's/Agent's submission

Application forms and plans have been submitted which can be viewed via the following link
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/21/00952/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

24th November 2021