

The application seeks a variation of condition 2 of planning permission 19/00036/FUL (Proposed residential development of 32 residential dwellings with site access, car parking, landscaping and all associated engineering works) to substitute approved plans with amended plans for new house types.

The application site lies on the western side of New Road which is a C classified road, outside the village envelope of Madeley and within the open countryside and on land designated as an Area of Landscape Enhancement, as indicated on the Local Development Framework Proposals Map. The site however does not lie within the North Staffordshire Green Belt. The site area is approximately 1.1 hectares.

Trees bordering the site are the subject of a Tree Preservation Order.

The 13 week period for the determination of this application expires on the 6th January 2022.

RECOMMENDATIONS

PERMIT the variation of condition 2 of planning permission 19/00036/FUL to substitute approved plans with amended plans for new house types,

and subject to all other conditions attached to planning permission 19/00036/FUL.

Reason for recommendations

The revised design of the scheme is acceptable, as is the impact on residential amenity levels. Therefore, the substitution of approved plans with amended plans for new house types is acceptable, subject to all of the conditions of 19/00036/FUL which still remain relevant and necessary to make the development acceptable.

The previous permission was granted following the entering into of a Section 106 agreement securing a number of obligations. As it includes a Section 73 a Deed of Variation will not be required.

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

Amended plans to address comments of consultees have been submitted during the consideration of the application and the application is in compliance with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application seeks a variation of condition 2 of planning permission 19/00036/FUL (Proposed residential development of 32 residential dwellings with site access, car parking, landscaping and all associated engineering works) to substitute approved plans with amended plans for new house types following a change to the housebuilder. The new housebuilder, Duchy Homes Limited, wishes to use different house designs for the site.

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Trees bordering the site are the subject of a Tree Preservation Order.

In considering an application to vary or remove a condition, the Authority has to consider only the question of the conditions that are the subject of the application, it is not a complete reconsideration of the application. If the Authority considers that planning permission may be granted subject to different conditions it can do so. If the Authority considers that the conditions should not be varied or removed it should refuse the application.

As discussed, the change being sought is to the design of the dwellings (housetypes) only. The road layout and siting of the properties remains broadly the same as previously approved. The number of proposed dwellings and the access arrangements are not changing and the concerns raised by the interested party, regarding highway safety impacts, should not be revisited. Therefore, the main issues for consideration in the determination of this full planning application are:-

- The design of the development and its impact on the visual amenity of the area; and
- The impact of the revised housetypes on the residential amenity of neighbouring occupiers.

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

Paragraph 126 of the revised National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 130 of the revised framework lists 6 criteria, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Core Spatial Strategy (CSS) lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the revised NPPF.

The purpose of the application is to change the proposed housetypes which have a different design and appearance to those granted under the original planning permission. The road layout and siting of properties remains largely as previously approved but the Landscape Development Section (LDS) has requested updated Arboricultural information. This has not been submitted but the conditions of the previous permission, which secured tree information, are still relevant.

The design of the approved scheme was considered acceptable and it is considered that the design of the scheme has been further improved by the introduction of the new housetypes which are considered to represent a high quality design and in keeping with the character of the area.

The applicant has also addressed the observations of the Police Crime Prevention Design Advisor, which has further improved the design of the development.

Overall the design of the proposed scheme would enhance the site and the character and amenity of the area in accordance with design principles set out in the Council's Urban Design Guidance SPD and the NPPF. The conditions of the previous permission will further ensure that the development is acceptable.

The impact of the revised housetypes on the residential amenity of neighbouring occupiers

Paragraph 130 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The Council's Supplementary Planning Guidance (SPG) - Space Around Dwellings - provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

As discussed, the change is to the housetypes and the layout and siting of properties remains largely as previously approved.

The application is supported by a proposed layout plan which includes separation distances between plots 1-6 and existing properties on Woodside. The proposed separation distances remain similar to the approved development and whilst there are changes to the internal layouts the upper floors of the plots remain similar to those previously approved. Therefore, it is still accepted that the resultant relationships between existing and proposed dwellings would not be so severe that the living conditions and residential amenity levels, in terms of privacy, loss of light or overbearing impact, to properties on Woodside would be significantly harmed to the extent that a reason for refusal could be justified. Therefore the issue of whether the layout and scale of the proposed dwellings is acceptable or not should not be reopened for discussion.

The conditions of the previous permission are advised and it is considered that a good standard of amenity for all existing and future occupants of land and buildings can be achieved and maintained, as required by the NPPF.

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 be level and 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 SP1 | Spatial Principles of Targeted Regeneration |
| Policy SP3 | Spatial Principles of Movement and Access |
| Policy ASP6 | Rural Area Spatial Policy |
| Policy CSP1 | Design Quality |
| Policy CSP3 | Sustainability and Climate Change |
| Policy CSP4 | Natural Assets |
| Policy CSP5 | Open Space/Sport/Recreation |
| Policy CSP6 | Affordable Housing |
| Policy CSP10 | Planning Obligations |

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

| | |
|------------|---|
| Policy H1 | Residential Development: Sustainable Location and Protection of the Countryside |
| Policy T16 | Development – General Parking Requirements |
| Policy N12 | Development and the Protection of Trees |
| Policy N17 | Landscape Character – General Considerations |
| Policy N20 | Areas of Landscape Enhancement |
| Policy C4 | Open Space in New Housing Areas |
| Policy IM1 | Provision of Essential supporting Infrastructure |

Other material considerations include:

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

[Planning Practice Guidance](#) (March 2014, as updated)

[Community Infrastructure Levy Regulations](#) (2010) as amended and related statutory guidance

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD](#) (September 2007)

[Affordable Housing SPD](#) (2009)

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

[Space Around Dwellings SPG \(SAD\)](#) (July 2004)

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

[Waste Management and Recycling Planning Practice Guidance Note](#) approved in 2003 and last updated in February 2016

Relevant Planning History

| | |
|--------------|--|
| 14/00930/OUT | Outline planning application for the erection of up to 32 dwellings (including details of access) - Approved |
| 18/00225/REM | Approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 32 dwellings - Refused |
| 19/00036/FUL | Residential development of 32 dwellings - Approved |

Views of Consultees

Madeley Parish Council raises no objections.

The **Highway Authority** raises no objections.

The **Landscape Development Section** request that the Arboricultural information is updated to reflect the latest layout in accordance with BS5837:2012. Also, Root Protection Areas do not appear to be shown on the altered layout.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** advises that the substitute house types seem to provide some overlooking of the road network and between dwellings to aid security with habitable rooms at the front of practically all dwellings. However, there are two house types where this either is not the case or where a dual-aspect property should be considered. House Type 2 (plot 2) is the singular dwelling which has no habitable room at the front. House Type Calverley (plot 23) is a corner plot with very good natural surveillance at the front, but none (only a bathroom window) at the side looking towards the access road serving plots 30-32. Ideally these perceived deficiencies should be addressed.

No comments have been received from the Council's **Waste Section** by the due date and therefore it must be assumed that they have no comments to make.

Representations

One representation has been received raising concerns about increased traffic on New Road and a dangerous bend in the road.

Applicant/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/21/00866/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

23rd November 2021