

This application seeks full permission for the variation of condition 1 of planning permission 20/00557/FUL to make amendments to the floor plans, roof plan and elevations of Block 5.

The site formerly operated as a Ford Bristol Motors car sales dealership and servicing provider, with access directly onto London Road, as well as rear access from Lyme Valley Road.

The site does not have any particular policy designation other than being within the Urban Area of Newcastle as defined on the Local Development Proposals Map. The site lies adjacent to Lyme Valley Parkway which is designated as Green Belt.

The redevelopment of the site for 499 studio apartments arranged into a series of 5 individual blocks has already commenced with Block 1, 2, and 3 being completed. The construction of Block 4 has commenced, whilst the construction of Block 5 is at an advanced stage of construction.

The 13 week period for the determination of this application expires on 28th September 2022.

RECOMMENDATION

A) Subject to the applicant entering into a deed of variation planning obligation by 17th September that preserves the Council's position in respect of obligations secured prior to the grant of permission 16/01106/FUL, PERMIT subject to conditions relating to:

- 1. Variation of condition 1 to list the revised plans**
- 2. Any other conditions attached to planning permission 20/01047/FUL that remain relevant at this time.**

B) Should the above Deed of Variation to the original Section 106 agreement not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The proposed changes would maintain the design and appearance of the scheme and the development represents a sustainable form of development that accords with the development plan for the area and the guidance and requirements of the NPPF.

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

This is considered to be a sustainable form of development and complies with the provisions of the development plan for the area and National Planning Policy Framework.

Key Issues

This application seeks to vary condition 1 of planning permission 20/00557/FUL to make amendments to the floor plans, roof plan and elevations of Block 5 which along with other planning permissions granted the construction of or 499 studio apartments.

Condition 1 related to the list of approved drawings and documents that the permitted development must be carried out in accordance with.

This application seeks to vary this condition as a result of the changes to the floor plans, roof plan and elevations of Block 5.

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.

Condition 1

Condition 1 as worded in the decision notice states

16-1789-01 Rev A Location Plan
PL (0)57 Rev A Site Plan
PL (0)100 Rev A Block 1 Ground, first and Second Floor Plans
PL (0)110 Rev A Block 1 Roof Plan
PL (0)106 Rev A Block 1 Elevations
PL (0)03 Rev A Block 2 Ground and First Floor Plans
PL (0)04 Block 2 Second and Third Floor Plans
PL (0)33 Block 2 Roof Plan
PL (0)15 Rev A Block 2 Elevations
PL (0)03 Rev A Block 3 Ground and First Floor Plans
PL (0)04 Block 3 Second and Third Floor Plans
PL (0)30 Block 3 Roof Plan
PL (0)15 Rev A Block 3 Elevations
Driveway alteration detail plan for no. 136 London Road
Extent of new TRO 1464-F04B
Residents Parking Layout Plan
16-1789-16 (Block 4, proposed 1st floor & ground floor plans)
16-1789-17 (Block 4, proposed 2nd & 3rd floor plans)
16-1789-18 (Block 4, proposed roof plan)
16-1789-19 (Block 4, proposed elevations)
16-1789-20 (Block 5, proposed ground & first floor plans)
16-1789-21 (Block 5, proposed 2nd & 3rd floor plans)
16-1789-22 (Block 5, proposed roof plans)
16-1789-23 (Block 5, proposed elevations)
16-1789-024 Rev A (General Sections)
16-1789-025 Rev A (General Sections)
16-1789-026 Rev A (General Sections)
1464-F04 (Proposed extent of new TRO's, dated September 16)
1464-SP02 (Swept Path Analysis)
580-001 Rev B (Landscape Master Plan)
CDK4818/R00/008 rev P0
1464-02
1464-F04 rev A

The reason given for the condition within the decision notice was:

R2: For the avoidance of doubt and in the interests of proper planning.

The condition which the applicant is seeking to vary is that which lists the approved drawings. No changes are being sought to the number of the units within the development. The principle of the development and parking or highway safety matters are therefore not for reconsideration.

The main amendments are to the elevations of Block 5 and comprise changes to the size and position of window and doors, together with the lift overrun.

The amendments to the fenestration and lift overrun are very minor and would have no discernible impact on the design and appearance of the elevations or the character and appearance of the area.

In this regard, it is considered that the changes to elevations of the building are appropriate for this location and use and do not have an adverse impact on the immediate or wider locality.

As such, the changes to the elevations are acceptable and in accordance with local and national planning policy.

Is a planning obligation required?

In law the consequence of the granting of an application to vary a condition of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one (16/01106/FUL in this case). That previous permission was granted on the 30th October 2017 following the completion of a Section 106 agreement which secured a number of financial contributions towards public open space and public realm improvements, highways and transportation matters as well as a landscaping scheme to the Lyme Valley Parkway boundary. Subject to the applicant entering into a Deed of Variation to the original Section 106 agreement that ensures the Council's interests would be protected, then the application can be permitted.

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 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
Policy CSP10: Planning Obligations

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

None Relevant

Other Material Considerations include:

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

[Planning Practice Guidance \(2014 as updated\)](#)

[Supplementary Planning Guidance/Documents](#)

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

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

Relevant Planning History

16/01106/FUL Redevelopment of the site for 499 apartments (comprising of student Accommodation) permitted 30 Oct 2017

20/00557/FUL Variation of condition 2 of planning ref 16/01106/FUL (to be changed to approve minor amendments to the planning drawings) permitted 24 Feb 2021

Views of Consultees

None Received

Representations

None 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/22/00548/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

3rd August 2022