

**LAND NORTH OF PEPPER STREET, KEELE
SEDDON HOMES**

22/00094/FUL

The application seeks the removal of condition 21 of planning permission 13/00970/OUT (Residential development, maximum of 100 dwellings) which requires that there should be no impact piling undertaken during the construction of the development.

The site was previously used for a mix of commercial purposes, however the site has now been cleared in preparation for development.

The application site falls 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 expired on the 17th May, however an extension of time has been agreed until the 11th November 2022.

RECOMMENDATION

PERMIT the removal of condition 21 of planning permission 13/00970/OUT subject to the imposition of all other conditions attached to the permission that remain relevant at this time, amended as necessary.

Reason for recommendations

Through the submission of a noise impact assessment and supporting information it has been demonstrated that the removal of the condition is considered to be acceptable with respect of its impact on the living conditions of nearby properties. Subject to all of the conditions of 13/00970/OUT which still remain relevant and necessary to make the development acceptable, condition 21 can be removed. The proposal is therefore compliant with the guidance and requirements of the National Planning Policy Framework.

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

Additional information has been provided in support of the application and the proposal is now considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

KEY ISSUES

The application seeks to remove condition 21 of planning permission 13/00970/OUT (Residential development, maximum of 100 dwellings) as to allow pile driving to be used in the development of the site. The reason for the condition was in order to protect the amenity of nearby local properties which are situated along Pepper Street and Quarry Bank.

The applicant has set out that the use of non-impact piling has a significant cost implications for the overall development and on that basis they wish to ensure that the development still remains viable. Therefore they have identified cost savings by the use of piling works during construction.

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.

The main issue for consideration in the determination of this application is whether the removal of the condition would have a significant and adverse impact on the living conditions of residential properties in the area or not?

The impact on the living conditions of neighbouring properties

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. It further sets out at paragraph 185 that decisions should also ensure that new development reduces potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.

The application is supported by a detailed noise impact assessment (NIA) which has been carried out by Wardell Armstrong LLP, the assessment concludes that piling could be undertaken at the site without causing a significant adverse effect at existing receptors.

The Environmental Health Division (EHD) have reviewed the submitted NIA and sought further clarity on details relating to airborne noise and ground borne vibration levels. This information has now been submitted and EHD have confirmed that the details are acceptable and subsequently recommend condition 21 can be removed. However, the Construction Method Statement (CMS), secured by condition 19 will now need to be updated to reflect the use of impact piling. Therefore, notwithstanding the already agreed CMS, condition 19 will be worded in a manner that requires updated CMS information to be submitted for approval. It should also be noted that the hours of use when the pile driver could be used would be limited to between 08:00 to 18:00 On Monday to Fridays and between 8:00 and 13:00 on Saturdays, as set out in the previously approved CMS.

In the absence of any objections from EHD and subject to the imposition of all other conditions attached to planning permission 13/00970/OUT that remain relevant at this time, amended as necessary, it is considered that the living conditions enjoyed by neighbouring properties will be 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 SP2: Spatial Principles of Economic Development
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 S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy E11: Development of Employment Land for Other Uses
Policy T16: Development - General Parking Requirements
Policy T18: Development – Servicing Requirements
Policy C4: Open Space in New Housing Areas
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local Species
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Considerations
Policy N21: Area of Landscape Restoration

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)

Relevant Planning History

13/00970/OUT	Permitted 2014	Residential development (maximum of 100 dwellings)
18/00262/REM	Permitted 2018	Application for approval of reserved matters for layout, scale, appearance and landscaping for the erection of 100 Dwellings
20/00431/DOB	Permitted 2020	Application 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

21/00780/DOB	Permitted 2020	Application for the modification or discharge of planning obligations made under Section 106 of the Town and Country Planning Act relating to Section 106 Agreement dated 2 April 2015 (13/00970/OUT), the Deed of Variation dated 17 December 2019 and S106A decision dated 20 August 2020, reference 20.00431.DOB (S106A Decision)
21/00952/FUL	Permitted 2021	Application for variation of condition 2 of planning permission 18/00262/REM to allow substitution of house types
22/00533/DOB	Not yet determined	Application for the modification or discharge of planning obligations made under Section 106 of the Town and Country Planning Act relating to Section 106 Agreement dated 2 April 2015 (13/00970/OUT) and the Deed of Variation dated 17 December 2019 (ref. 21/00780/DOB) as varied by the S106A decision dated 20 August 2020 (ref. 20/00431/DOB) and further varied by way of the S106A decision dated 17th September 2021 (21/00780/DOB).

Views of Consultees

The Environmental Health Division recommend that the condition be discharged on condition that the approval is based on the submitted information. They also strongly encourage the developer to adopt best practices and to give consideration to signing up to the Considerate Contractors Scheme given the sensitivities and public concern regarding development of this site expressed pre and post approval.

The Environment Agency raise no objections to the proposal

Keele Parish Council object to the removal of the condition as they consider it is necessary to protect the amenity of residents.

Representations

Two objections letters have been received from local residents who raise concerns to the removal of the condition as they consider this will result a negative impact to their residential amenity.

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/22/00094/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

26th October 2022