

This application seeks to vary conditions 2 and 10 of planning permission 20/00463/FUL (67 dwellings) to include changes to the application site boundary, access, layout and house types. Condition 2 lists the approved drawings and condition 10 requires the provision of visibility splays in accordance with an approved plan.

The application site lies within the Newcastle Urban Neighbourhood in an area covered by Policy E9 (Renewal of Planning Permissions for Employment Development) of the Newcastle-under-Lyme Local Plan.

The 13 week period for the determination of this application expired on 28 February but the applicant has agreed an extension to the statutory period to 23 June.

RECOMMENDATION

PERMIT subject to conditions relating to the following:

- 1. Variation of conditions 2 and 10 to list the revised plans**
- 2. Any other conditions attached to planning permission 20/00463/FUL that remain relevant at this time.**
- 3. Details of private pedestrian links**

Reason for Recommendation

The proposed amendments to the layout and elevations would be acceptable in terms of impact on the form and character of the area. There would be no adverse impact on highway safety or residential amenity and it is expected that an appropriate layout of affordable units can be agreed.

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

Amendments and additional information have been sought where necessary to progress the determination of the application and this is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

Key Issues

This application seeks to vary conditions 2 and 10 of planning permission 20/00463/FUL (67 dwellings) to include changes to the application site boundary, access, layout and house types. Condition 2 lists the approved drawings and condition 10 requires the provision of visibility splays in accordance with an approved plan.

In considering an application to vary a condition, the Authority has to consider only the question of the conditions subject to which planning permission may be granted. 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 it should refuse the application.

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. Although the original permission was granted following the completion of a Section 106 agreement, there is a clause within it which states that in the event that the Council grants a planning permission for a variation of a condition attached to the original planning permission, then references in the S106 to the planning permission shall be deemed to include any such subsequent permissions for variations. On this basis, no planning obligation is now required.

The proposed changes would have no adverse impact on residential amenity and on the basis that the Highway Authority has no objections to the scheme subject to conditions, it is not considered that there would be any issues of impact on highway safety.

The issues for consideration are:-

- Is the revised proposal acceptable in terms of its design and impact on the form and character of the area?
- Is the impact on trees acceptable?
- Is the amount, type and location of the affordable housing acceptable?

Is the revised proposal acceptable in terms of its design and impact on the form and character of the area?

Section 12 of the NPPF sets out policy which aims to achieve well-designed places. Paragraph 126 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. At paragraph 130 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy CSP1 of the 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 NPPF.

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

The number of dwellings would be unchanged from the approved scheme and the proposed layout of the site would be very similar. The proposals would provide a mix of 2 and 3-bed dwellings comprising detached, semi-detached and townhouses, which is the same as previously approved. All the dwellings would be 2-storey. For the approved scheme, the materials were to comprise render, timber larch cladding and cement board cladding. The design now proposed would be more traditional, comprising red brick and tiled pitched roofs.

The site is separated from Audley Road by a substantial landscaped bund but the dwellings on the north eastern side of Audley Road are the closest reference and they are predominantly semi-detached or terraced and are traditional in design. Therefore, it is considered that the proposed amendments would respect local character in terms of housing layout and design.

Is the proposed landscaping and open space within the site acceptable?

The Landscape Development Section (LDS) is concerned that the linear woodland walkway and the village green space which they believe had made important contributions to previous applications are no longer provided. While the original outline scheme for this site indicated a woodland walkway and a village green, the previously permitted detailed application did not and the amount of open space now proposed is similar to that approved. Given this, it would not be reasonable to object to the amount of open space now proposed within the site.

The S106 for the site requires a financial contribution towards off-site Public Open Space in the area.

Is the amount, type and location of the affordable housing acceptable?

Policy CSP6 of the CSS states that for new residential development within the urban area, on sites or parts of sites proposed to, or capable of, accommodating 15 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

In terms of design and layout requirements, the SPD states that to ensure the creation of mixed and integrated communities the affordable housing should be seamlessly integrated and distributed throughout the development scheme consisting of only small groups. It should not be distinguishable from market housing in terms of location, appearance, levels of amenity space, privacy and build quality and materials. It states that there should generally be no more than 10 affordable units in one cluster but states that there will be a certain degree of flexibility and that the Council will negotiate the distribution of the affordable dwellings across the site to ensure the creation of balanced and sustainable communities whilst also taking into account housing management and overall site development issues.

The applicant has not yet provided details of the location of the affordable units on the site. Details have been sought and comments on whether they are sufficiently distributed across the site to achieve an acceptable level of integration will be given in a supplementary report.

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 SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP6: Affordable Housing

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

Policy T16: Development - General Parking Requirements
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

[National Planning Policy](#)

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

[Planning Practice Guidance](#) (2018)

[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

20/00463/FUL	Residential development of 67 dwellings including means of access - Approved
18/00017/REM	Reserved matters application for the scale, layout, appearance and landscaping for 60 dwellings (Amended description and plans) – Refused and dismissed at appeal July 2019
13/00974/OUT	Residential development of up to 65 dwellings including means of access – Allowed at appeal January 2015

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding provision of private pedestrian links, visibility splays, provision of the access, internal roads and private drives, provision of allocated parking spaces, boundary treatments, provision of bin collection areas, surfacing and drainage for the private drives, parking and turning areas and a Construction Environmental Management Plan.

The **Environmental Health Division** has no objections to this application subject to the conditions requested in connection with 20/00463/FUL being carried across to any subsequent permission.

The **Education Authority** states that as there is no change to the number of dwellings, their response remains the same as for the previous application which was that no education contribution is required as there are projected to be a sufficient number of school places to mitigate the impact of this development at both primary and secondary phases of education.

The **Crime Prevention Design Advisor** states that natural surveillance throughout the development and out from the dwellings over the road network should be at a good level generally. The revised plans include a number of rear access paths that were not a feature of the approved plans. While it would be preferable to avoid such paths, at least these are shown as gated at the entrance to the path. A number of recommendations are made regarding security measures to reduce vulnerabilities.

The **Landscape Development Section** is concerned that the linear woodland walkway and the village green space which had made important contributions to previous applications are no longer provided. Retaining walls will be large and potentially visually prominent. Large expanses of paved surfaces need to be avoided and all opportunities for provision of semi mature replacement tree planting be utilised. Construction and material detail should be provided by way of a landscaping condition and a native hedgerow should be planted around the perimeter to soften and blend the development with the rural setting beyond.

No comments have been received from the **Newcastle South Local Area Partnership** and the Council's **Waste Section** and given that the period for comment has passed, it must be assumed that they have no comments to make.

Representations

None

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/22/01018/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

12 June 2023