

LAND OFF, MARKET DRAYTON ROAD
SHROPSHIRE HOMES LIMITED – MR ANDREW MARSDEN

24/00341/FUL

The application seeks to vary condition 2 of planning permission 21/00365/REM to allow for the construction of garages on plots 55 & 56.

The application site falls within the rural area of the Borough and is within an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map

The statutory 13-week determination period for this application expires on the 15th August.

RECOMMENDATIONS

PERMIT the application subject to conditions relating to the following matters: -

- 1. Approved plans**
- 2. Any other conditions which are still relevant to the original decision**

Reason for recommendations

There are no objections to the proposal in respect of visual impacts and the development would still have an acceptable impact on the occupiers of neighbouring residential properties. The proposed development is considered to be a sustainable form of development that complies with the provisions 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

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KEY ISSUES

Outline planning permission was granted in August 2018 for a residential development of up to 65 dwellings (17/00067/DEEM4), and a reserved matters application was then approved on the 10th of March 2022. This section 73 application seeks permission to allow for the creation of 2 detached single storey garages which will serve the properties on plots 55 and 56 of the previous permission.

An application such as this can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

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. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

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The key issues in the determination of this application are:

- Impact on the character and appearance of the area
- Impact on residential amenity
- Parking and highway safety

Impact on the character and appearance of the area

Paragraph 131 of the 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 135 of the 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.

Policy LNPP1 of the Loggerheads Neighbourhood Plan also requires that new development must demonstrate high standards of design and complement the established character of the surrounding context in terms of scale, density, massing, height and degree of set-back from streets and spaces.

Plots 55 and 56 comprise two detached properties accessed off the main through road of the estate. They are sited in a relatively central position within the wider estate, with a band of retained woodland to the side of Plot 55 and the rear of both plots. Both proposed garages would be positioned to the rear of their respective plots at the end of the property's driveways. The garages would be single storey in height and would feature dual pitched roofs which would have an eaves height of 1.8m with a ridge height of 4.1m. The design of the garages matches that of others within the estate.

The level of overall visual change to the street scene and wider area as a result of the new garages is considered to be negligible, and there are no concerns relating to design given the limited scale of the development, and the fact that both garages would be significantly set back from the front elevation of the properties.

Overall it is considered that the revised scheme would enhance the appearance of the area and comply with policies of the development plan, national policy and the urban design guidance.

Impact on residential amenity

Paragraph 135 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 high standard of amenity for all existing and future occupants of land and buildings.

Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook.

Sufficient distances can be achieved between the proposal and nearby properties as to ensure the proposal complies with the Council's 'Space around Dwellings' SPG. The dwellings would retain good sized gardens which subject to boundary details could be provided with a good level of screening which will help to retain a good level of privacy for neighbouring properties.

To conclude, it is considered that future occupants will have an acceptable level of residential amenity and the proposal therefore complies with the requirements of paragraph 130 of the NPPF.

Highway impacts

Classification: NULBC UNCLASSIFIED

Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on street or parking problem.

Whilst the proposed garages will reduce the amount of driveway available for the two properties, the garages themselves can still be used for the parking of a single vehicle on each plot, and the overall level of parking will therefore not be affected as a result of the proposal. The Highway Authority has raised no objections to the development subject to conditions which are already attached to the existing consent for the site. As such, it is considered that the proposed development is acceptable in highway safety terms.

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 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 CSP10	Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16:	Development - General Parking Requirements
Policy N17:	Landscape Character – general Considerations

Loggerheads Neighbourhood Plan

Policy LNGP1:	New Housing Growth
Policy LNPG2:	Housing Mix
Policy LNPP1:	Urban Design and Environment
Policy LNPP2:	Local Character & Heritage
Policy LNPT1:	Sustainable Transport

Other material considerations include:

National Planning Policy Framework (2023)

Planning Practice Guidance (March 2019, as updated)

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

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)

Waste Management and Recycling Planning Practice Guidance Note approved in 2003 and last updated in February 2016

Relevant Planning History

17/00067/DEEM4	for residential development for up to 65 dwellings with associated open space and landscaping - PERMITTED
21/00601/FUL	Variation of condition 16 of 17/00067/DEEM4 (residential development for up to 65 dwellings with associated open space and landscaping) To amend the wording of the following parts of the condition: 1) "A 2m wide footpath connecting the south-west part of the site to Kestrel Drive" to be varied to "The layout to incorporate a 1.8m wide footpath linking the south west part of the site to the new footpath to be constructed along the A53 adjoining the development." 2) "The works shall thereafter be implemented in accordance with the approved details and completed prior to the commencement of the construction of any dwelling" to be varied to "The works shall thereafter be implemented in accordance with the approved details and completed prior to the occupation of any dwelling" – PERMITTED

21/00730/LBC Listed building consent to reposition existing Mile Post to the rear kerb line of the proposed adopted footpath – PERMITTED

21/00365/REM Erection of 56 No. 2, 3, 4 and 5 bedroom, detached, semi-detached and terraced houses with all necessary associated infrastructure. – PERMITTED

Views of Consultees

The **Highway Authority** raise no objections to the proposed development, subject to conditions which relate to the submission of revised information of new roads, footways, and accesses within the site together with details of surface water. Cycle storage provision is also requested and prior to the occupation of the properties, the parking, loading, unloading and turning area of vehicles must be laid out and hard surfaced and drained.

The **Public Rights of Way Officer** notes that the Definitive Map of Public Rights of Way for Staffordshire shows a public right of way crossing the development. However, from the information submitted, it does not appear it will be directly impacted by the proposed addition of garages to plots 55 and 56.

No comments have been received from **Loggerheads Parish Council** within the consultation period and it is therefore presumed that have no comments to make on the proposal.

Representations

None received.

Applicant/agent's submission

All of the application documents can be viewed on the Council's website using the following link:

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00341/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

22nd July 2024