

LAND NORTH OF PEPPER STREET
MR KARL WALKER SEDDON DEVELOPMENT LTD

24/00229/FUL

This is an application for the variation of condition 2 of planning permission 21/00952/FUL for the substitution of house types for plots 39 and 40 and the relocation of Plot 41.

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

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

RECOMMENDATIONS

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

- 1. Approved plans**
- 2. Tree protection fencing**
- 3. All other conditions which are still relevant from the previous planning permissions**

Reason for recommendations

There are no objections to the proposal in respect of visual impacts and the development will 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

The application seeks to vary the wording of condition 2 of planning permission 21/00952/FUL which relates to a major residential development at land off Pepper Street in Keele. This application has been submitted to allow for the substitution of house types for plots 39 and 40 and the relocation of the property on plot 41.

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 proposal would not result in any additional impact to highway safety matters beyond the original scheme, and subject to tree protection methods the proposal raises no concerns regarding impact on the tree located in the rear garden of plot no. 40. The key issues in the determination of this application are therefore:

- Impact on the character and appearance of the area
- Impact on residential amenity

Would there be any adverse 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 criterion, 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 proposal would see the dwelling on plot 41 being handed, meaning that the gable end arrangement on the front of the dwelling would be positioned on the left side of the property as opposed to the right as originally approved, and all windows and doors would also be swapped. Otherwise, the property will remain the same in respect of its overall scale and design style.

The property type for Plots 44 and 45 are to be substituted with the 'Stanbury house type' which is used throughout other parts of the site. The Stanbury design is a traditional two storey red bricked house type which is characterised by two gables on its front elevation and traditional detailing around its windows. Given that the house type has been accepted as part of the wider proposal, there are no objections to its use in this part of the site.

The level of overall visual change to the street scene and wider area as a result of the new altered properties is considered to be negligible, and it is therefore considered that the proposal would 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 dwellings to ensure the proposal complies with the Council's 'Space around Dwellings' SPG and the altered dwellings would still have good sized rear gardens.

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 135 of 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.

Classification: NULBC **UNCLASSIFIED**

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 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 (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

13/00970/OUT - Residential development (maximum of 100 dwellings) – permitted

18/00262/REM - Application for approval of reserved matters for layout, scale, appearance and landscaping for the erection of 100 Dwellings – permitted

18/00262/NMA - Non material amendment to site layout and landscape masterplan drawings as described in application form – permitted

Classification: NULBC **UNCLASSIFIED**

21/00952/FUL - Application for variation of condition 2 of planning permission 18/00262/REM to allow substitution of house types – permitted

21/00952/NMA - Application for a non-material amendment relating to alterations to planning permission 21/00952/FUL to substitute the approved planning layout & house type plans – permitted

21/00952/NMA2 - Resubmission of 21/00952/NMA to correct the approved Planning Layout reference on the decision notice to Rev B (not A) – permitted

21/00952/NMA3 - Submission of a revised Planning Layout Rev B1 to show highways and access information as agreed with Highways and subject of a current S111 application – permitted

24/00042/ELD - Application for a certificate of lawfulness for the existing creation of a pumping station (hard standing and kiosks, with off-road parking for a maintenance vehicle to be used infrequently), which services a housing development on additional owned land to the north east – permitted

22/00094/FUL - Variation of condition 21 as to allow impact piling to be used in the construction of the development of planning permission 13/00970/OUT – permitted

22/00533/DOB - 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). – permitted

Views of Consultees

The **Landscape Development Team** raise no objections to the proposal.

No comments have been received from **Keele Parish Council** within the statutory period of consultation and it is therefore presumed that they have no comments to make on the application.

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/24/00229/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

22nd July 2024