

**LAND BETWEEN APEDALE ROAD AND PALATINE DRIVE, CHESTERTON
GLEESON DEVELOPMENTS**

24/00594/FUL

Full planning permission is sought for the variation of condition 2 of application reference 21/00655/FUL which granted consent for the erection of 330 no. dwellings, including open space, new vehicular access off Apedale Road, and associated infrastructure and earthworks. Condition 2 lists the approved plans and documents linked to the full planning permission.

The application site, of approximately 16.1 hectares in extent, is within an Area of Landscape Regeneration and the Newcastle Urban Neighbourhood and abuts the Green Belt, as indicated on the Local Development Framework Proposals Map.

The 13-week period for the determination of this application expired on 6th November 2024 but an extension of time to 7th December has been agreed.

RECOMMENDATION

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 Recommendation

The variation of condition application relates to minimal changes to the original consent for 330 dwellings including slight alterations to house types, plot locations and a temporary access route for a sales area. Subject to all of the conditions of 21/00655/FUL which will carry through to any new planning permission then the substitution of plans attached to the original approval is considered to be a sustainable form of development.

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

The proposed development is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for the variation of condition 2 of application reference 21/00655/FUL which granted consent for the erection of 330 no. dwellings, including open space, new vehicular access off Apedale Road, and associated infrastructure and earthworks. Condition 2 lists the approved plans, reports and associated information.

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 principle of allowing the development has been established through planning permission 21/00655/FUL. The number of dwellings is not altered from this original permission and there is no material change in terms of the impact on flood risk, environmental health matters or ecology.

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

Design & Visual Impact

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 promotes development that is of a high quality which is sympathetic to the character and distinctiveness of the site and surrounds.

The applicant proposes to make a series of minor positional changes to plots ranging between 0.5 and 1m which are to improve interface distances and off-street parking provision. These are considered minor tweaks given the nature of the development and the context of the original approval. Additionally, a detached garage is to be relocated to allow for parking and some swapping of house types to improve plot layouts. Finally, there is the addition of a temporary access point off Apedale Road facilitating vehicular access to the sales and marketing area. This also includes a double garage on plot 329 to provide a sales area which would be considered commonplace on this type of housing development.

There are no concerns relating to design given the limited scale of the changes proposed and therefore there would be negligible impact on the street scene and wider area.

Concerns have been raised by both ward councillors and local residents in relation to the temporary access road and how this will affect the semi-mature trees and planting that is currently in situ. The applicant has advised that removal of trees and vegetation will be kept to a minimum and any losses would be offset by the landscaping strategy of the wider site as such in design terms and visual impact then this is considered acceptable. Further information has been sought from the applicant and an update will be given to Members prior to the Committee meeting.

Residential Amenity

Criterion f) within Paragraph 135 of the National Planning Policy Framework states that development should create places that are safe, with a high standard of amenity for existing and future users.

SPG (Space around Dwelling) provides guidance on privacy, daylight standards and environmental considerations.

Sufficient distances will be retained between the proposed dwellings and nearby properties in accordance with the Council's 'Space around Dwellings' SPG.

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 Safety

Paragraph 114 of the NPPF ensures that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location and that safe and suitable access to the site can be achieved for all users.

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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 on the road network 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.

A temporary minor access is proposed to the east of the main access to the development from Apedale Road which will facilitate small amounts of vehicular traffic to use the temporary sales area. It will be removed once the sales and marketing of the site has been completed. The Highway Authority has no objection and it is concluded that this element of the proposal complies with the provisions of the NPPF in terms of impact upon highway safety.

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 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

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

Policy T16:	Development - General Parking Requirements
Policy N12:	Development and the Protection of Trees
Policy N13:	Felling and Pruning of Trees
Policy N17:	Landscape Character – general Considerations
Policy N22:	Area of Landscape Regeneration

Other material considerations include:

[National Planning Policy Framework \(2023\)](#)

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

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

13/00525/OUT Residential development of up to 350 dwellings including open space, new vehicular accesses, infrastructure, ancillary development and associated earthworks – Approved

21/00655/FUL The erection of 330 no. dwellings, including open space, new vehicular access off Apedale Road, and associated infrastructure and earthworks - Approved

Views of Consultees

The **Highway Authority** has no objection to the proposal.

The **Environmental Health Division** has no comments to make.

Representations

One letter of representation has been received raising concerns regarding heavy traffic and parking issues in the area.

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/24/00594/FUL>

Background Papers

Classification: NULBC **UNCLASSIFIED**

Planning File
Development Plan

Date report prepared

18th November 2024

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