

Full planning permission is sought for the variation of condition 2 (approved plans) of planning permission 21/00975/FUL which granted amendments to the reserved matters consent (internal access arrangements, layout, scale, appearance and landscaping) in respect of a residential development of 128 dwellings. Condition 2 lists the approved drawings and the variations sought are to allow changes to the approved site layout and housetype plans.

The site lies within the open countryside as indicated on the Local Plan (2020-2040) Policies Map.

The 13-week period for the determination of this application expired on 25th November 2024 but an extension of time has been agreed to 28th August 2026.

RECOMMENDATION

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

- 1. Variation of condition 2 to refer to the revised plans**
- 2. Any other conditions which are still relevant to the original decision**

Reason for Recommendation

The proposed variations would have no adverse impact on the design and layout of the site, or on highway safety or residential amenity, and the proposed landscaping and open space within the site would continue to be acceptable. There are no other relevant material considerations.

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

The proposal is 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 (approved plans) of planning permission 21/00975/FUL which granted amendments to the reserved matters consent (internal access arrangements, layout, scale, appearance and landscaping) in respect of a residential development of 128 dwellings. Condition 2 lists the approved plans.

In considering an application to vary 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 principal changes proposed are as follows:

- Reduction of total number of dwellings from 128 to 106
- Substitution of plots in the northern part of the site to comprise more detached dwellings
- Realignment of footpath in front of plots 125-128 to connect to off-site footway
- Realignment of the footpath connection to Rock Lane between plots 35 & 36
- Inclusion of new pumping station in south-western corner

There is a Grade II Listed milepost on Eccleshall Road to the south-west corner of the site, but it was concluded in relation to the outline application, that the development would not adversely affect its setting.

The revised application raises no issues of residential amenity and the number, mix and distribution of affordable units across the site is acceptable. Therefore, the issues for consideration now are:-

- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Does the proposed amendment raise any issues of accessibility/highway safety?
- Is the impact on trees acceptable?

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

Paragraph 131 of the NPPF 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 PSD7 of the Local Plan requires that development proposals should accord with the National Design Code, National Design Guidance, and any adopted local design guide or code. Further to the above, the policy requires that developments should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness and sense of place in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features
- d. Massing of development
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene, and the wider neighbourhood

Policy SE10 of the Plan requires that development proposals should protect and enhance the character, quality, beauty, and tranquillity of the Borough. The policy then sets out further guidance on how proposals should be assessed in respect of their impact on landscapes.

Policy LNPP1 of the Loggerheads Neighbourhood Plan states that to be supported, new development must demonstrate high standards of design. A number of requirements are listed, the most relevant of which are as follows:

- Complementing the established character of the surrounding context in terms of scale, density, massing, height and degree of set-back from streets and spaces.
- Creating attractive, safe and convenient environments for pedestrians.
- Providing a mix of overlooked parking provision, as an integral part of layout, so that parking does not dominate streets and space.
- Include high quality materials, to complement those used in the surrounding context.
- Designing residential garages so that they do not obscure or dominate frontages and are in or behind the building line.

The proposed layout of the site is very similar to that of the approved scheme and the proposals would provide a similar range of house types as previously approved. The dwellings would be a maximum of 2-storeys in height. The internal street layout would remain largely unchanged and the houstypes now proposed would sit roughly on the same building line and footprint as the dwellings already approved. Given the variety of dwelling size, density and style currently in Loggerheads, it is considered that the layout proposed would respect local character.

The proposed dwellings would comprise a traditional form, have gable features, and would be constructed primarily with red brick and tiled pitched roofs. The dwellings would have brick detailing to windows and door cills and lintels and some would also have bay windows. Rendered elements would be provided in part to add variety to the street scene and provide legibility across the development. The materials and details are consistent with those previously approved, and the appearance of the proposed dwellings would be broadly similar.

The layout and density of the proposed scheme and the proposed house types reflect local character, and it is considered that the proposal would be acceptable in terms of its design and impact on the form and character of the area.

Overall, therefore, the proposed changes to the scheme are considered acceptable and in accordance with policies of the Development Plan and the aims and objectives of the NPPF.

Do the proposed amendments raise any issues of accessibility/highway safety?

The proposed access arrangements into the site and layout of internal access roads would remain unaffected by the proposed changes.

Condition 18 of the original outline consent requires the provision of a pedestrian/cycle only access linking the site to the existing footway in the vicinity of the B5026 Eccleshall Road/Mucklestone Wood Lane junction, to ensure a safe and convenient walking route between the housing site and Loggerheads village centre.

Discussions have been ongoing between the developer and the Highway Authority to devise a shared footway/cycle route which is compliant with highway adoptable standards, appropriate for all non-motorised users and avoids impact on the protected trees in the area.

This scheme proposes the realignment of the shared footpath/cycleway to the south of the site to provide the link in front of plots 125-128 whilst seeking to avoid the protected trees in the vicinity. This solution is acceptable to the Highway Authority.

Although an objection has been received from a resident expressing concern about the removal of the footpath, its removal is not proposed. A safe, step-free pathway would be provided to enable pedestrian access to the village and in the absence of any objections from the Highway Authority, the amended scheme is considered acceptable.

Is the impact on trees acceptable?

Trees on this site are protected by Tree Preservation Order No. 221 which was made after the original planning permission had been granted. The Landscape Development Section (LDS) has concerns regarding impact of footpath construction on the protected trees.

The extant permission on the site permits a footpath and it is considered to be a necessary requirement to enable safe pedestrian access to the shops and services of Loggerheads.

The revised route of the footpath has been designed to limit any harm to trees and while it would result in some impact, it is accepted that some tree removal is necessary to achieve a safe and accessible development.

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 Local Plan 2020-2040

Policy PSD7: Design
Policy HOU1: Affordable Housing
Policy HOU2: Housing Mix and Density
Policy IN2: Transport and accessibility
Policy IN3: Access and Parking
Policy SE9: Historic Environment
Policy SE10: Landscape
Policy SE11: Trees, hedgerows and woodland
Policy SE12: Amenity

Loggerheads Neighbourhood Plan

Policy LNPG2: Housing Mix
Policy LNPP1: Urban Design and Environment
Policy LNPP2: Local Character & Heritage
Policy LNPT1: Sustainable Transport
Policy LNPS1: Community Infrastructure

Other Material Considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (2014 as updated)

Relevant Planning History

15/00015/OUT Outline planning application for the erection of up to 128 dwellings (including details of access) - Allowed at appeal

20/00201/REM Approval of appearance, landscaping, scale and layout for the erection of up to 128 dwellings as approved under planning application 15/00015/OUT – Approved

21/00975/FUL Application for variation of condition 2 of planning permission 20/00201/REM – Amended house types – Approved

21/00975/NMA Non-material amendment to internal road layout affecting the cul-de-sac/shared private serving plots 11 and 12 and a parking court that serves apartment plots 13-18 – Approved

Views of Consultees

The **Landscape Development Section** has concerns regarding the impact of the footpath construction on protected trees.

The **Highway Authority** has no objections subject to conditions.

No comments have been received from **Loggerheads Parish Council**.

Representations

One letter of objection has been received regarding the removal of the second footpath to the south-east of the site stating that it is important that the residents have safe, step free access to Loggerheads for pushchairs and to avoid having to walk along the carriage way of the main road. The grass verge is currently used by residents, but it is narrow in places and requires pedestrians to step

onto the road. A safe step free pathway from the development is essential to allow pedestrian access to the village.

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/24/00589/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

11 August 2026