DELEGATED DECISION REPORT

SMD/2017/0596 **Valid 04/09/2017**	**LAND ADJ YEW TREE FARM SHAWE PARK ROAD KINGSLEY HOLT**	**VARIATION OF CONDITION 3 (PROPOSED ROOF TILE) OF SMD/2016/0439** **(FULL - MINOR)**

MAIN ISSUES

- Character and Appearance

DESCRIPTION OF SITE

The 0.73ha broadly rectangular greenfield application site is located within the confines of the Kingsley village development boundary. This parcel of agricultural grazing land is set between existing residential ribbon development along the main road. The site frontage to Shawe Park Road (A521) is defined by an existing hedgerow with trees. Land levels marginally fall from the road frontage and then rise again to the rear of the site in broadly a south to north direction.

PROPOSAL

This is a S73 application which seeks consent for a minor material amendment to vary condition 2 of application reference SMD/2016/0439 for the erection of 7 dwellings on land adjacent to Yew Tree Farm, Shawe Park Road, Kingsley Holt, which was approved under delegated powers on 28th February 2017. Condition number 03 states:-

3. Notwithstanding the details shown on the approved plans the development hereby permitted shall be carried out in accordance with the external materials schedule approved below and there shall be no variation without the prior written consent of the Local Planning Authority:-
External Facing Materials
Plots 1,3, 4 & 7 Wienerberger Oakwood Multi brick & Plots 2, 5 & 6 K Rend Silicone Scrapped Texture in Colour Sterling White
Roof Tiles - Sandtoft 20/20 clay interlocking tile
Driveways - Marshalls Tegula Block Paving in Colour Traditional
Paving - Marshalls Charnwood Textured Concrete Paving Slabs in Colour Buff
Windows & Doors
Windows - White uPVC
Front Door - Composite
Other Doors - White uPVC
Eaves & Verges

Fascia - White uPVC
Soffit - White uPVC
Verge - Corbelled brick
Boundary & Retaining Wall Details
Boundary fencing - close boarded timber panels 1800mm high
Retaining walls - Wienerberger Oakwood Multi
Reason:- In the interests of the character and appearance of the development.

The application seeks to replace the Roof Tiles - Sandtoft 20/20 clay interlocking tile with the Imerys Beauvoise 20 Plain Clay Tile in slate.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS6a Larger Villages Area Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
H1 New Housing Development
H2 Affordable and Local Needs Housing
T1 Development and Sustainable Transport

National Planning Policy Framework
National Planning Policy Guidance

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2005/1201 - Residential development (outline) Refused.

SMD/2012/0792 - Development of 7 residential properties (outline). Approved with conditions.

SMD/2015/0735 - Proposed development of 7 residential properties . Approved with conditions.

SMD/2016/0439 – Variation of Condition 2 (House Types) on Planning Application ref. SMD/2015/0735. Approved with conditions.

CONSULTATIONS

Publicity

Site Notice expiry date: 3rd October 2017.

Neighbour consultation period ends: 17th October 2017.

Public Comments

None.

Town / Parish Comments

None

Severn Trent Water

No comment, however, request that when drainage proposals are submitted that we are reconsulted.

Officer: Drainage was approved as part of Condition Discharge DOC/2016/0081.

OFFICER COMMENTS

Section 73 of the Town & Country Planning Act 1990 provides that any application may be made for planning permission without complying with conditions applied to a previous permission. It states that local authorities may decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter the conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. This makes it clear in considering such an application a Local Planning Authority may only consider the question of conditions and not revisit the principle of the development. Therefore, only the acceptability of the proposal in the context of the reasons for the imposition of the conditions falls to be considered in the determination of the current application. However in terms of decision making, a Section 73 application should be treated just like any other application, and due regard should be paid to the Development Plan and any other material considerations.

Planning policies at a local and national level both require development to be designed to a high standard and respectful of its context. The proposed tile amendment is considered to be minor and would have no impact on the character and appearance of the dwellings on the wider surrounding area owing to its similar proportions, clay material and slate colour. There have been no significant changes to the site circumstances of the immediate vicinity to warrant a different view in this current application.

CONCLUSION / PLANNING BALANCE

Having considered the merits of the proposal against prevailing planning policy, the application is considered to accord with the key themes set out in the National Planning Policy Framework in contributing towards the delivery of housing in a

sustainable location. The principle of residential development on the site is well established and there has been no material change in adopted development plan policy which would lead to a different conclusion with regards to this proposal being reached. The application to vary the condition attached to the previous planning approval and substitute the roof tile for a similar alternative is not considered to raise any fresh planning issues. The proposed amendment is minor in nature and would not impact adversely in terms of the character and appearance of the street scene.

Approve subject to imposition of conditions attached to previous permission. It is however noted that all pre-development conditions have been discharged and these will therefore need to be reworded to reflect that as per SMD/2016/0439.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Rachael Simpkin
Recommendation Date: 28/11/2017

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council