

Public Document Pack

Date of meeting Tuesday, 28th April, 2026
Time 7.00 pm
Venue Queen Elizabeth II & Astley Rooms - Castle House, Barracks Road, Newcastle, Staffs. ST5 1BL
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 4)
To consider the minutes of the previous meeting(s).
- 4 CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD. HARWORTH ESTATES INVESTMENTS LTD C/O WSP. 25/00907/FUL** (Pages 5 - 12)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - BALDWIN'S GATE FARM, NEWCASTLE ROAD, BALDWIN'S GATE. MR CHRIS O'HANLON, BELLWAY HOMES LIMITED. 26/00068/FUL** (Pages 13 - 20)
- 6 APPLICATION FOR MINOR DEVELOPMENT - CROWN INN, BROOK STREET, SILVERDALE. MR JOHN NORFOLK. 26/00022/FUL** (Pages 21 - 34)
- 7 APPLICATION FOR MINOR DEVELOPMENT - LAND ADJACENT FAIRGREEN ROAD, BALDWINS GATE. MR AND MRS DAVIES. 26/00192/FUL** (Pages 35 - 44)
This item includes a Supplementary report.
- 8 5 BOGGS COTTAGE, KEELE. 14/00036/207C3** (Pages 45 - 46)
- 9 URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

10 DISCLOSURE OF EXEMPT INFORMATION

To resolve that the public be excluded from the meeting during consideration of the following item(s) because it is likely that there will be a disclosure of exempt information as defined in paragraphs 1,2 and 3 in Part 1 of Schedule 12A of the Local Government Act 1972.

Members: Councillors Northcott (Chair), Crisp (Vice-Chair), Beeston, Burnett-Faulkner, Fear, Holland, Hutchison, Brown, Gorton, G Williams and J Williams

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- Where the total membership of a committee is 12 Members or less, the quorum will be 3 members....Where the total membership is more than 12 Members, the quorum will be one quarter of the total membership.

SUBSTITUTE MEMBER SCHEME (Section B5 – Rule 2 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:	Berrisford	S Tagg (Leader)
	Heesom	Dymond
	Johnson	Edgington-Plunkett
	S Jones	Fox-Hewitt
	Sweeney	Grocott
	J Tagg	D Jones

If you are unable to attend this meeting and wish to appoint a Substitute to attend on your place you need to identify a Substitute member from the list above who is able to attend on your behalf

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

NOTE: IF THE FIRE ALARM SOUNDS, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

Agenda Item 3

Planning Committee - 31/03/26

PLANNING COMMITTEE

Tuesday, 31st March, 2026
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Paul Northcott (Chair)

Councillors:	Crisp	Holland	G Williams
	Beeston	Hutchison	J Williams
	Burnett-Faulkner	Brown	
	Fear	Gorton	

Officers:	Geoff Durham	Civic & Member Support Officer
	Craig Jordan	Service Director - Planning
	Charles Winnett	Senior Planning Officer

1. DECLARATIONS OF INTEREST

Councillor Burnett-Faulkner declared a non-pecuniary interest in item 4 as a member of the Kidsgrove Town Deal Board.

2. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 3 March, 2026 be agreed as a correct record.

3. APPLICATION FOR MINOR DEVELOPMENT - PUBLIC REALM AND CAR PARK TO EAST AND WEST OF KING STREET, INCLUDING FORMER GARAGE, KING STREET, KIDSGROVE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 26/00024/DEEM3

Resolved: That the application be permitted, subject to the undermentioned conditions:

- (i) Updating of the wording of conditions 2, 3, 8 and 9 to reflect the amended plans
- (ii) All other conditions from 25/00570/DEEM3 that remain relevant

[Watch the debate here](#)

4. APPLICATION FOR OTHER DEVELOPMENT - CROWN INN, BROOK STREET, SILVERDALE. MR JOHN NORFOLK. 26/00022/FUL

Amended recommendation proposed by Councillor Fear and seconded by Councillor Hutchison.

Following a lengthy discussion and concerns raised in respect of parking and potential anti-social behaviour, a site visit was proposed.

Planning Committee - 31/03/26

The Chair expressed his disappointment that the Councillor who had called in the application was not in attendance to make representations. It was hoped that the Planning Committee, going forward would address the matter as he felt that that the Member calling in an application should be at the meeting or send apologies.

Resolved: That a decision on this application be deferred to allow for a site visit to take place on Thursday 23 April, 2026 at 6.15pm.

[Watch the debate here](#)

5. LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2

Resolved: (i) That the information be received
(ii) That an update report be brought to Committee in two months' time.

[Watch the debate here](#)

6. URGENT BUSINESS

There was no Urgent Business.

7. DISCLOSURE OF EXEMPT INFORMATION

There were no confidential items.

**Councillor Paul Northcott
Chair**

Meeting concluded at 8.05 pm

CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD
HARWORTH ESTATES INVESTMENTS LTD C/O WSP **25/00907/FUL**

Planning permission is sought for the removal of conditions B7 and B30 and the variation of condition B1 of planning permission 21/00595/FUL. The conditions relate to a highway improvement scheme which forms part of the requirements of the Chatterley Valley development.

The application site forms part of the wider Chatterley Valley development site which has a long-standing employment allocation and has previously been subject to planning permission for its redevelopment.

The 13-week period for the determination of the application expired on the 12th March however an extension of time has been agreed to the 1st May.

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:

- 1. Removal of condition B7 and B30 and the variation of condition B1 of planning permission 21/00595/FUL**
- 2. Any other conditions which are still relevant to the original decision**

Reason for Recommendation

Conditions B7 and B30 do not meet the tests of being necessary or reasonable as set out under paragraph 57 of the National Planning Policy Framework 2025 and should therefore be removed from the decision notice. The variation of the wording of condition B1 would be necessary to reflect the removal of conditions B7 and B30 and is therefore also considered to be acceptable.

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 considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

This application seeks the removal of conditions B7 and B30 and the variation of condition B1 of planning permission 21/00595/FUL which relates to the Chatterley Valley development.

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.

For reference, planning condition B30 states as follows:

'B30. No development shall be occupied that will generate more than 464 two way vehicular trips in the AM peak hour (0800-0900) and/or more than 411 two-way vehicular trips in the PM peak hour (1700-1800), until the mitigation scheme for the A500/A34 junction as shown in principle on drawing no. 18004.GA.04 Revision B has been implemented in full and is open to traffic. The vehicular trip generation refers to the total vehicular trip generation for the site, and is to be calculated with reference to the vehicular trip rates set out below. All vehicular trip rates shown are two-way.

B1b/B1c/B2;

AM Peak - 1.30 per 100sqm

PM Peak - 1.180 per 100sqm

B8:

AM Peak - 0.260 per 100sqm

PM Peak - 0.245 per 100sqm

Drive Through:

AM Peak - 26.296 per 100sqm

PM Peak - 21.773 per 100sqm

Reason: In the interests of Highway Safety and to ensure that the A500 trunk road continues to serve its purpose as part of the national system of routes for through traffic in accordance with section 10 (2) of the Highways Act 1980'.

Conditions B1 and B7 require that the development comes forward in accordance with the proposed highway improvements works plan.

The applicant has noted that condition 30 currently results in a restriction in perpetuity over the development site that has implications on securing funding whilst also creating an additional burden on the development which impacts the confidence of potential investors.

Information has been submitted in support of the application to demonstrate that the conditions are no longer necessary due to changes in travelling patterns which have resulted in increased capacity on the local road network.

Paragraph 115 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.

Paragraph 116 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 IN2 of the emerging plan sets out that new development should make appropriate provision for access by sustainable modes of transport to protect the integrity of the highway network and the Council will work with developers to ensure that development proposals which contribute towards an accessible, efficient and safe transport network that offers a range of transport choices and improves accessibility through sustainable modes of travel will be supported. Moderate weight can be given to this policy at this time.

The conditions were applied to the original permission at the request of National Highways in order to ensure that any significant increases in traffic generation from the site were mitigated by an offsite highway improvement scheme.

Paragraph 57 of the NPPF states that planning conditions should be kept to a minimum and should be imposed subject to five tests including whether they are: *necessary, relevant to planning and the development, enforceable, precise, and reasonable in all other respects.*

The applicant has provided technical modelling information to demonstrate that baseline traffic movements on the local highway network have changed significantly since the time at which the original planning application was determined in 2018. The decrease in vehicle movements since that time is due to a combination of factors, including a knock-on impact from Covid, changing commuting patterns and the rise in home working. The assessment notes that the updated 2024 traffic surveys and modelling show that observed and forecast traffic flows are lower than those previously predicted in the 2018 assessment, resulting in improved junction performance relative to earlier predictions. The assessment also provides updated forecasting projections for traffic movements for 2026 and 2028, which again confirms that there is additional capacity in the road network which renders the highway improvement works unnecessary.

The submitted technical information has been assessed by Highways England, who have confirmed that they are content with the growth factors used in the submitted technical note, the traffic flow figures and the base model validation details and on this basis, they raise no objections to the proposal.

Consideration must also be given to the fact that the Chatterley Valley Development site is an allocated employment site which will generate significant levels of employment opportunities within the Borough, and as such no additional conditions or burdens beyond what is reasonably necessary to facilitate the development should be applied, as this would threaten the viability and purpose of the allocation itself.

In the absence of any objections from the Highways England who originally recommended the imposition of the conditions, and given that the technical information provided demonstrates that the conditions no longer meet the tests of being necessary or reasonable as set out within paragraph 57 of the NPPF, officers have no basis to resist the proposed changes to conditions as requested by the applicant.

Therefore, the application is recommended for approval, subject to all other conditions which remain relevant being carried over to the revised decision notice.

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.

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

Officers have considered the proposal with regard to the provisions of the National Planning Policy Framework; however, the proposal is not considered to be a sustainable form of development.

Appendix

Policies and proposals in the Development Plan relevant to the Full planning application decision:

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009)

Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy E2: Chatterley Valley

Policy T16: Development – General Parking Requirements

Other Material Considerations

Draft Emerging Newcastle-under-Lyme Local Plan 2020-2040 (at Main Modifications Stage)

Policy PSD1: Overall Development Strategy

Policy PSD3: Distribution of Development

Policy IN2: Transport and accessibility

Relevant National Policy Guidance:

National Planning Policy Framework (2024)

Planning Practice Guidance (2025 as amended)

Planning History

In 2019 a hybrid planning permission, 18/00736/OUT, was granted for the following: -

- A. full planning permission for earthworks associated with the creation of development plateaus, access roads and associated works; and
- B. outline planning permission for development of buildings falling within Use Classes B1b (research and development), B1c (light industry), B2 (general industrial and B8 (storage and distribution), and ancillary A3 (Restaurants and cafes) and A5 (hot food takeaways) uses. All matters of detail are reserved for subsequent approval.

19/00846/OUT Removal of condition B23, relating to pedestrian and cycleway enhancements, of planning permission 18/00736/OUT and variation of condition A1 relating to timescales for completion of earthworks; variation of conditions A8, B1 and B10 with regards to reference to Green Infrastructure Strategy; variation of condition B3 regarding requirements for the reserved matters application/s; and variation of reason for condition B25 relating to permitted use classes on the plots - Approved

21/00595/FUL Removal and variation of a number of conditions of 19/00846/OUT - Approved

21/00570/FUL Full planning permission for the formation of development platforms, provision of access road and accompanying infrastructure and ecological enhancements - Approved

21/00595/NMA Non-material amendment relating to the Electric Vehicle Charging Infrastructure as required by condition B18 of planning permission 21/00595/FUL - Approved

25/00317/REM Application for approval of reserved matters (access, appearance, landscaping, layout and scale) for Plot C, for two buildings (units C1 and C2) in Use Classes E(g)(ii), E(g)(iii); and/or B2 and/or B8 pursuant to outline element 19/00846/OUT of hybrid planning application 21/000595/FUL – Approved

25/00316/REM Application for approval of reserved matters (appearance, landscaping, layout, scale and access) for plots D2 and D3 for building in Use Classes E(g)(ii), E(g)(iii); and/or B2 and/or B8 pursuant to outline element 19/00846/OUT of hybrid planning application 21/00595/FUL – Approved

25/00317/REM - Application for approval of reserved matters (access, appearance, landscaping, layout and scale) for Plot C, for two buildings (units C1 and C2) in Use Classes E(g)(ii), E(g)(iii); and/or B2 and/or B8 pursuant to outline element 19/00846/OUT of hybrid planning application 21/000595/FUL – Approved

25/00531/REM - Reserved matters application for access, appearance, landscaping, layout and scale on Plot B, for a building (Unit B) in Use Classes E(g)(ii), E(g)(iii); and/or B2 and/or B8 pursuant to outline element of hybrid planning application re: 21/000595/FUL – Approved

Views of Consultees

The **Highway Authority** make no comments noting that Highways England are the relevant consultee for commenting on the application.

Following the submission of additional information, **Highways England** have confirmed that they raise no objections to the proposal.

Representations

None.

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/25/00907/FUL>

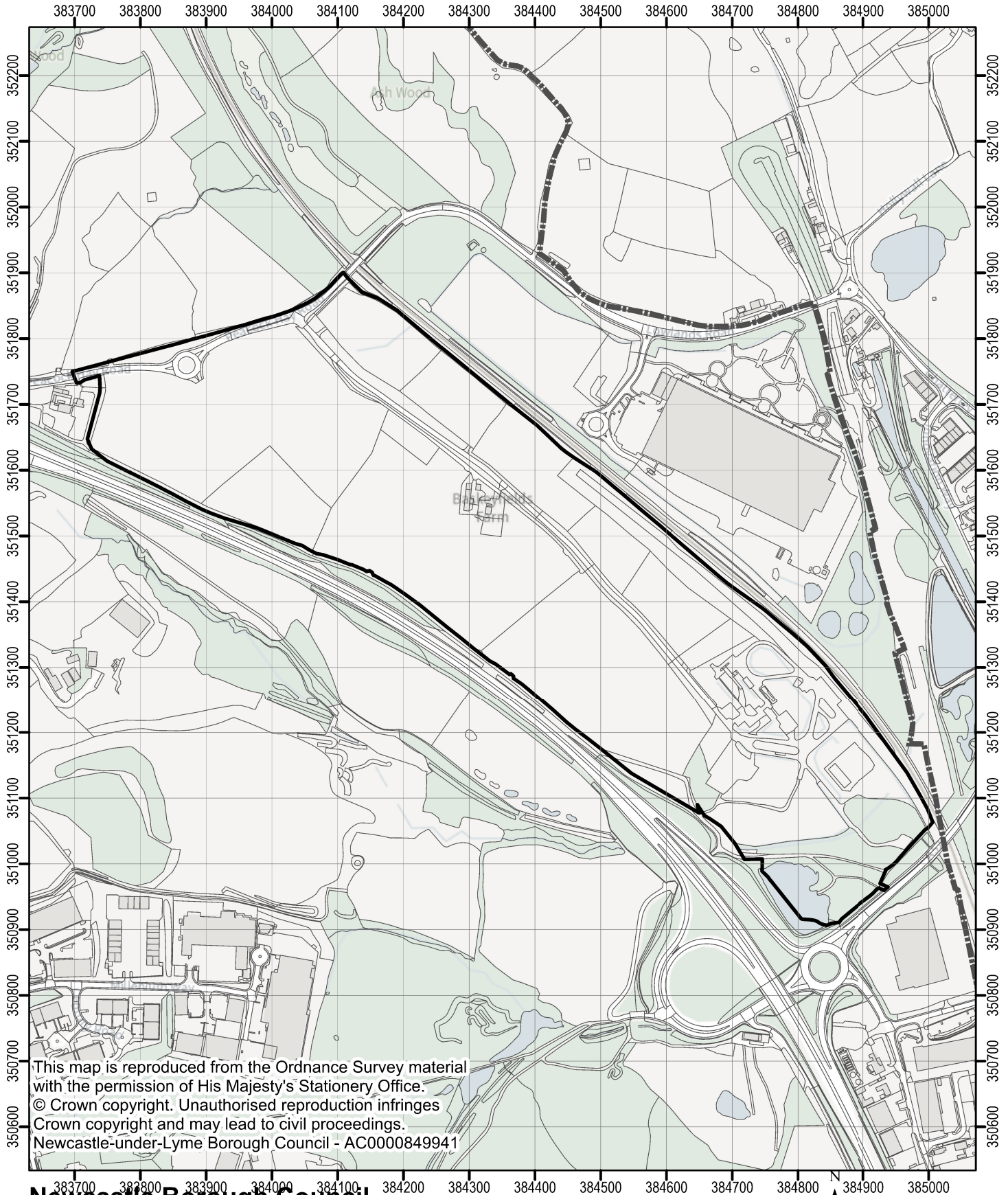
Background Papers

Planning File
Development Plan

Date report prepared

17 April 2026

25/00907/FUL
Chatterley Valley Development Site
Peacock Hay Road
Talke



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BALDWIN'S GATE FARM, NEWCASTLE ROAD, BALDWIN'S GATE
MR CHRIS O'HANLON, BELLWAY HOMES LIMITED

26/00068/FUL

Full planning permission is sought for the variation of condition 3 of planning permission 25/00661/FUL for the construction of up to 200 dwellings set within a community parkland at Baldwin's Gate Farm, to amend the trigger for the provision of the access roundabout on the A53 at the existing farm entrance.

The site lies within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The 13-week period for the determination of this application expires on 7th May 2026.

RECOMMENDATION

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

- 1. Variation of condition 3 to amend the trigger for the provision of the access roundabout**
- 2. Any other conditions which are still relevant to the original decision**

Reason for Recommendation

The proposed variation would have no adverse impact on highway safety and 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 3 of planning permission 25/00661/FUL for the construction of up to 200 dwellings set within a community parkland at Baldwin's Gate Farm, to amend the trigger for the provision of the access roundabout on the A53 at the existing farm entrance. The applicant has confirmed that the variation is sought due to the anticipated time required to obtain consents for the highway works and then to undertake the works.

This follows a recent consent to amend the trigger for the provision of off-site highway improvements to the A51/A53 junctions from no greater than 50 dwellings to no greater than 100 dwellings.

Condition 3 currently states as follows:

No greater than 50 dwellings hereby permitted shall be occupied until the access roundabout has been provided in accordance with Drawing No. T21558 001 Rev C, and no greater than 50 dwellings hereby permitted shall be served from the construction and first phase development access as shown on Drawing T21558.016.

The construction and first phase development access, as shown on Drawing T21558.016, shall be stopped-up to traffic on completion of the access roundabout, with the hedgerow and footway along the site frontage reinstated accordingly.

No greater than 100 dwellings hereby permitted shall be occupied until junction improvements have been undertaken for the following junctions:

- *A51 Stone Road / A53 Newcastle Road Priority Junction as shown on Drawing T21558 006 Rev A*
- *A51 Nantwich Road /A53 Newcastle Road (N) Priority Junction as shown on Drawing T21558 007.*

The applicant wishes to amend the wording as follows:

No greater than 100 dwellings hereby permitted shall be occupied until the access roundabout has been provided in accordance with Drawing No. T21558 001 Rev C, and no greater than 100 dwellings hereby permitted shall be served from the construction and first phase development access as shown on Drawing T21558.016.

The construction and first phase development access, as shown on Drawing T21558.016, shall be stopped-up to traffic on completion of the access roundabout, with the hedgerow and footway along the site frontage reinstated accordingly.

No greater than 100 dwellings hereby permitted shall be occupied until junction improvements have been undertaken for the following junctions:

- *A51 Stone Road / A53 Newcastle Road Priority Junction as shown on Drawing T21558 006 Rev A*
- *A51 Nantwich Road /A53 Newcastle Road (N) Priority Junction as shown on Drawing T21558 007.*

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.

Therefore, the sole issue in the determination of the application is whether the revised trigger for provision of the access roundabout is appropriate in terms of impact on highway safety.

Paragraph 116 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.

The proposed development will be served from a new roundabout junction on the A53 at the existing farm entrance, which also incorporates Sandy Lane on the southern side of the main road. The application is accompanied by a Technical Note that considers a first phase of 100 dwellings being served from the existing access prior to the delivery of the access roundabout, as an update to the currently consented 50 dwellings.

The capacity analysis has been undertaken for the first phase of development, utilising the same vehicle trip generation rates and distribution/assignment as per the Transport Assessment supporting the outline application. The results of the capacity analysis demonstrate that the proposed construction/first phase access will operate well within capacity, with negligible queues and delays.

The Technical Note concludes that the consented construction and first phase access can be utilised to serve a first phase of up to 100 residential dwellings, prior to the delivery of the site access roundabout with the A53 and Sandy Lane.

The Highway Authority (HA) raises no objections to the amended wording of condition 3 and it is considered that there would be no adverse impact on 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 ASP6: Rural Area Spatial Policy

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

None relevant

[Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan](#)

None relevant

Other Material Considerations include:

[National Planning Policy Framework \(2024\)](#)

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

[Draft Emerging Newcastle-under-Lyme Local Plan 2020-2040 \(at Main Modifications Stage\)](#)

Policy IN2: Transport and accessibility

Relevant Planning History

21/01041/OUT Construction of up to 200 dwellings set within a community parkland – Refused but allowed at appeal

24/00270/DEM - Demolition of buildings identified as pink as shown within the demolition layout – Approved

24/00313/REM - Erection of 200 dwellings, with associated car parking, public open space, attenuation basins, landscaping and associated works pursuant to outline permission 21/01041/OUT – Approved

25/00661/FUL - Variation of condition 6 of planning permission 21/01041/OUT for the construction of up to 200 dwellings set within a community parkland at Baldwin's Gate Farm, to amend the trigger for the provision of off-site highways works - Approved

Views of Consultees

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

Whitmore Parish Council has no objections.

Representations

None received.

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/26/00068/FUL>

Background papers

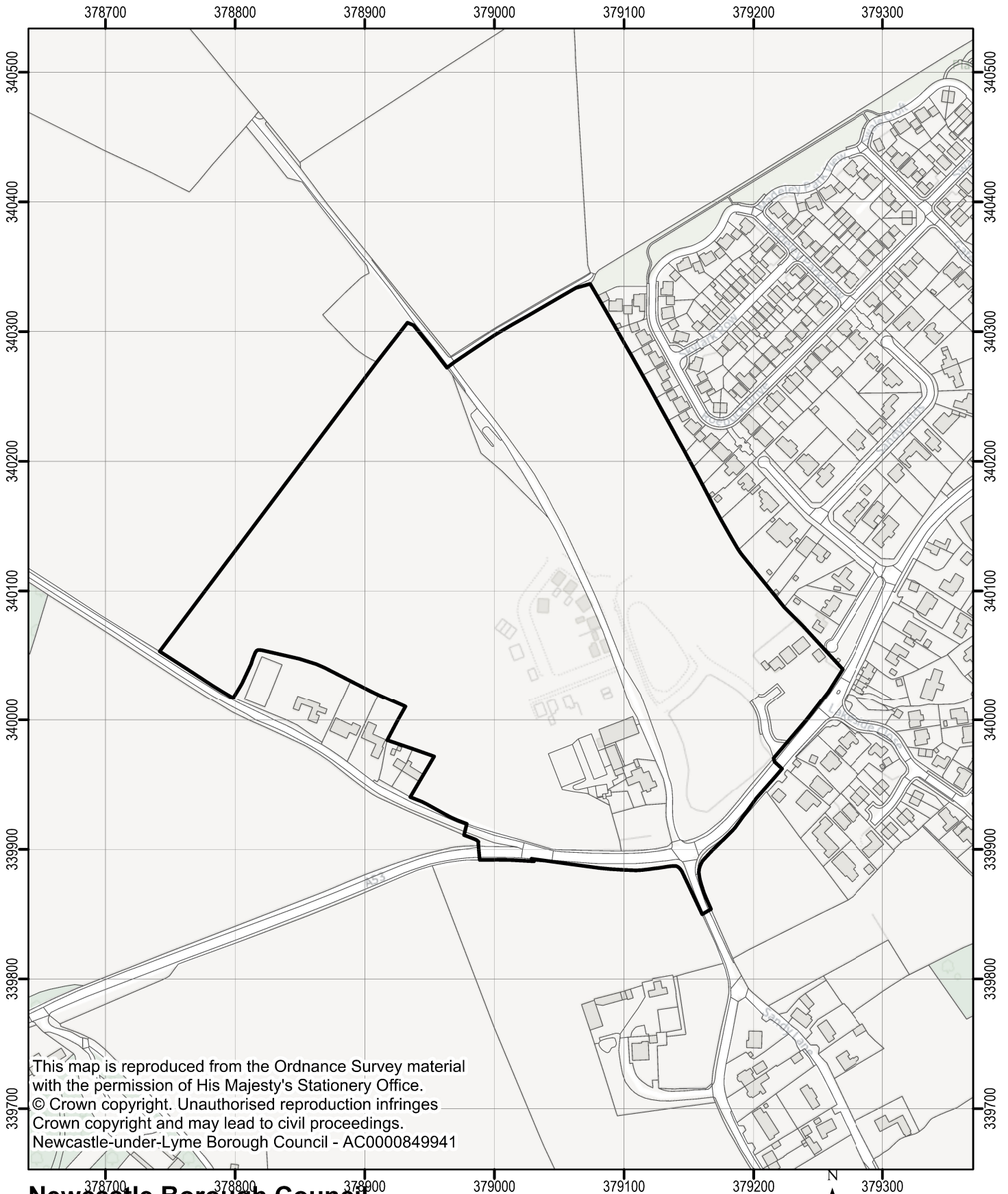
Planning files referred to
Planning Documents referred to

Date report prepared

20 April 2026

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26/00068/FUL
Baldwins Gate Farm
Newcastle Road
Baldwins Gate



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Classification: NULBC UNCLASSIFIED

CROWN INN, BROOK STREET, SILVERDALE
MR JOHN NORFOLK

26/00022/FUL

Full planning permission is sought for a change of use of a public house known as The Crown Inn, Silverdale, to a 12-bedroom HMO. The application site is located within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. The building is also locally listed.

The application was called into committee for determination by Councillor Rupert Adcock due to concerns around parking, highways, access, road safety, unsuitability of this property for use as an HMO and the density of HMOs already in Silverdale.

The application was deferred at the last meeting of the Committee to allow for Members to visit the site to assess parking availability.

The statutory 8-week determination period for this application expired on the 24th March 2026, however an extension of time has been agreed to 1st May.

RECOMMENDATION

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

- 1. Time Limit**
- 2. Approved Plans**
- 3. Materials**
- 4. Glazing on lower section of ground floor bedroom windows**
- 5. Construction hours**
- 6. Internal noise limitations**
- 7. Bin storage**
- 8. Cycle storage**
- 9. Floor levels to be retained as per existing arrangement**

Reason for recommendation

There are no objections in principle to the proposal, and the plans demonstrate that there would be no adverse impact on residential amenity. In the absence of any objections from the Highway Authority and given the existing current shortfall of parking provision for the lawful use of the property, it is not considered that a refusal on highway safety grounds could be sustained. The proposed development is therefore 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

The proposed development is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework and therefore no amendments were requested.

KEY ISSUES

Full planning permission is sought for a change of use of a public house known as The Crown Inn, Silverdale, to a 12-bedroom HMO, with some minor external alterations. The application

site is located within the to the settlement of Silverdale as indicated on the Local Development Framework Proposals Map. The building is also locally listed.

The Newcastle-under-Lyme Borough Council Final Draft Local Plan (Regulation 19 version) and its supporting documents were submitted for public examination on the 20 December 2024. Following the examination hearings, the Council consulted on several main modifications to the emerging Local Plan in late 2025. Responses to the consultation on the modifications proposed have now been shared with the Inspector and the Council awaits further information on the next steps of the examination process.

Policies, alongside the schedule of Main Modifications, in the emerging Local Plan are a material consideration in decision taking on planning applications. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 49 of the National Planning Policy Framework, as follows:-

“49. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

As the Local Plan is at an advanced stage with a focused consultation on Main Modifications from the examination process then moderate to significant weight can be attributed to individual policies dependent on the extent of changes to the Local Plan.

The Lead Local Flood Authority has confirmed that they raise no objections to the proposal, subject to a condition requiring that the existing floor levels of the building are retained as per the exiting arrangement. The key issues to consider in the determination of the application are therefore;

- Is the principle of development acceptable?
- Design and visual impact,
- Impact on neighbouring properties,
- Parking and highway safety,
- Planning balance,
- Other matters.

Is the principle of development acceptable?

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.”

Paragraph 12 of the NPPF states that “Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Paragraph 124 of the Framework states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The application site falls within a central location of Silverdale.

CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

Policy H1 of the Newcastle Local Plan (NLP) seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

CSS Policies SP1 and ASP5, and Local Plan Policy H1 are concerned with meeting housing requirements, and Inspectors in a number of previous appeal decisions, have found that these policies do not reflect an up to date assessment of housing needs, and as such are out of date in respect of detailed housing requirements by virtue of the evidence base upon which they are based.

As referred to above, the Council's Draft Local Plan has now reached the main modifications stage of the examination process. The policies from the emerging plan most relevant in determining this application are considered to be Policies PSD1, PSD2 and PSD3.

Policy PSD1 (Overall Development Strategy) of the emerging Local Plan sets out the housing targets for the Borough over the plan period of 2020 to 2040, with a target of 8000 homes in total equating to 400 dwellings per annum. Policy PSD2 (Settlement Hierachy) notes that the town of Newcastle-under-Lyme is the key strategic centre of the Borough containing the largest range of services and facilities, retail, sport and leisure, economic and residential areas, sustainable transport connections and accessible public open space. Further to the above the policy notes that development proposals should maximise the use of existing resources and infrastructure to allow jobs, homes and other facilities to be located close to each other and be accessible by public transport. Development proposals should recognise the distinct character of individual areas within the town. As the strategic direction of these policies has already been established in principle, the policies can be given significant weight in the determination of current planning applications.

Policy PSD3 (Distribution of Development) sets out the level of Distribution for housing development within the Borough and identifies that the strategic centre of Newcastle-under-Lyme is expected to accommodate in the order of 5,200 new homes. This policy has been amended to take account of allocations removed from the Local Plan by the Inspector; moderate weight should therefore be applied to this policy.

Paragraph 11 of the Framework states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

(Para 11(d))

The application site is located within a central location of Silverdale and would make use of an existing building whilst also providing a good contribution to the Council's housing supply and would therefore conform with the requirements of policies PSD1, PSD2 and PSD3 of the emerging local plan, and policy SP1 of the Core Spatial Strategy.

Whilst the proposal is considered to be in a sustainable location for residential development, as the site would result in the loss of a community facility then saved policy C22 of the 2011 Local Plan and Policy IN5 of the emerging Local Plan must be considered.

Saved Policy C22 states that when considering applications for development that would involve the loss of an important community facility, the need for the facility and the likelihood of its being able to be replaced will be a material consideration. Where the community facility is a commercial enterprise, planning permission for alternative use may not be given unless the applicant can demonstrate that the business is not commercially viable.

Policy IN5 of the emerging Local Plan notes that development resulting in the loss of an existing community facility, or land allocated for such purpose, will be assessed on merit and only be permitted where:

- a. the buildings or land are no longer fit for the purpose which they were being used due to size, layout, design and condition and that no alternative community use can be found;
- b. there is no longer a need or demand for the facility or it's no longer viable;
- c. where there is recognised need, alternative provision can be made on another site to the same or higher standard in terms of quantity, quality and community benefit; or
- d. the current use will be retained and enhanced by the development of a small portion of the development site.

Following the examination period the addition of a new criterion requiring developer contributions resulted in a substantive change to this policy, and so the modified policy carries moderate weight only.

Details provided with the application note that the public house has fallen into decline in the last few years due to a combination of issues such as business competition, changes in social habits nationally and the cost-of-living crisis. The public house has been fully marketed for 2 years but no sale has been secured. Officers accept that the evidence provided with the application demonstrates that the use of the property as a public house is no longer viable.

Silverdale does contain a number of other public houses such as The Bush, the Vine Inn and The Roebuck, which are all within accessible locations within the settlement. Given that the use of the site as a public house is no longer viable, and the fact that there are other public houses within traveling distance from the site which can offer similar services to the previous use of the site, then the proposal is considered to meet the requirements of saved Policy C22 of the LP and Policy IN5 of the emerging Local Plan.

The proposed development is therefore considered acceptable in principle subject to any benefits outweighing any identified harms.

Design and visual impact

Paragraph 131 of the National Planning Policy Framework (the 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.

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 Council's Core Spatial Strategy 2006-2026 requires that the design of the development is respectful to the character of the area.

Policy PSD7 (Design) of the emerging 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*

Following the public examination hearings, only minor modifications have been made to these policies, however given the fact that these policies may be modified before the Local Plan is fully adopted, only moderate weight can be given to the requirements of this policy.

Policy SE9 – Historic Environment – states that:

1. *“Proposals will be supported where they conserve and, where appropriate, enhance the significance of the Borough's heritage assets and their settings. Great weight will be given to the conservation of designated heritage assets.*
2. *Proposals that will lead to harm to, or loss of the significance of, a designated heritage asset will require clear and convincing justification.*
3. *Where a proposal will result in less than substantial harm to a designated heritage asset, this harm will be weighed against the public benefits of the proposal. Substantial harm to, or the total loss of significance of, a designated heritage asset will be refused unless this harm or loss is outweighed by substantial public benefits, or the specific criteria in NPPF paragraph 207 apply.*
4. *The effect of a proposal on the significance of non-designated heritage assets will be considered. In weighing applications, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset.”*

Policy SE9 and its supporting text have been completely replaced. As such, only *limited* weight can be afforded to this Policy.

The application property is a two storey traditionally designed and attractive red brick detached building which sits close to the highway of Crown Street. A more modern single storey extension has been added to the western elevation of the building which runs adjacent to

Silverdale Park. The building is locally listed and in its current form adds to the quality of the street scene and local area.

The only external changes proposed are the resizing of the windows on the west (courtyard) elevation, which is being proposed to allow for an improved internal layout. The changes proposed are considered to be modest and would not result in any noticeable change to the building's character and appearance. The Conservation Officer notes that they have no objections in principle to the proposal and notes that whilst it would be beneficial to retain any historic murals or signage regarding the pub, these appear to have already been lost.

To conclude, the visual impacts of the proposal are considered to be acceptable and to conform with the requirements of Policy CSP1 of the Core Spatial Strategy and Policy PSD7 of the emerging Local Plan.

Impact on neighbouring properties

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.

Policy PSD6 (Health and Wellbeing) of the emerging local plan notes that the council will support development that fosters safe, healthy and active lifestyles and that new housing should provide opportunities for healthy living and maintained independence and promote mental wellbeing through the encouragement of safe and accessible walking and cycling, access to services. Moderate weight can be applied to the policy.

Policy HOU3 (Housing Standards) of the emerging local plan requires that all new residential homes (including conversions) will be provided to Part 4(2) standard (Accessible Adaptable Dwellings) set out in Building Regulations and the Nationally Described Space Standards (NDSS) (size) or the Building Control space standard relevant at the time of determining the application. Significant weight can be given to this policy.

Policy HOU7 (Homes in Multiple Occupation) of the emerging local plan sets out a number of criteria which new HMO's must adhere to such as the requirement for them to provide appropriate space standards, amenity areas and parking cycle facilities. Significant weight can be given to this policy.

Policy SE12 (Amenity) of the emerging local plan notes that development proposals should demonstrate they will not result in unacceptable harm to the amenities of existing or future residents, businesses, or sensitive uses in the vicinity. Development that would have an unacceptable adverse impact on existing amenity will not be permitted. Following the local plan examination process, amendments have been made to the wording of this policy and therefore it can be given moderate weight only at this time.

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on new dwellings including the need for privacy, daylight standards, and environmental considerations.

The proposed kitchen and bedrooms would be of an appropriate size in terms of floor space and would exceed the minimum size requirements per unit as required by national standards. All bedrooms would also have an acceptable level of daylight and those positioned adjacent to the north and east elevations of the property would have a good level of outlook onto Crown Street and Brook Street, with windows on the east facing onto Silverdale Park. There are no bedrooms which would face towards the neighbouring residential properties to the south of the site.

With regards to privacy, all bedroom windows on the first-floor level would not be at risk of overlooking from nearby properties. Whilst the ground floor bedrooms would have a lesser level of privacy due to the adjacent highways and park, a condition can be used to ensure that the lower halves of the windows are obscure glazed, which would offset any disturbance from pedestrian movements.

The HMO would benefit from a small private outdoor amenity area, and it is located directly adjacent to Silverdale Park.

Noise and anti-social behaviour are not inherent with the type of use proposed, and no evidence has been provided to demonstrate why the proposal would generate adverse levels of noise or cause issues relating to anti-social behaviour in the area. Furthermore, the property is detached and set away from nearby properties allowing for a good level of separation distance which would soften any potential noise from the property. Significant weight must also be given to the fact the lawful use of the property as a public house has a far greater potential to generate both noise and anti-social behaviour than the use proposed in this application.

Whilst Staffordshire Police have requested that a condition is applied requiring that the HMO is not used as probation housing, it is not considered that this is relevant to planning and therefore falls beyond the scope of this report.

Members' attention is brought to an appeal against an 8 bedroomed HMO on Underwood Road in Silverdale which was refused in 2023 on the grounds of impact of nuisance. The appeal was allowed with an associated costs award on the grounds that the Inspector considered that the LPA had failed to provide any evidence to demonstrate why a HMO would cause issues of noise or other forms of nuisance simply due to the nature of the use.

The Council's Environmental Health Team have raised no objections to the development subject to a condition which would secure appropriate internal and external noise levels at the property, in accordance with the mitigation methods proposed in the submitted Noise Impact Assessment. Subject to this condition it is considered that the proposal is acceptable in respect of amenity.

Whilst the Environmental Health Team has requested that details of bin storage areas be provided prior to first occupation, the proposed plans have already demonstrated where this area would be within the site. A condition will however be used to ensure that the storage area be retained for the lifetime of the development and be provided prior to the first occupation of the scheme.

Parking and highway safety

At paragraph 115 the NPPF indicates that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy IN2 (Transport and Accessibility) of the emerging plan sets out that new development should make appropriate provision for access by sustainable modes of transport to protect the integrity of the highway network and the Council will work with developers to ensure that development proposals which contribute towards an accessible, efficient and safe transport network that offers a range of transport choices and improves accessibility through sustainable modes of travel will be supported. Moderate weight can be given to this policy at this time.

Policy IN3 (Access and Parking) of the emerging local plan states that appropriate levels of parking provision should be made in accordance with the standards contained within Appendix

3 (Parking Standards), but the policy also recognises that a departure from these standards may be justified on a case by case basis. The policy does not require any changes following the local plan examination period and can therefore be given significant weight.

The Council's parking standards require that for HMO use, 0.5 spaces should be provided per bedroom, meaning that the proposals should provide 6 off street parking spaces. Whilst the site has no dedicated parking, it is important to note that the use of the site as a public house would also have had no parking provision and that parking standards for public houses are set as 1 space per 6m² which would equate to a far higher parking requirement than the 6 needed for this proposal. Furthermore, there is ample street parking available in the surrounding area, particularly along Brook Street which is a highway leading to Silverdale Park which does not serve any other nearby properties.

The Highway Authority has requested that details of cycle storage areas be provided prior to first occupation which can be secured through a condition. They have raised no objections to the proposal on highway grounds. The application site lies within a highly sustainable area which has good access to a number of car parks and public transport services, and whilst the lack of off-street parking weighs against the proposal, the existing lawful use of the property could generate similar, if not greater levels of vehicular movements, than the proposed HMO use.

Due to the above, and in the absence of any objections from the Highway Authority, it is not considered that a refusal on highway grounds could reasonably be sustained by the Local Planning Authority.

Planning Balance

The application site is located within a highly sustainable area of the Borough and there are no planning matters related to the development on which a refusal could be sustained. The application should therefore be approved.

Other Matters

Concerns have been raised by local councillors and the Parish Council about the number of HMOs in the area and how this will impact community cohesion and the character of the area. While there are 4 registered HMOs within 200m of the site, all of which are located on Newcastle Street, these are likely to have been completed under permitted development, which allows for residential dwellings falling under class C3 (Dwellinghouse) to be converted to Houses of Multiple Occupation of 3-6 residents (use class C4) without planning permission

Given the above it is therefore difficult to sustain an argument that there is a significant number of HMOs in this part of Silverdale.

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 Development Plan relevant to this decision:

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (Adopted 2009)

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Policy CSP1: Design Quality

Policy SP1: Spatial Principles of Targeted Regeneration

Policy SP2: Spatial Principles of Economic Development

Newcastle under Lyme Local Plan 2011

Policy H1: Residential Development: Sustainable Location and the Protection of the Countryside

Policy C22: Protection of Community Facilities

Policy T16: Development – General Parking Requirements

Other Material Considerations include:

National Planning Policy Framework (2024)

National Planning Practice Guidance (2024)

Newcastle-under-Lyme Emerging Local Plan (2020-2040 at Main Modifications Stage)

Policy PSD1: Overall Development Strategy

Policy PSD2: Settlement Hierarchy

Policy PSD3: Distribution of Development

Policy PSD6: Health and Wellbeing

Policy PSD7: Design

Policy HOU3: Housing Standards

Policy HOU7: Homes in Multiple Occupation

Policy IN2: Transport and accessibility

Policy IN3: Access and Parking

Policy IN5: Provisions of Community Facilities

Policy SE9: Historic Environment

Policy SE12: Amenity

Supplementary Planning Guidance

Space around Dwellings SPG (2004) - Supplementary Planning Guidance relating to the control of residential development

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

Relevant Planning History

15/00493/FUL - Proposed residential development consisting of 6 apartments – permitted

Views of Consultees

The **Conservation Officer** raises no objections to the proposal, but notes that any original signage associated with the pub should try to be retained.

The **Lead Local Flood Authority** raise no objections to the proposal subject to the existing floor levels being retained a per the existing arrangement.

The **Environmental Health Team** have raised no objections to the proposal subject to conditions relating to construction hours, internal noise levels and ventilation details.

The **Housing Strategy Section** states that the owner will need to comply with relevant HMO requirements and building regulations.

The **Highway Authority** raise no objections to the proposal, subject to a condition requiring cycle storage provision.

Silverdale Parish Council objects to the proposal on the basis that proposal would have an impact on the community, and that a parking assessment should be completed. The PA also consider the proposal to have an adverse impact on local heritage and that there is no additional need for HMOs in this area.

Staffordshire Police have provided guidance on a number of security matters and requested a condition that stating that the HMO is not used for Probation Housing.

The **Landscape Development Section** have no objections.

No comments have been received from the **Waste services Team**.

Representations

Six (6) objections have been received, two of which are from local councillors. The concerns raised are summarised below:

- Concentration of HMOs in the area
- Lack of parking
- Traffic increase
- Waste collection
- Strain on infrastructure
- Anti-social behaviour and noise nuisance
- Community cohesion
- Loss of House Value

A comment in support of the application has also been provided by the applicant which sets out key points on how the HMO would be managed and how concerns of local councillors and residents have been taken into account.

Officers note that loss of property value is not a material planning consideration and therefore falls beyond the scope of this report.

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/26/00022/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

13 April 2026

26/00022/FUL
Crown Inn
Brook Street
Silverdale



382200

382300

346700

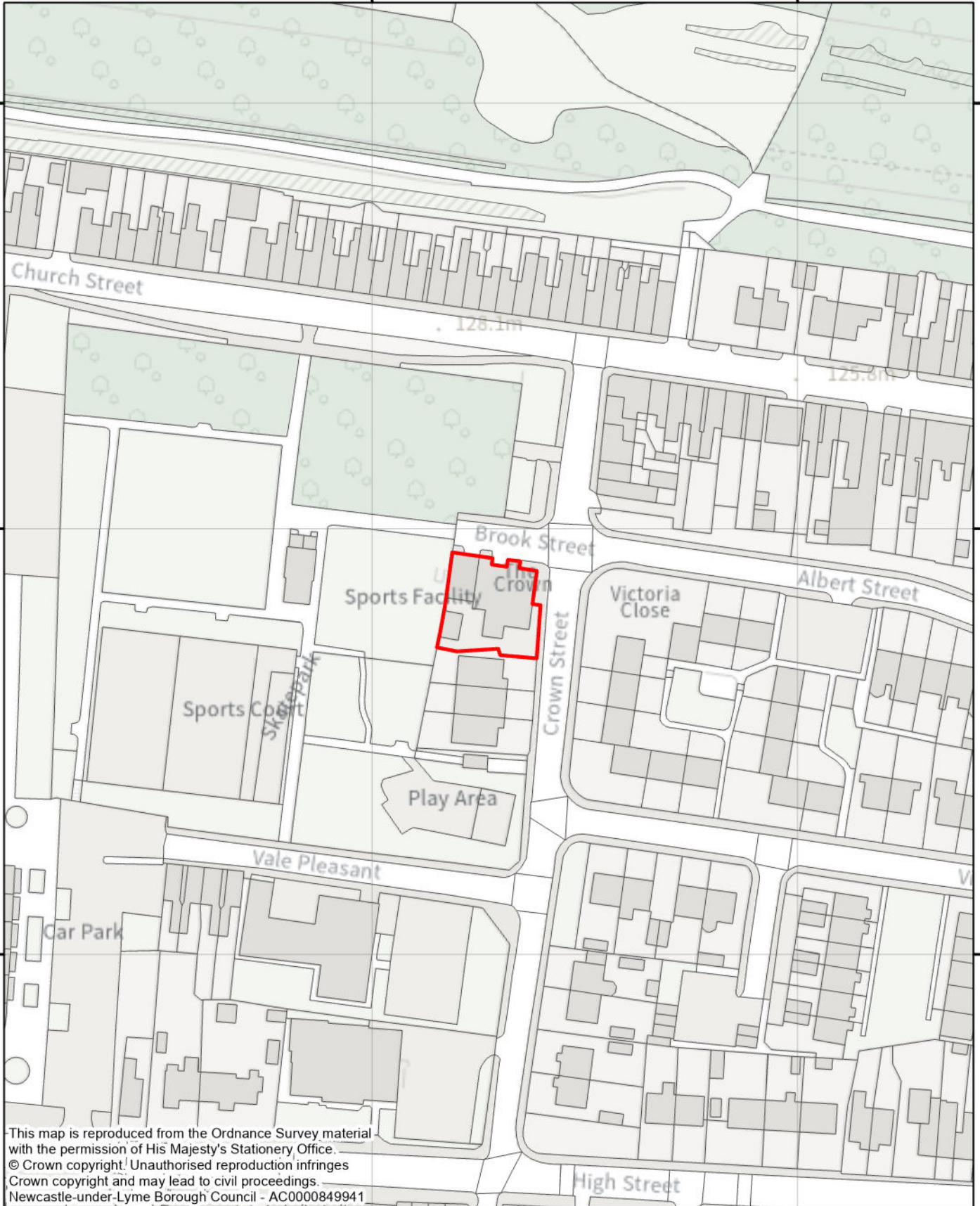
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Page 33

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**LAND ADJACENT FAIRGREEN ROAD, BALDWINS GATE
MR AND MRS DAVIES**

26/00192/FUL

Planning permission is sought for the removal of condition 11 of 24/00833/OUT, which is an outline permission with all matters reserved for 9 self-build dwellings at Fairgreen Rd, Baldwin's Gate, approved in September 2025. Condition 11 is a requirement that the properties meet the definition of being self/custom build homes.

The application site is located within the open countryside and falls within an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The application has been called in on the basis that the removal of the self-build condition impacts the overall planning balance of the original scheme.

The 8-week period for the planning application expires on the 1st May 2026.

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:

- 1. Removal of condition 11**
- 2. Any other conditions which are still relevant to the original decision**

Reason for Recommendation

Notwithstanding the removal of the self/custom-build stipulation, it is considered that the benefits of the scheme still significantly and demonstrably outweigh the identified harms. On this basis planning permission should be granted subject to the removal of condition 11, and subject to the imposition of any other conditions which still remain relevant.

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 considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

Outline planning permission was granted in September 2025 for 9 self-build dwellings at land off Fairgreen Road in Baldwin's Gate (Ref: 24/00833/OUT). This application now seeks to remove condition 11 of the permission which requires the dwellings to be constructed as self-build properties. The application site is located within the open countryside and falls within a Landscape Restoration Area as indicated on the Local Development Framework Proposals Map.

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.

All technical matters were addressed in the determination of the original outline application and therefore the main issue for consideration is whether the removal of the condition limiting the construction of the dwellings to self-build purposes would impact the overall planning balance and the acceptability of the principle of development.

Paragraph 11 of the NPPF states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

(Para 11(d))

As was the case at the time of determination of the original application, the Council is unable to demonstrate an up-to-date housing supply and therefore the tilted balance approach as outlined in Paragraph 11(d) needs to be engaged. An assessment is therefore required of whether removing the requirement for the dwellings to be self-build would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

In identifying the harms of the scheme originally, it was considered that the proposal would result in some localised visual harm which was given moderate weight in the planning balance, and the loss of a small strip of agricultural land which should be given limited weight. With respect to the benefits of the scheme, it was considered that the provision of 9 dwellings, which would make a contribution towards the Borough's housing supply, should be given substantial weight and that the contribution towards the self-build/custom housing should be given significant weight.

It is acknowledged that the removal of the condition would result in the loss of the benefit of a contribution to self-build/custom housing. However, the provision of new homes in a sustainable location, particularly in the context of a development plan that is not up to date in terms of housing need and where a suitable supply of housing cannot be demonstrated, is attributed substantial weight. Given the limited harms identified, It remains the case that the benefits of the proposal significantly and demonstrably outweigh any harms associated with the development.

It is important to note that other recently approved housing schemes within Baldwin's Gate have not been limited to self-build only.

While residents and the Parish Council have raised concerns that the removal of the self-build requirement reduces flexibility for potential buyers, this is an outline planning permission and as such the final details of the house types are not yet known. Furthermore, there is no requirement for affordable housing provision within the scheme, and this remains unaltered as a result of this current application.

The removal of the condition is therefore considered to be acceptable in principle and planning permission should be granted.

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.

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

Officers have considered the proposal with regard to the provisions of the National Planning Policy Framework; however, the proposal is not considered to be a sustainable form of development.

Appendix

Policies and proposals in the Development Plan relevant to the Full planning application decision:

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009)

- 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 CSP3: Sustainability and Climate Change
- Policy CSP4: Natural Assets
- Policy CSP5: Open Space/Sport/Recreation
- Policy CSP6: Affordable Housing

Newcastle-Under-Lyme Local Plan 2011

- Policy H1: Residential Development: Sustainable Location and Protection of the Countryside.
- Policy N3: Development and Nature Conservation – Protection and Enhancement Measures.
- Policy N4: Development and Nature Conservation – Use of Local Species.
- Policy N8: Protection of Key Habitats.
- Policy N14: Protection of Landscape Features of Major Importance to Flora and Fauna.
- Policy N17: Landscape Character - General Considerations.
- Policy N21: Areas of Landscape Restoration
- Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities.
- Policy T16: Development General Parking Requirements

Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Area

- Policy NE1: Natural Environment
- Policy NE2: Sustainable Drainage
- Policy COM2: Designation of Local Green Spaces
- Policy DC1: Local Heritage
- Policy DC2: Sustainable Design
- Policy DC3: Public Realm and Car Parking
- Policy DC4: Connectivity and Spaces
- Policy DC5: Impact of Lighting
- Policy DC6: Housing Standards
- Policy DC7: Renewable Energy
- Policy HG1: New Housing
- Policy HG2: Housing Mix

Other Material Considerations

Draft Emerging Newcastle-under-Lyme Local Plan 2020-2040 (at Main Modifications Stage)

- Policy PSD1: Overall Development Strategy
- Policy PSD2: Settlement Hierarchy
- Policy PSD3: Distribution of Development

Policy PSD4:	Development Boundaries and the Open Countryside
Policy PSD6:	Health and Wellbeing
Policy PSD7:	Design
Policy IN2:	Transport and accessibility
Policy IN3:	Access and Parking
Policy SE8:	Biodiversity and Geodiversity
Policy SE10:	Landscape
Policy SE11:	Trees, hedgerows and woodland
Policy SE12:	Amenity

Relevant National Policy Guidance:

National Planning Policy Framework (2024)
Planning Practice Guidance (2024 as amended)

Supplementary Planning Guidance

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Planning History

16/01101/FUL - Demolition of existing buildings, erection of 97 houses and 2 bungalows, access, parking and amenity space – refused

17/01024/FUL - Demolition of existing buildings, erection of 97 houses, access, parking and amenity space (Revised Proposal) – refused

24/00833/OUT - Development of up to 9 no. serviced plots for self-build and custom housebuilding (all matters reserved except access) and New Public rights of way link – permitted

Views of Consultees

Whitmore Parish Council objects to the proposal on the basis that the removal of the condition undermines the Council's housing mix, lacks justification and could set a precedent.

Representations

30 letters of objection have been received which raise the following concerns:

- The requirement that the properties were self-build added significant weight into the planning balance in the original decision.
- Removal of self-build requirement reduces more flexible options for potential buyers
- Proposal conflicts with local and national policy intent
- Risk of setting a precedent

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/26/00192/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

17 April 2026

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
28th April 2026

Agenda Item 7

Application Ref. 26/00192/FUL

Land adjacent Fairgreen Road, Baldwins Gate

Since the publication of the main agenda report, a further objection letter has been received, which raises the following concerns:

- The proposal would result in a material change to the scheme which impacts the principle of development and should be refused on the basis that no self/custom housing is being provided.

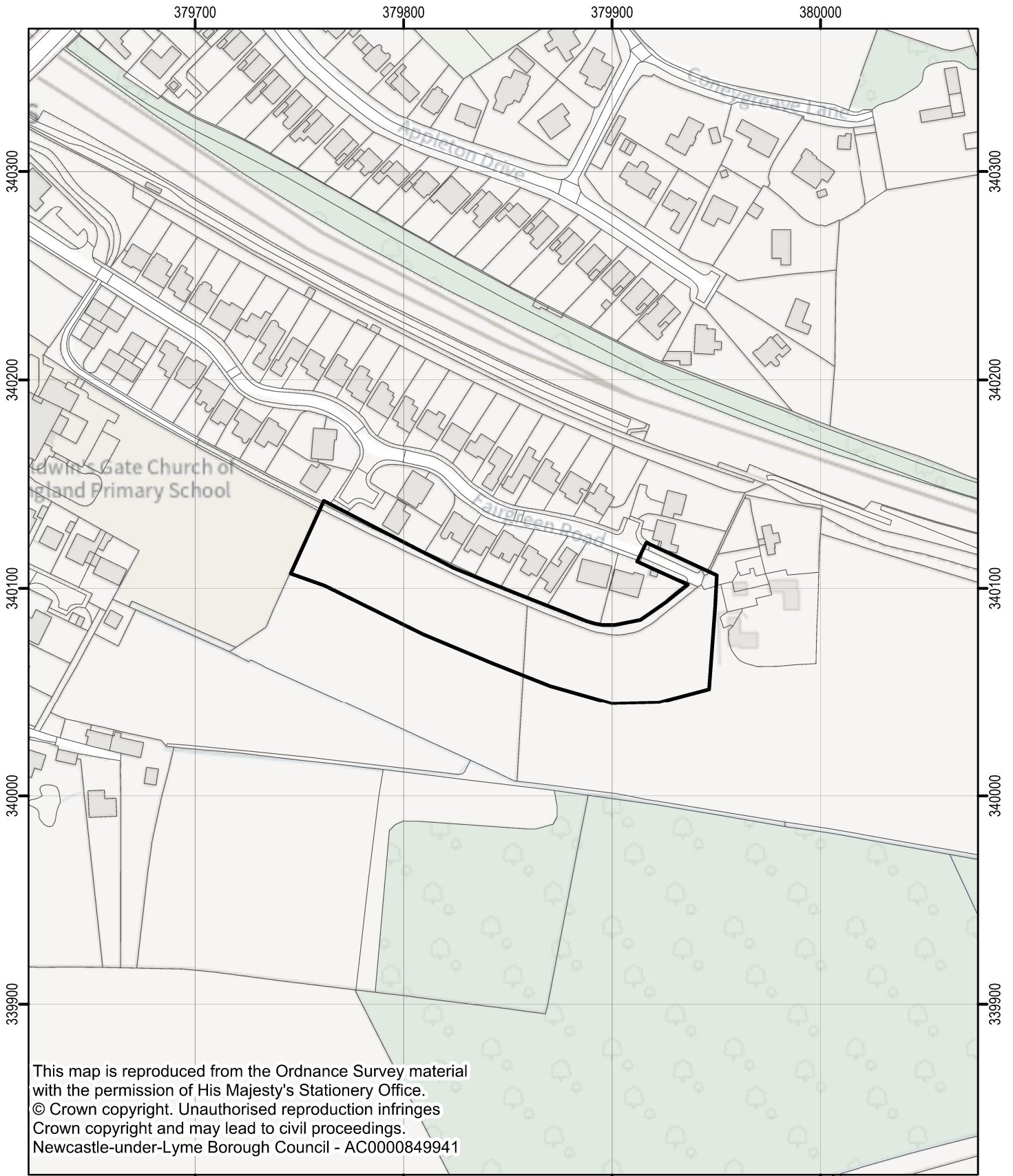
Officer's comments

The concerns raised in the objection letter have been assessed in full within the main agenda report.

The recommendation remains as set out in the main agenda report.

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26/00192/FUL
Land adj Fairgreen Road
Baldwins Gate



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Newcastle-under-Lyme Borough Council - AC0000849941

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5 BOGGS COTTAGE, KEELE, reference 14/00036/207C3

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 3rd January 2019 (since repeated), of the progress in relation to the taking of enforcement action against a breach of planning control at this location.

RECOMMENDATION

That the information be received.

As previously reported, the Planning Inspectorate has allowed the appeal and the enforcement notice has been quashed. Therefore, planning permission has been granted for the use of a mobile home on the land as a dwelling, subject to a number of conditions that now need to be complied with.

Conditions 3 & 4 of the appeal decision required information to be submitted to the Local Planning Authority for approval within three months of the date of the decision i.e. by the 20th March 2023. This information relates to drainage details, provisions for facilities for water and sewerage, provision of parking spaces (Condition 3) and details of a scheme to restore the land to its condition before the development took place (Condition 4).

Details to discharge conditions 3 and 4 were subsequently submitted in accordance with the agreed timeline. Whilst approval was given to Condition 4 site restoration, the drainage details were refused following consultation advice received from Severn Trent Water.

A copy of the appeal decision can be viewed via the following link; <https://www.newcastle-staffs.gov.uk/BoggsCottage>

The existing mobile home on the site has been demolished and the site cleared. Dialogue continues with the owner of 5 Boggs Cottages regarding occupation of the site and other potential works/development. Officers have met with the owner and emphasised that the occupation of a new mobile home would require full compliance with the conditions attached to the appeal decision i.e. drainage matters to be addressed to the satisfaction of the Council.

Date report prepared – 20 April 2026

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