

INTERNATIONAL HOUSE, STUBBS GATE, NEWCASTLE-UNDER-LYME
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

25/00333/DEEM3

The application seeks full planning permission for the variation of conditions 2, 6 & 7 of planning permission 24/00475/DEEM3 (Change of use for an existing office building to a Homeless Hub and HMO shelter for homeless people).

The site lies within the Town Centre of Newcastle as defined on the Local Development Framework Proposals Map and is within a Town Centre Housing Area in the Newcastle Town Centre Supplementary Planning Document.

The statutory 8-week period for the determination of this application expires on 20 June 2025.

RECOMMENDATION

Permit, subject to the following: -

- 1. Variation of Condition 2 to refer to the revised plans**
- 2. Variation of Conditions 6 and 7 to require compliance with the recommendations of the revised Noise Impact Assessment**
- 3. All other conditions of 24/00475/DEEM3 that remain relevant**

Reason for Recommendation

The principle of the proposed use has been accepted with the approval of the previous application. The proposed revisions raise no highway safety or residential amenity issues, and the limited external amendments would have no adverse impact on the character and appearance of the area.

Statement as to how the Local Planning Authority has worked with the applicant 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.

KEY ISSUES

Full planning permission was granted last year for the change of use of this office building to a Homeless Hub and HMO shelter for homeless people (Ref. 24/00475/DEEM3). This application seeks full planning permission for the variation of conditions 2, 6 & 7 of that planning permission. Condition 2 lists the approved plans, condition 6 relates to compliance with a Noise Impact Assessment and condition 7 relates to use of external plant.

The site lies within the Town Centre of Newcastle as defined on the Local Development Framework Proposals Map and is within a Town Centre Housing Area in the Newcastle Town Centre Supplementary Planning Document.

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.

Condition 2 list the approved plans. Limited changes are proposed to the elevations including the omission of two ground floor windows and a door on the south-eastern elevation, the addition of a vent at first floor level and omission of two high-level windows on the south-western elevation and some minor changes to the fenestration on the courtyard elevations to adhere to current fire regulations.

The proposed amendments are minimal and therefore, there would be no impact on the character and appearance of the area.

Condition 6 states as follows:

The glazing and ventilation systems to be used shall be those recommended within chapter 9 of the Noise Impact Assessment, dated 17th June, 2024, which was submitted in support of the application.

A revised Noise Impact Assessment has been submitted which has been considered by the Environmental Health Division (EHD). They are satisfied with its conclusions and therefore the wording of Condition 6 can be revised to refer to the amended report.

Condition 7 states as follows:

Prior to operational use of any external plant within the plant area shown upon plan 1272-12 Rev C, an assessment shall be made of the attenuation provided by the boundary wall and any additional enclosure of the plant area. Where the overall attenuation provided is insufficient to ensure that noise rating arising for the operational of the plant does not exceed the background noise level by +5, or more, is obtained within the gardens (or at the windows of the rear facades) at any property at Hatrell Street, details of any noise mitigation measures necessary to achieve this shall be provided to the Local Planning Authority for approval. The approved mitigation measures shall then be implemented and maintained thereafter.

The revised Noise Impact Assessment includes an assessment of the attenuation referred to in Condition 7. Given that the EHD is satisfied with the conclusions of that Assessment, no further submission is required. The wording of Condition 6 can be revised to require the development to be carried out in accordance with the recommendations of the amended report.

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 and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision: -

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

Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements

Other material considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (PPG) (as updated)

Supplementary Planning Guidance/Documents

Newcastle Town Centre SPD (2009)

Relevant Planning History

24/00475/DEEM3 Change of use for an existing office building to a Homeless Hub and HMO shelter for homeless people – Approved

Views of Consultees

The **Environmental Health Division** has no objections to the measures outlined in the Noise Impact Assessment Report.

Staffordshire Police has no objections subject to a number of recommendations regarding security.

Representations

Three letters of objection have been received. Objections are made on the following grounds:

- Unsuitable location for the proposed use due to proximity to a pub, a convent, dense housing, the Lyme Trust facility, the subway and a supermarket
- Impact on property value

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website via the following link: -

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00333/DEEM3>

Background Papers

Planning File
Development Plan

Date report prepared

5 June 2025