

Full planning permission is sought for the variation of conditions 2 and 9 of planning permission 24/00202/FUL (change of use and side extensions to Morston House to provide student only living accommodation in the form of 126 studios) to seek approval for amendments to the approved plans.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The 13-week period for the determination of this application expires on 8 September 2025.

RECOMMENDATION

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

- 1. Variation of conditions 2 and 9 to refer to the revised plans**
- 2. Substation doors shall not open outwards onto the highway**
- 3. Submission of details of servicing of the substation**
- 4. Any other conditions which are still relevant to the original decision**

Reason for Recommendation

The proposed variations would have no adverse impact on the form and character of the Conservation Area, the setting of any listed buildings or on highway safety.

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 was granted earlier this year for the change of use and side extensions to Morston House to provide student only living accommodation in the form of 126 studios, with new personnel entrance to The Midway with ancillary concierge, communal rooms, gym, laundry, cycle store and associated works including landscaping (Ref. 24/00202/FUL).

Permission is now sought for the variation of conditions 2 and 9 of that planning permission to seek approval for amendments to the approved plans. Condition 2 lists the approved plans and Condition 9 requires the works to be carried out in accordance with specific landscape/tree related documents.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

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.

The key changes proposed relate to maintenance access, internal efficiency, accessibility and fire safety, fenestration of the building, relocation of the site's new substation and changes to the trees and landscaping area.

Therefore, the key issues in the determination of the application are as follows:

- Impact on the form and character of the Conservation Area or the setting of nearby listed buildings
- Highway safety

Impact on the form and character of the Conservation Area or the setting of nearby Listed Buildings

The application site lies within the Newcastle Town Centre Conservation Area and close to the Grade II* Listed St Giles' Church.

In considering development affecting Listed Buildings, special regard will be given to the desirability of preserving the building, its setting or any features of special architectural or historic interest (Section 66, Planning [Listed Buildings and Conservation Areas] Act 1990).

Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

The NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

Saved Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a listed building.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) states in HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must: -

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.

- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

In approving the original scheme, it was concluded that the development would have no detrimental impact upon the Conservation Area or relevant settings of any surrounding Listed Buildings.

The approved scheme was to be predominantly finished in brickslip cladding with the new side infill extension finished in metal effect cladding, and the lower ground floor which would infill the undercroft car park, to be clad in light-coloured timber. A small sub-station was provided adjacent to Lower Street.

Although the approved scheme proposed the two elements of the building clad in different coloured brick-effect cladding, split by a copper-effect vertical band, the elevational drawings displayed a similar brick colour across both. The amended plans seek to refine the proposed materials and to more accurately reflect what is proposed.

The building would still be clad in bricks and metal panels, with copper cladding for the central section providing a contrast with the greys of the main building. The lower ground floor section would be refined by substituting the timber cladding for the same lighter cladding used for the new-build extension. This is considered to be a more robust product with greater aesthetic longevity.

The applicant states that the architectural elevations now illustrated provide a more authentic representation of the materials proposed.

The proposed materials are very similar to those presented informally following the approval of the original scheme. Your Officers prefer the warmer tones of the grey bricks previously proposed, but agreement of the precise details is already required via a condition of the previous approval.

The main change proposed from the approved scheme is in the fenestration. The applicant has stated that the design of the extant permission would have created compromised living conditions, with windows partly obscured by the existing structure. The revised proposal seeks to respond in a more considerate way, with the window frames proportioned and arranged to emphasise verticality in the façade creating an ordered aesthetic that complements the geometry of the building.

The other proposed revision is in the location of the substation. It was originally proposed to be accessed off Lower Street however the electricity provider have confirmed that they would be unable to access the substation in this location or in any other position along Lower Street due to the busy nature of Lower Street and lack of a safe working environment around that part of the site. It is therefore proposed to relocate the substation to the north-west of the site adjacent to The Midway.

An objection has been received expressing concern about the revised location and its impact on the Conservation Area and the setting of St Giles Church. The Conservation Officer raises no objections to the amendments and given the limited scale of the substation, it is not considered that there would be any adverse impact.

Overall, it is not considered that the proposed amendments to the scheme would have any adverse impact on the form and character of the Conservation Area or the setting of nearby Listed Buildings. The proposal would provide residential accommodation within an appropriate sustainable location and the introduction of student accommodation in this area should benefit the Town Centre, making it a more vibrant place.

On this basis the proposed development accords with the NPPF and the local planning policies and guidance set out above.

Highway safety

Overall, the Highway Authority raise no objections to the proposed amendments but because in its revised location the substation would be sited directly at the back of the adopted highway (footway) on The Midway, they state that it must be ensured that any access doors securing the structure do not

open outwards. In addition, they require details of how the substation would be serviced. These details can be requested via conditions.

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 CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

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

Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

Other Material Considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

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

[Newcastle Town Centre Conservation Area Appraisal \(August 2008\)](#)

[Relevant Planning History](#)

06/00827/COU	Change of use of ground floor from use as offices to part use for provision of consultancy services for mental health and part use for administration - Approved
17/00430/COUNOT	Prior notification of conversion of 1st, 2nd, 3rd and 4th floors from offices to form 48 no. residential units (B1a - C3) – Approved
19/00698/COUNOT	Prior notification of change of use of the existing Class B1 (a) (office) floorspace on 1st, 2nd, 3rd and 4th floors to Class C3 (residential) use as 92 studio flats – Approved
20/00264/COUNOT	Application for prior approval for change of use from offices (B1A) to residential (C3) – Approved
20/00282/FUL	Conversion of Lower Ground and Upper Ground Floors for Student Residential Development of 31 No Studio Flats – Approved
22/00300/FUL	Change of use and upward and side extensions to Morston House to provide student living accommodation in the form of cluster bedrooms (48) and studios (146), with new personnel entrance to The Midway with ancillary concierge, communal rooms, gym, laundry, cycle store and associated works including landscaping – Refused and dismissed at appeal
24/00202/FUL	Change of use and side extensions to Morston House to provide student only living accommodation in the form of 126 studios, with new personnel

entrance to The Midway with ancillary concierge, communal rooms, gym, laundry, cycle store and associated works including landscaping – Approved

Views of Consultees

The **Highway Authority** has no objections subject to the same conditions recommended for the previous application.

The **Conservation Officer** has no objections and considers that the scheme will make a positive contribution to the streetscene. However, the warmer hue of the grey bricks presented for the previous scheme is preferred.

The **Conservation Advisory Working Party** had no objections to the amendments and materials.

Historic England does not offer any advice.

The **Landscape Development Section** has no objections subject to conditions regarding tree protection.

Staffordshire Police **Crime Prevention Design Advisor** has no objections but makes a number of security recommendations.

No comments have been received from **Newcastle South LAP, Cadent, Housing Strategy**, the **Waste Management Section** and the **Environmental Health Division**. Given that the period for comment has passed, it must be assumed that they have no comments to make.

Representations

One letter of representation has been received raising concerns about the design and location of the proposed substation. It is considered that it would fail to enhance the Conservation Area and would adversely affect the setting of the listed St Giles Church.

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/25/00438/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

6 August 2025