

**35 CLAYTON ROAD, NEWCASTLE UNDER LYME**  
**ROBERT GASKELL**

**25/00485/FUL**

This application seeks permission for the redevelopment of the site at 35 Clayton Road, Newcastle to provide a pair of 3-bedroom, 2.5 storey, semi-detached houses.

The application has been called in to Committee due to concerns regarding access and car parking.

**The statutory 8-week period for the determination of this application expires on 2 September 2025. An extension of time until 11 September has been agreed with the applicant.**

**RECOMMENDATION**

**Permit, subject to the following conditions:**

- 1. Time limit**
- 2. Approved plans**
- 3. Facing/roofing materials**
- 4. Boundary treatments**
- 5. Construction environmental management plan**
- 6. Unexpected contamination**
- 7. Parking area to be constructed in a bound material**
- 8. Implementation of submitted landscaping scheme**
- 9. Tree protection**

**Reason for Recommendation**

The proposed development represents a high quality design and there would be no significant harm to the visual amenity of the area. All technical issues have been addressed including the impact on highway safety and the relationship with the adjoining car park serving Brookfields House. It is therefore accepted that the proposed development is a sustainable form of development that accords with the development plan policies identified and the guidance and requirements of the National Planning Policy Framework and should be approved.

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

The proposed development is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

**Key Issues**

This application seeks permission for the redevelopment of the site at 35 Clayton Road, Newcastle to provide a pair of 3-bedroom, 2.5 storey, semi-detached houses. Pedestrian and vehicular access to the units and their associated parking spaces would be through the adjacent residential home known as Brookfields House. These parking spaces have already been constructed for the use of No 35 Clayton Road and formed part of planning permissions 18/00693/FUL and 22/00990/FUL for the construction of the adjacent residential home.

Clayton Road is a predominately residential area, with a mix of residential properties of varying sizes, designs and styles. Although most houses benefit from off-street parking to the front of plots, there is some on-street parking along both sides of Clayton Road.

Consent has been given for the demolition of the existing building under application 24/00509/DEM and that approval is still extant.

The proposal would involve the retention of an existing hedgerow on the site, with the remaining part of the land currently occupied by the existing buildings/hardstanding. As such, the proposal is not required to secure a 10% increase in biodiversity net gain.

Taking account of the above background, the key issues in this case are:

- The principle of development;
- The impact of the proposal on highway safety/parking;
- Residential amenity;
- The effect of the proposal on the character and appearance of the area; and
- Planning Balance.

#### Principle of development

Policy SP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) states 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. The CSS goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution, and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

CSS Policy ASP5 states that in the Newcastle and Kidsgrove Urban Neighbourhoods Area there will be a minimum of 4,800 net additional dwellings within Newcastle, with the density of development to be balanced against the need to make more efficient use of land and provision of a range of housing types.

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))

The Council cannot currently demonstrate an up-to-date housing supply.

CSS Policies SP1 and ASP5, and Local Plan Policy H1 are concerned with meeting housing requirements and given that these policies do not reflect an up-to-date assessment of housing needs, they are considered to be out of date in respect of detailed housing requirements by virtue of the evidence base upon which they are based.

It is considered that the test in paragraph 11(d) has to be applied to this application given the lack of 5-year housing supply and lack of up-to-date policies in relation to the provision of housing. Therefore, the tilted balance outlined within Paragraph 11(d) of the framework is engaged and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

The site lies on Clayton Road within the main built-up area of Newcastle, to the south of the town centre on previously developed land. The surrounding area is predominately residential in character. Therefore, the development would contribute to meeting the housing need for the borough over the emerging plan period in a sustainable and accessible location which would help to boost the supply of homes in the borough. The consideration of whether any adverse impacts exist that would outweigh the benefits of the proposed scheme shall be considered later in this report.

#### Access, parking and highway safety matters

Both pedestrian and vehicular access to the proposed dwellings would be through the site of the adjacent residential home known as Brookfields House. The 4 parking spaces which are to serve the 2 new units have already been constructed under planning permission 22/00990/FUL for the construction of Brookfields House. Under the 2022 consent, these 4 spaces were to be set aside for the use of No 35 Clayton Road. As such, although residents of Brookfields House have raised concerns about the shared access arrangements, this arrangement has already been established through the 2022 consent. Moreover, the current application is unlikely to generate an intensification in the number of vehicle movements into and out of these parking spaces when compared with the former use of No 35 as an office.

Residents of Brookfield House have requested that a condition is imposed preventing occupiers of the new dwellings from utilising the adjacent car park serving the home. The proposal would provide appropriate parking provision for the proposed development, applying the Council parking guidelines, and therefore, such a condition is not considered necessary or reasonable. Furthermore, the Car Park Management Strategy for Brookfields House, approved under discharge of condition application 22/00990/CN11 makes clear that *“4 spaces are allocated for Number 35 Clayton Road and residents, staff, and visitors will be prohibited from parking in the spaces shown/labelled on the approved landscape plan”*.

Further concerns have also been raised by residents that parked vehicles on Clayton Road are restricting visibility for drivers emerging from the site, and that the approved visibility splays for Brookfields House are not being enforced. However, the Highway Authority is satisfied that appropriate visibility splays are provided at the site access for vehicles/pedestrians emerging from the access serving both the current application site and Brookfields House.

Given the above factors, it is considered that the proposed development would provide safe and suitable access to the site in accordance with the NPPF.

#### Residential amenity

Paragraph 135 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook.

The site lies within an established residential area. As the proposed semi-detached houses would directly replace the existing building on the site, would occupy a smaller footprint and would be no higher than the structure they are replacing, the development would not have an adverse impact on the outlook from, or daylight/sunlight received to, either No 33 Clayton Road directly to the north or Brookfields House to the south. Similarly, due to the orientation of the proposed properties and position of the main window openings, there would also be no undue overlooking of neighbouring dwellings.

In terms of the living environment for the proposed occupiers of the new dwellings, the internal layouts and external amenity areas provide sufficient, useable spaces for dwellings of this size, despite concerns raised by nearby residents in this regard.

#### Character and appearance

Paragraph 131 of the NPPF states that good design is a key aspect of development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 135 of the NPPF 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 CSS lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the revised NPPF.

The application site comprises a large 2 storey Victorian brick property which is currently vacant. This side of Clayton Road consists of a variety of housing types, designs and styles, including 2-storey detached, semi-detached and terraced housing, and a 4-storey residential home adjoining the site. Common design detailing includes front facing bay windows and dormer windows (No 35). These existing properties have a mix of pitched and hipped roofs, with the existing building on the application site taller than the adjacent 2 storey dwellings immediately to the north.

This application seeks to erect a pair of semi-detached 2.5 storey dwellings on the site. Given that the new dwellings would occupy a smaller footprint and be of a comparable height to the building they are replacing, and they would sit between existing 2 and 4 storey development, the proposed dwellings would respect the scale, form and proportions of the existing built form on this side of Clayton Road. Similarly, the simple pitched roof design, front facing bays and dormer windows also complement the design detailing of existing properties in the street. The dwellings would also be constructed from red multi facing bricks and grey roof tiles which would complement the surrounding environment. Thus, the proposed development would respect the character and appearance of the area, in accordance with the NPPF.

In terms of landscaping, the existing tree and hedgerow to the front and side of the site would be retained. As the new dwellings would be situated further away from these landscape features than the existing building which has consent for demolition, the existing tree and hedgerow would not be adversely affected, subject to a condition ensuring that the protection measures contained within the submitted Arboricultural Assessment are secured.

#### Planning Balance

As stated above, it is considered that the test in paragraph 11(d) of the NPPF has to be applied and an assessment of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, is required.

The provision of 2 additional dwellings would make a contribution towards the Borough's housing supply, 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. This benefit therefore must also be attributed substantial weight. In addition, it has also been demonstrated through the submission of technical details that despite the comments raised by interested parties, the proposal would raise no issues in respect of highway safety/access, residential amenity or impact on the character and appearance of the area. On this basis, planning permission should be granted, subject to the use of appropriate conditions.

#### 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

The scheme has been developed embracing good design and access and it is therefore 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 SP1	Spatial Principles of Targeted Regeneration:
Policy SP2:	Spatial Principles of Economic Development
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets

#### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4:	Development and Nature Conservation – Use of Local Species
Policy N12:	Protection of Trees
Policy N17:	Landscape Character – General Considerations

### **Other Material Considerations include:**

#### National Planning Policy Framework (2024)

#### Planning Practice Guidance (2024 as updated)

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

### **Relevant Planning History**

#### Application site

24/00509/DEM - Application for prior approval of the demolition of building (The Lodge) – Consent granted.

17/00194/OUT - Full planning permission for the demolition of Orchard House together with the conversion of No. 35 Clayton Road (previously offices) into four flats and B) Outline planning permission for the erection of up to 20 dwellings on the remaining part of the site – Approved.

#### Adjacent site

22/00990/FUL - Variation of condition 2 of planning permission 18/00693/FUL to substitute approved plans with revised plans to show an amended design of building, car parking layout, landscape and drainage design for specialist accommodation for the elderly comprising of 75 Residential apartments with care, communal facilities, parking and associated private amenity space for persons aged 55 and over - Approved

18/00693/FUL - Specialist accommodation for the elderly comprising of 75 Residential apartments with care, communal facilities, parking and associated private amenity space for persons aged 55 and over – Approved

### **Views of Consultees**

The **Highway Authority** raises no objections to the proposal subject to a condition requiring the parking area to be constructed in a bound material.

The **Landscape Development Section** raises no objections, subject to conditions regarding the tree protection measures being installed and no equipment stored in these areas.

The **Environmental Health Division** has no objections subject to conditions regarding hours of construction and unexpected contamination.

### **Representations**

2 representations have been received, raising the following concerns:

- Issues with safe access and egress onto Clayton Road from Brookfield House which shares the access with the proposed development;
- Existing parked vehicles on Clayton Road restrict visibility for drivers emerging from the access;
- The approved visibility splays for Brookfield House are not being enforced;
- Potential conflict between vehicles accessing the 4 car parking spaces for the new dwellings and the main car park for Brookfields House;
- A condition should be imposed ensuring that the occupiers of the new dwellings cannot use the adjacent car park serving Brookfields House;
- The bus stop on Clayton Road needs to be clearly marked;
- Limited amenity space for the occupiers of the dwellings;
- Not all residents of Brookfields House have been consulted on the application.

### **Applicant's/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/25/00485/FUL>

### **Background papers**

Planning files referred to

Planning Documents referred to

### **Date report prepared**

26 August 2025