

**LAND OFF LAMPHOUSE WAY, WOLSTANTON**  
**MR MARK ELLIS – MARKDEN HOMES**

**25/00552/FUL**

The application seeks to vary condition 2 of planning permission 22/00796/FUL (re-profiling of the existing site levels with the creation of development plateaus and associated drainage works and the development of 43 residential dwellings), to allow for changes to the site layout.

The application site, of approximately 1.39 hectares in extent, falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

**The statutory determination period for this application expires on the 22<sup>nd</sup> of October.**

**RECOMMENDATION**

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

- 1. Time limit**
- 2. Approved plans**
- 3. All other conditions that remain relevant to the original permission**

**Reason for recommendations**

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

**KEY ISSUES**

The application seeks to vary condition 2 of planning permission 22/00796/FUL (re-profiling of the existing site levels with the creation of development plateaus and associated drainage works and the development of 43 residential dwellings), to allow for the repositioning of plots 30 – 43.

The application site, of approximately 1.39 hectares in extent, falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

A previous application (reference 25/00131/FUL) to amend the layout was refused earlier this year due to Members' concerns that the use of unadopted highways would be discriminatory against any future occupants of the site with disabilities who may not be physically able to put out their refuse bins for collection. The applicant seeks to address this concern by providing an amended highway layout.

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 particular condition must remain unchanged from the original permission.

The proposal would not result in any additional impact on trees beyond the original scheme, and therefore the key issues in the determination of this application are:

- Impact on the character and appearance of the area
- Impact on residential amenity
- Highway safety and bin storage

#### Impact on the character and appearance of the area

Paragraph 131 of the National Planning Policy 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. Furthermore, paragraph 135 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.

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. In particular, Policy R3 states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it, exploiting existing site characteristics, such as mature trees, existing buildings or long views and incorporating them into the proposal. In addition, Policy R14 states that developments must provide an appropriate balance of variety and consistency.

Policy CSP1 of the Core Spatial Strategy (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 proposal would result in an altered layout to plots 30 – 43 which form the northern part of the site. The revised layout would be formed around a new T-shaped section of highway, as opposed to the more linear layout approved under the original permission. The number of detached, semi-detached and terraced properties would remain as originally approved, albeit with a different layout. Landscaping would be used to help to soften the overall visual impact of the proposal.

As with the original scheme, the existing trees located along the northern and eastern boundaries of the site and the new planting along the western edge will ensure the development has a strong defined boundary which would help to improve the spatial and visual relationship between the site and nearby existing properties. With regard to impacts on the wider landscape, the trees located to the north and east of the site along the A500 and close to the highway of Vale View would act as a visual buffer between the development and the more open landscape towards Stoke on Trent.

Overall, it is considered that the revised scheme is acceptable in terms of appearance and would comply with policies of the development plan, national policy and the urban design guidance.

#### Impact on 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. It further sets out at paragraph 185 that decisions should ensure that new development reduces potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.

The Council's Supplementary Planning Guidance (SPG) - Space Around Dwelling provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

There are existing residential properties to the south, west and north which share a boundary with the application site. Whilst the overall layout of the site would be altered as a result of this proposal, the layout and position of houses is still in accordance with the requirements set out in the Space Around Dwellings SPG. No objections have been received from local residents.

Whilst it is recognised that the new road layout would be a private road rather than an adopted highway, a detailed refuse plan has been submitted which demonstrates that the bin drag distances would comply with current building regulations guidance. In this respect the revised bin collection and storage details are considered to be acceptable.

On the basis of the above it is not considered that a refusal on amenity grounds could be sustained.

#### Highway safety and bin storage

Paragraph 110 of the NPPF states it should be ensured that safe and suitable access to the site can be achieved for all users; that appropriate opportunities to promote sustainable transport modes can be taken up; and, that significant impacts on the transport network or on highway safety can be mitigated.

Paragraph 111 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.

In response to the previous reason for refusal, the applicant has revised the highways layout so that a greater proportion of the scheme would utilise adopted highways, allowing a bin lorry to collect more bins from directly to the front of dwellings. In the previous application, of the 13 plots, only 6 houses were proposed adjacent to an adopted highway, with the others requiring bins to be stored up to 27m away. In this revised scheme, 8 dwellings would be situated directly adjacent to an adopted highway and the remaining 5 would be within 14m of an adopted highway.

The Highway Authority has raised no objections to the scheme.

The revised bin collection details are considered to be acceptable.

#### 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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change

#### 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 (March 2024, as updated)

#### Supplementary Planning Guidance/Documents

#### Space Around Dwellings SPG (SAD) (July 2004)

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

### **Relevant Planning History**

25/00131/FUL - vary condition 2 of planning permission 22/00796/FUL (re-profiling of the existing site levels with the creation of development plateaus and associated drainage works and the development of 43 residential dwellings), to allow for changes to the site layout – refused.

22/00796/FUL - Full planning application for proposed earthworks associated with the re-profiling of the existing site levels with the creation of development plateaus and associated drainage works and the development of 43 residential dwellings, comprising three and four bed 2 storey and 2.5 storey dwelling houses with ancillary parking and associated new road access – permitted

19/00301/OUT - (A) Full planning application for earthworks associated with the re-profiling of the existing site levels with the creation of development plateaus and associated drainage works; and (B) Outline planning application for the development of 64 residential (Class 3a) dwellings and flats, comprising two, three and four bed 2 storey dwelling houses and one and two bed apartments in two 3 storey blocks with ancillary parking and associated new access – permitted

A hybrid planning application was granted planning permission at appeal in 2001 on the adjacent land, reference 99/00918/FUL, for a new link road and residential development. A subsequent reserved matters application for the residential development (245 units) was permitted in 2002, reference 01/00943/REM. A series of other applications followed for the substitution of house types on certain plots

### **Views of Consultees**

The **Highway Authority** has no objections to the proposal but note that details of surface water drainage will need to be submitted.

The **Lead Local Flood Authority** note that details of surface water drainage will need to be submitted.

**National Highways** has no objections to the proposal.

Staffordshire County Council as the **Education Authority** has no objections to the proposal.

**Staffordshire Police** has provided guidance on a number of security matters

No comments have been received from the **Environmental Health Division**, the **Waste Services Team**, **Severn Trent Water**, the **Environment Agency**, **Staffordshire Wildlife Trust**, the **Landscape Development Section** or the **Housing Strategy Team**.

### **Representations**

One objection has been received from a local resident who raises concerns relating to the use of the site as a rat run and the increase of dust and mess from large construction vehicles.

### **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/25/00552/FUL>

### **Background Papers**

Planning File  
Development Plan

### **Date report prepared**

25 September 2025