

Full planning permission is sought for the 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.

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 18th December but an extension of time has been agreed to 9th January 2026.

RECOMMENDATION

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

- 1. Variation of condition 6 to amend the trigger for the provision of off-site highways works**
- 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 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.

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

Condition 6 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 50 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 off-site junction improvements 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 application is accompanied by a Technical Note that provides an update to the traffic capacity analysis for the two junctions referred to above. The intention of the assessment work is to determine whether the 50-dwelling threshold stated in Condition 6 can reasonably be extended before the mitigation works (signals) are necessary.

Traffic counts were undertaken at the A53/A51 junctions on 22nd October 2024 for the morning and evening peak periods (07:00-10:00 and 16:00-19:00, respectively). The assessment work demonstrates that the impact of 50 residential dwellings is negligible at both junctions, despite the baseline situation at the junction being at or beyond practical capacity. At 100 residential dwellings, the impact of the development is still low, with minimal increases in queueing and delay in both peak periods at both junctions. The Technical Note concludes that given that the impact of the development traffic at 100 dwellings could not be considered to be 'severe', Condition 6 could be amended to allow for the construction of 100 dwellings before the junction mitigation works are required.

The Highway Authority (HA) raises no objections to the amended wording of condition 6.

Both Maer & Aston Parish Council and Whitmore Parish Council, along with a number of residents have expressed concerns regarding the methodology of the Road Safety Audit (RSA) and Traffic Count (TC) carried out to inform both the original outline planning application for this development and the current application.

In relation to the original planning application, the Highway Authority had no concerns regarding the methodology of the RSA and TC and they accepted the findings of the Transport Assessment (TA). In refusing the application, the Council raised no objections on highway safety grounds and in allowing the subsequent appeal and imposing condition 6, the Inspector accepted the conclusions of the TA.

An updated traffic count has been carried out and on the basis of the submitted data, the HA has no objections to the revised trigger for provision of the off-site junction improvements. On this basis, it is considered that there would be no adverse impact on highway safety.

Notwithstanding the concerns raised by the Parish Councils and members of the public, given that there has been no material change in planning circumstances since the previous application was determined, it would be unreasonable for the Council to reach a different view now to that taken previously.

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

Views of Consultees

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

Maer & Aston Parish Council does not oppose the proposed variation and views this extension as an ideal opportunity for all stakeholders to collaborate in developing a safer solution for the road junctions at Blackbrook. Any permission granted should be subject to specific conditions requiring the applicant to undertake both a new Road Safety Audit and a comprehensive Traffic Count. Importantly, the scope of these assessments must include the adjacent diversionary lanes to ensure that all relevant safety and traffic considerations are thoroughly addressed.

The Parish Council requests that a specific planning condition be imposed on the applicant, requiring the completion of a new Road Safety Audit. Of particular concern is the audit's omission of a site visit to either Wharmadine Lane or Hungersheath Lane. Furthermore, the original audit did not compare and rank the potential hazards of permitting right turns at the new traffic signals, with those associated with the proposed diversionary routes.

The Parish Council expresses significant concern that the newly submitted traffic count data, which accompanies this application, continues to repeat the same omissions identified in the original traffic count data for 21/01041/OUT.

By failing to include the adjacent diversionary lanes, Hungersheath Lane, Wharmadine Lane, and Woodside, which are all well-established 'rat runs', in the traffic assessments, the volume of peak traffic on the A51 is overstated, while the peak flows from the A53 are understated. This is important, as the diversion routes will mandate diverting vehicles into these lanes into the path of the rat run traffic.

Highways officers quote low right-turning figures at the western junction in support of the proposal for its proposed partial closure. However, no one has carried out a traffic count of the large volumes already using Hungersheath Lane, specifically to avoid the poor junction layout. This traffic should be encouraged to stay on the A Road network and turn right at a safer, more efficiently designed, signalized junction.

The Parish Council requests that a condition be imposed for a new, wider ranging traffic count, enabling a more informed approach to finding solutions for the affected junctions.

Despite the Parish Council raising serious concerns with the original proposal, the applicant has not amended the design. Instead, the current application continues to rely on the original design, albeit supported by new data. The proposal maintains the intention to prohibit right turns and to divert traffic along country lanes that are unsuitable for such volumes and types of vehicles.

Feedback from a recent public meeting made it abundantly clear that there is united opposition to the existing proposal. There was wholesale rejection of the inadequate and scant road safety audit and incredulity at the selection of Hungersheath Lane as a suitable diversion route, without even undertaking a count of the rat run traffic already using it.

Whitmore Parish Council has no objections. They support entirely the full response of Maer and Aston Parish Council regarding the 'offsite highway works' which concerns the restructuring of the layout of the double A51/A53 junction. They believe that the layout plan currently envisaged will result in a serious overload of the two minor roads "cut throughs" planned, leading to absolute traffic jam chaos at peak times, and needs to be thoroughly reviewed.

Representations

Representations have been received from the occupiers of 25 properties. A summary of the comments made is as follows:

- The proposal for traffic mitigation measures at Blackbrook are wholly inadequate and require a wider view and impact assessments to be completed before this application can be approved.
- The original audit lasted just one hour and ignored key diversion routes
- There were no site visits to Wharmadine or Hungersheath Lanes even though they are expected to take additional traffic. This is a road safety concern as these lanes contain limited passing places, poor visibility and a narrow bridge
- There is a major safety concern around mandating laden HGVs into turning into an uphill road, as would be the case onto the A53 from Hungersheath Lane. This could lead to traffic disruption and congestion increasing the risk of collisions.
- Any diversion plan involving HGVs on uphill country lanes must be backed by a thorough Road Safety Audit and Traffic Count.
- The original audit missed a fatal accident and failed to compare risks of right turns v diversions.
- A full traffic survey on all diversion routes is required as they are already heavily used to avoid A53 congestion and without accurate counts, potential traffic risks are misrepresented.
- In the interest of public safety, a condition should be added requiring the developer to undertake a new traffic count to include all of the adjacent rat run lanes and intended diversion routes, and a full Stage 1 Road Safety Audit to encompass these lanes, before approval can be considered.

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/25/00661/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

19 December 2025