

LAND BETWEEN APEDALE ROAD AND PALATINE DRIVE
MR RYAN WADDELL, GLEESON HOMES

26/00014/FUL

This is an application for the variation of condition 2 of planning permission 21/00655/FUL to allow for the substitution of 27 houses with a new house type.

The application site falls within the rural area of the Borough and is within an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The statutory 13-week determination period for this application expires on the 9 April 2026.

RECOMMENDATION

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

- 1. Approved plans**
- 2. All other conditions which are still relevant from the previous planning permissions**

Reason for recommendation

There are no objections to the proposal in respect of visual impact, and the development would still have an acceptable impact on the occupiers of neighbouring residential properties. 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 considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework and therefore no amendments were requested.

KEY ISSUES

The application seeks to vary the wording of condition 2 (Approved plans) of planning permission 21/00655/FUL which was an application for major residential development at land Between Apedale Road and Palatine Drive. This application has been submitted to allow for the substitution of house types to enable a new design for 27 dwellings within the site.

The Newcastle-under-Lyme Borough Council Final Draft Local Plan (Regulation 19 version) and its supporting documents were submitted for public examination on the 20 December 2024. Following the examination hearings, the Council consulted on several main modifications to the emerging Local Plan in late 2025. Responses to the consultation on the modifications proposed have now been shared with the Inspector and the Council awaits further information on the next steps of the examination process.

Policies, alongside the schedule of Main Modifications, in the emerging Local Plan are a material consideration in decision taking on planning applications. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 49 of the National Planning Policy Framework, as follows:-

“49. Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

As the Local Plan is at an advanced stage with a focused consultation on Main Modifications from the examination process then moderate to significant weight can be attributed to individual policies dependent on the extent of changes to the Local Plan.

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.

The proposal would not result in any additional impacts on highway safety or landscaping matters beyond the original scheme, and the key issues in the determination of this application are therefore:

- Impact on the character and appearance of the area and
- Impact on residential amenity

Would there be any adverse 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 of the framework 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 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.

Policy PSD7 (Design) of the emerging Local Plan requires that developments proposals should accord with the National Design Code, National Design Guidance, and any adopted local design guide or code. Further to the above the policy requires that developments should contribute positively to an area’s character and identity, creating or reinforcing local distinctiveness and sense of place in terms of:

- a. Height, scale, form and grouping;*
- b. Choice of materials;*
- c. External design features*
- d. Massing of development*
- e. Green infrastructure; and*
- f. Relationship to neighbouring properties, street scene, and the wider neighbourhood*

Moderate weight can be applied to this policy.

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The proposal would see the replacement of 27 houses within the site (House Type Ht353) with a new house type (House Type HT353). Both house types are 3 bedroomed properties with similar footprints.

The proposed replacement house type is a traditional two storey red brick design, which is characterised by having a small, pitched roof front section which provides space for a small hallway and WC. Detailing is provided around the ground floor windows, and a brick course runs around the property adding interest to the overall design. The overall height and scale of the new property type is similar to that which it seeks to replace, which will ensure that there is no additional impact on the wider landscape and townscape surrounding the site.

Given that the wider development site uses a number of different house types, including designs similar to the one proposed, there are no objections to the design chosen.

To conclude, the level of overall visual change to the street scene and wider area as a result of the new altered properties is considered to be negligible, and it is therefore considered that the proposal 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 high standard of amenity for all existing and future occupants of land and buildings.

Policy PSD6 (Health and Wellbeing) of the emerging local plan notes that the Council will support development that fosters safe, healthy and active lifestyles and that new housing should provide opportunities for healthy living and maintained independence and promote mental wellbeing through the encouragement of safe and accessible walking and cycling, access to services. Moderate weight can be applied to the policy.

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

Sufficient distances can be achieved between dwellings to ensure the proposal complies with the Council's 'Space around Dwellings' SPG and the altered dwellings would still have good sized rear gardens.

To conclude, it is considered that future occupants will have an acceptable level of residential amenity and the proposal therefore complies with the requirements of paragraph 135 of the NPPF.

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

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- 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

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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

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy N17: Landscape Character – General Considerations

Policy N22: Area of Landscape Restoration

Other material considerations include:

National Planning Policy Framework (2025)

Planning Practice Guidance

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)

Newcastle-under-Lyme Emerging Local Plan (2020-2040 at Main Modifications Stage)

Policy PSD7: Design

Policy SE12: Amenity

Relevant Planning History

13/00525/OUT - Residential development of up to 350 dwellings including open space, new vehicular accesses, infrastructure, ancillary development and associated earthworks – Approved

21/00655/FUL - Full planning application for the erection of 330 no. dwellings, including open space, new vehicular access off Apedale Road, and associated infrastructure and earthworks – Approved

23/00294/DOB- Application for the modification or discharge of planning obligations made under Section 106 of the Town and Country Planning Act relating to Section 106 Agreement dated 23rd August 2022 (21/00655/FUL) – Approved

24/00594/FUL- Variation of condition 2 of planning permission 21/00655/FUL to substitute the approved plans to reflect amendments to house types, plot locations and additional temporary access to the sales area – Pending consideration

Views of Consultees

The **Environmental Health Team** raise no objections to the proposal.

Active Travel England raise no objections to the proposal.

No comments have been received from the **Waste Services Team, Local Area Partnership for Greater Chesterton**, the **Highway Authority** or from the **Landscape Development Team**.

Representations

None received.

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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/26/00014/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

23 February 2026

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