

CHATTERLEY VALLEY DEVELOPMENT SITE, PEACOCK HAY ROAD
HARWORTH ESTATES INVESTMENTS LTD C/O WSP **25/00907/FUL**

Planning permission is sought for the removal of conditions B7 and B30 and the variation of condition B1 of planning permission 21/00595/FUL. The conditions relate to a highway improvement scheme which forms part of the requirements of the Chatterley Valley development.

The application site forms part of the wider Chatterley Valley development site which has a long-standing employment allocation and has previously been subject to planning permission for its redevelopment.

The 13-week period for the determination of the application expired on the 12th March however an extension of time has been agreed to the 1st May.

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:

- 1. Removal of condition B7 and B30 and the variation of condition B1 of planning permission 21/00595/FUL**
- 2. Any other conditions which are still relevant to the original decision**

Reason for Recommendation

Conditions B7 and B30 do not meet the tests of being necessary or reasonable as set out under paragraph 57 of the National Planning Policy Framework 2025 and should therefore be removed from the decision notice. The variation of the wording of condition B1 would be necessary to reflect the removal of conditions B7 and B30 and is therefore also considered to be acceptable.

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 considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

This application seeks the removal of conditions B7 and B30 and the variation of condition B1 of planning permission 21/00595/FUL which relates to the Chatterley Valley development.

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.

For reference, planning condition B30 states as follows:

'B30. No development shall be occupied that will generate more than 464 two way vehicular trips in the AM peak hour (0800-0900) and/or more than 411 two-way vehicular trips in the PM peak hour (1700-1800), until the mitigation scheme for the A500/A34 junction as shown in principle on drawing no. 18004.GA.04 Revision B has been implemented in full and is open to traffic. The vehicular trip generation refers to the total vehicular trip generation for the site, and is to be calculated with reference to the vehicular trip rates set out below. All vehicular trip rates shown are two-way.

B1b/B1c/B2;

AM Peak - 1.30 per 100sqm

PM Peak - 1.180 per 100sqm

B8:

AM Peak - 0.260 per 100sqm

PM Peak - 0.245 per 100sqm

Drive Through:

AM Peak - 26.296 per 100sqm

PM Peak - 21.773 per 100sqm

Reason: In the interests of Highway Safety and to ensure that the A500 trunk road continues to serve its purpose as part of the national system of routes for through traffic in accordance with section 10 (2) of the Highways Act 1980'.

Conditions B1 and B7 require that the development comes forward in accordance with the proposed highway improvements works plan.

The applicant has noted that condition 30 currently results in a restriction in perpetuity over the development site that has implications on securing funding whilst also creating an additional burden on the development which impacts the confidence of potential investors.

Information has been submitted in support of the application to demonstrate that the conditions are no longer necessary due to changes in travelling patterns which have resulted in increased capacity on the local road network.

Paragraph 115 of the NPPF ensures that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location and that safe and suitable access to the site can be achieved for all users.

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.

Policy IN2 of the emerging plan sets out that new development should make appropriate provision for access by sustainable modes of transport to protect the integrity of the highway network and the Council will work with developers to ensure that development proposals which contribute towards an accessible, efficient and safe transport network that offers a range of transport choices and improves accessibility through sustainable modes of travel will be supported. Moderate weight can be given to this policy at this time.

The conditions were applied to the original permission at the request of National Highways in order to ensure that any significant increases in traffic generation from the site were mitigated by an offsite highway improvement scheme.

Paragraph 57 of the NPPF states that planning conditions should be kept to a minimum and should be imposed subject to five tests including whether they are: *necessary, relevant to planning and the development, enforceable, precise, and reasonable in all other respects.*

The applicant has provided technical modelling information to demonstrate that baseline traffic movements on the local highway network have changed significantly since the time at which the original planning application was determined in 2018. The decrease in vehicle movements since that time is due to a combination of factors, including a knock-on impact from Covid, changing commuting patterns and the rise in home working. The assessment notes that the updated 2024 traffic surveys and modelling show that observed and forecast traffic flows are lower than those previously predicted in the 2018 assessment, resulting in improved junction performance relative to earlier predictions. The assessment also provides updated forecasting projections for traffic movements for 2026 and 2028, which again confirms that there is additional capacity in the road network which renders the highway improvement works unnecessary.

The submitted technical information has been assessed by Highways England, who have confirmed that they are content with the growth factors used in the submitted technical note, the traffic flow figures and the base model validation details and on this basis, they raise no objections to the proposal.

Consideration must also be given to the fact that the Chatterley Valley Development site is an allocated employment site which will generate significant levels of employment opportunities within the Borough, and as such no additional conditions or burdens beyond what is reasonably necessary to facilitate the development should be applied, as this would threaten the viability and purpose of the allocation itself.

In the absence of any objections from the Highways England who originally recommended the imposition of the conditions, and given that the technical information provided demonstrates that the conditions no longer meet the tests of being necessary or reasonable as set out within paragraph 57 of the NPPF, officers have no basis to resist the proposed changes to conditions as requested by the applicant.

Therefore, the application is recommended for approval, subject to all other conditions which remain relevant being carried over to the revised decision notice.

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.

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

Officers have considered the proposal with regard to the provisions of the National Planning Policy Framework; however, the proposal is not considered to be a sustainable form of development.

Appendix

Policies and proposals in the Development Plan relevant to the Full planning application decision:

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009)

Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy E2: Chatterley Valley

Policy T16: Development – General Parking Requirements

Other Material Considerations

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

Policy PSD1: Overall Development Strategy

Policy PSD3: Distribution of Development

Policy IN2: Transport and accessibility

Relevant National Policy Guidance:

National Planning Policy Framework (2024)

Planning Practice Guidance (2025 as amended)

Planning History

In 2019 a hybrid planning permission, 18/00736/OUT, was granted for the following: -

- A. full planning permission for earthworks associated with the creation of development plateaus, access roads and associated works; and
- B. outline planning permission for development of buildings falling within Use Classes B1b (research and development), B1c (light industry), B2 (general industrial and B8 (storage and distribution), and ancillary A3 (Restaurants and cafes) and A5 (hot food takeaways) uses. All matters of detail are reserved for subsequent approval.

19/00846/OUT Removal of condition B23, relating to pedestrian and cycleway enhancements, of planning permission 18/00736/OUT and variation of condition A1 relating to timescales for completion of earthworks; variation of conditions A8, B1 and B10 with regards to reference to Green Infrastructure Strategy; variation of condition B3 regarding requirements for the reserved matters application/s; and variation of reason for condition B25 relating to permitted use classes on the plots - Approved

21/00595/FUL Removal and variation of a number of conditions of 19/00846/OUT - Approved

21/00570/FUL Full planning permission for the formation of development platforms, provision of access road and accompanying infrastructure and ecological enhancements - Approved

21/00595/NMA Non-material amendment relating to the Electric Vehicle Charging Infrastructure as required by condition B18 of planning permission 21/00595/FUL - Approved

25/00317/REM Application for approval of reserved matters (access, appearance, landscaping, layout and scale) for Plot C, for two buildings (units C1 and C2) in Use Classes E(g)(ii), E(g)(iii); and/or B2 and/or B8 pursuant to outline element 19/00846/OUT of hybrid planning application 21/000595/FUL – Approved

25/00316/REM Application for approval of reserved matters (appearance, landscaping, layout, scale and access) for plots D2 and D3 for building in Use Classes E(g)(ii), E(g)(iii); and/or B2 and/or B8 pursuant to outline element 19/00846/OUT of hybrid planning application 21/00595/FUL – Approved

25/00317/REM - Application for approval of reserved matters (access, appearance, landscaping, layout and scale) for Plot C, for two buildings (units C1 and C2) in Use Classes E(g)(ii), E(g)(iii); and/or B2 and/or B8 pursuant to outline element 19/00846/OUT of hybrid planning application 21/000595/FUL – Approved

25/00531/REM - Reserved matters application for access, appearance, landscaping, layout and scale on Plot B, for a building (Unit B) in Use Classes E(g)(ii), E(g)(iii); and/or B2 and/or B8 pursuant to outline element of hybrid planning application re: 21/000595/FUL – Approved

Views of Consultees

The **Highway Authority** make no comments noting that Highways England are the relevant consultee for commenting on the application.

Following the submission of additional information, **Highways England** have confirmed that they raise no objections to the proposal.

Representations

None.

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/25/00907/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

17 April 2026