

Full planning permission is sought for the variation of condition 3 of planning permission 25/00661/FUL 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 the access roundabout on the A53 at the existing farm entrance.

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 7th May 2026.

RECOMMENDATION

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

- 1. Variation of condition 3 to amend the trigger for the provision of the access roundabout**
- 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 3 of planning permission 25/00661/FUL 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 the access roundabout on the A53 at the existing farm entrance. The applicant has confirmed that the variation is sought due to the anticipated time required to obtain consents for the highway works and then to undertake the works.

This follows a recent consent to amend the trigger for the provision of off-site highway improvements to the A51/A53 junctions from no greater than 50 dwellings to no greater than 100 dwellings.

Condition 3 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 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.*

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 access roundabout 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 proposed development will be served from a new roundabout junction on the A53 at the existing farm entrance, which also incorporates Sandy Lane on the southern side of the main road. The application is accompanied by a Technical Note that considers a first phase of 100 dwellings being served from the existing access prior to the delivery of the access roundabout, as an update to the currently consented 50 dwellings.

The capacity analysis has been undertaken for the first phase of development, utilising the same vehicle trip generation rates and distribution/assignment as per the Transport Assessment supporting the outline application. The results of the capacity analysis demonstrate that the proposed construction/first phase access will operate well within capacity, with negligible queues and delays.

The Technical Note concludes that the consented construction and first phase access can be utilised to serve a first phase of up to 100 residential dwellings, prior to the delivery of the site access roundabout with the A53 and Sandy Lane.

The Highway Authority (HA) raises no objections to the amended wording of condition 3 and it is considered that there would be no adverse impact on highway safety.

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

25/00661/FUL - 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 - Approved

Views of Consultees

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

Whitmore Parish Council has no objections.

Representations

None received.

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/26/00068/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

20 April 2026