

Full planning permission is sought for the variation of conditions 2, 3, and 13 of planning permission 24/00313/REM which granted the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 200 dwellings at this site. The reserved matters consent followed the granting at appeal of outline planning permission (Ref. 21/01041/OUT).

The site lies within the open countryside on the Local Plan Policies Map.

The 13-week period for the determination of this application expires on 12th March 2026 but an extension of time has been agreed to 24th July 2026.

RECOMMENDATION

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

- 1. Variation of conditions 2, 3 and 13 to refer to the revised plans**
- 2. Any other conditions which are still relevant to the original decision**

Reason for Recommendation

The proposed variations would have no adverse impact on the design and layout of the site, or on highway safety or residential amenity, and the proposed landscaping and open space within the site would continue to be acceptable. 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 conditions 2, 3, and 13 of planning permission 24/00313/REM which granted the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 200 dwellings at this site. The reserved matters consent followed the granting at appeal of outline planning permission (Ref. 21/01041/OUT).

Condition 2 lists the approved plans, condition 3 refers to the approved materials and condition 13 includes reference to the approved landscaping plans.

The submitted location plan indicates an area within the northern part of the site edged in blue (outside of the application site but within the ownership of the applicant). That part of the site is being considered under a separate application, Ref. 26/00052/FUL, also on this agenda, for the erection of 18 dwellings. This application relates to the remainder of the site and proposes some minor changes to layout and house types to enable the development of the 18 additional properties.

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.

The total number of units would remain the same, as would the affordable housing provision, and a reasonable mix of 2, 3, 4 and 5-bed dwellings would remain. The house types and materials proposed across the site would be unchanged, but the materials plan is to be amended to reflect the minor changes in layout.

The proposed changes would not raise any adverse implications for residential amenity, and parking and access remains acceptable.

The principal change comprises the removal of part of the Public Open Space (POS), to allow for the development of the additional dwellings.

Policy SE6 of the Local Plan states that the provision of open space will be sought on a site-by-site basis, taking account of the location, type, and scale of the development. It states that for major developments, provision of open space should be to a standard of at least 4ha per 1,000 population.

Neighbourhood Plan Policy HG3 expects new residential development to provide for accessible, high quality, local play, sports and recreational facilities.

For this development of 200 houses, the policy requirement is for the provision of a minimum of 0.8ha of open space. Even with the loss of part of the approved open space, the provision would be significantly in excess of that amount at 3.9ha, and would continue to include allotments, a community orchard, amenity/play space and buffer planting. It is considered therefore that the amount and type of open space facilities would remain acceptable.

Overall, therefore, the proposed changes to the scheme are considered acceptable and in accordance with policies of the Development Plan and the aims and objectives 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
- 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 Local Plan 2020-2040

Policy PSD6: Health and Wellbeing
Policy PSD7: Design
Policy IN2: Transport and accessibility
Policy IN3: Access and Parking
Policy SE8: Biodiversity and Geodiversity
Policy SE10: Landscape
Policy SE11: Trees, hedgerows and woodland
Policy SE12: Amenity

Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan

Policy HG3: Local Play, Sports and Recreational Facilities
Policy NE1: Natural Environment
Policy DC2: Sustainable Design
Policy DC3: Public Realm and Car Parking
Policy DC4: Connectivity and Spaces
Policy DC6: Housing Standards

Other Material Considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (2014 as updated)

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

26/00068/FUL - Application to vary condition 3 of planning permission 25/00661/FUL to amend the trigger for the provision of offsite highways works – Approved

26/00052/FUL - Application for the erection of 18 dwellings, with associated gardens and car parking on part of the site previously shown as Public Open Space within the reserved matters consent 24/00313/REM for 200 dwellings with associated car parking, Public Open Space, attenuation basins, landscaping and associated works approved on 17 October 2024 – Pending consideration

26/00447/FUL - Variation of condition 17 of planning permission 26/00068/FUL to amend the reference to the amount of green open space being provided on site from a minimum of 5.08ha of green open space to a minimum of 3.90ha of green open space – Pending consideration

Views of Consultees

The **Landscape Development Section** has no objections to the proposal subject to confirmation of the amount of open space that is being provided on site and that this excluding any suds areas is sufficient to meet the needs of the development and the proposed replan area.

Whitmore Parish Council makes no comments on the application.

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/25/00931/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

10 July 2026