



Appeal Decision

Site visit made on 26 August 2025

by **H Smith BSc (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

Appeal Ref: APP/P3420/W/25/3366960

9-11 Liverpool Road, Newcastle-under-Lyme, Staffordshire ST5 2AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr George Charalambous (Geopar Properties) against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref is 22/00397/FUL.
 - The development proposed is described as 'partial demolition of former ground floor sui generis accommodation and first floor flats. The construction of new sui generis accommodation comprising Use Classes E(a) and E(b) and 55 student flats with associated communal, ancillary accommodation, and amenity spaces.'
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Decision

- 1) The appeal is allowed and planning permission is granted for the 'partial demolition of former ground floor sui generis accommodation and first floor flats. The construction of new sui generis accommodation comprising Use Classes E(a) and E(b) and 55 student flats with associated communal, ancillary accommodation, and amenity spaces' at 9-11 Liverpool Road, Newcastle-under-Lyme, Staffordshire, ST5 2AU in accordance with the terms of the application, Ref 22/00397/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

- 2) A revised National Planning Policy Framework (Framework) was published in December 2024 after the Council made its decision. I have had regard to the revised Framework in reaching my decision.
- 3) The appeal site is located within the setting of the Town Centre Conservation Area (CA). The Decision Notice did not refer to the setting of the CA in its reasons for refusal. However, the main parties have both commented on this matter in their submitted evidence. Therefore, my inclusion of this matter in the main issues would not prejudice any parties.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area, including the setting of the Town Centre Conservation Area;
 - highway safety, with respect to on-street parking; and the living conditions of future occupiers, with particular regard to suitable parking provision for people with disabilities.

Reasons

Character and appearance

5. The appeal site is situated to the north-west of the town centre and comprises an existing building that accommodates general-purpose facilities for the Salvation Army, a play centre, and associated car parking. The building is three storeys in total, presenting two storeys to Liverpool Road and three storeys to Bridge Street due to significant changes in ground level between the two streets. The principal frontage faces Liverpool Road, while a secondary elevation faces Bridge Street. The Bridge Street elevation is dominated by a large expanse of solid brick and tile-hung walling, punctuated by large openings for undercroft parking, which detract from the visual quality and coherence of the streetscene.
6. Liverpool Road presents a markedly different scale and character compared to Bridge Street, which is primarily composed of two-storey and three-storey buildings with more traditional architectural forms. In contrast, Liverpool Road accommodates larger-scale, contemporary developments, including a recently constructed multi-storey car park directly opposite the appeal site. Further north along Liverpool Road, towards Ryecroft, lies the North Staffordshire Justice Centre, a modern, multi-storey complex primarily constructed of red brick and lead cladding and roofing. The tallest element of this complex reaches approximately five-storeys.
7. The proposal seeks to deliver a mixed-use development through the partial demolition of the existing building. It would include commercial and retail units at ground level, alongside the construction of purpose-built student accommodation.
8. Although the proposed development would exceed the height of the existing building, its increased scale would lend the structure a stronger presence within the locality. The height would be consistent with other buildings of similar scale in the surrounding area. The stepped-back design of the frontage along Liverpool Road would mitigate visual impact, avoiding a canyon effect and ensuring the building integrates comfortably with the street's scale and rhythm.
9. The proposal's elevations would incorporate a variety of architectural devices to break up massing and enhance visual interest. These include setbacks, colonnaded bays with full-height glazing, and a palette of brick and cladding materials. The landscaped courtyard at ground level would introduce greenery and soften the development's appearance. The transition in scale from Bridge Street to Liverpool Road would reduce the building's perceived bulk on the Bridge Street elevation, contributing positively to the streetscene. The active frontage on Bridge Street would improve engagement with the public realm and enhance pedestrian experience.
10. The proposed development would significantly improve the built form along both Liverpool Road and Bridge Street, replacing a visually inert and utilitarian structure with a well-considered, contemporary design. The proposal's height, massing and architectural quality would enhance the character and appearance of the area, rather than detract from it.
11. The Bridge Street frontage of the appeal site lies adjacent to the Town Centre Conservation Area (CA), the boundary of which runs along Bridge Street. As such, the site is situated within the setting of the CA. The significance and special interest of the CA derive primarily from its architectural and historic interest, including the

pattern of historic development and the variety of building styles that reflect the town centre's evolution over time.

12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 213 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (whether through its alteration or destruction, or from development within its setting), should be clearly and convincingly justified.
13. The existing building's utilitarian design detracts from the setting of this part of the CA. While the proposed development would be located near the CA's edge, it would not stand out as an incongruous feature. The proposal's contemporary design, appropriate scale, and high-quality materials would reflect the character of more recent town centre developments and contribute to the streetscene without competing with or undermining the CA's historic value. As such, the impact on the CA's setting would be neutral, and the proposal would not harm its significance.
14. Consequently, for the reasons given above, I conclude that the proposed development would not be harmful to the character and appearance of the area. In addition, its scale, siting and design would not be harmful to the setting or significance of the CA. The proposal would therefore accord with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (Core Spatial Strategy), which amongst other things, seeks to ensure development is well designed and respects the character and identity of an area, including its built heritage and historic environment. In addition, the proposal would also accord with the design objectives of the Framework.

Highway safety and disabled parking provision

15. The Council is concerned that the proposal would increase on-street parking demand, exacerbating congestion and posing a risk to highway safety on the streets in the vicinity of the appeal site.
16. However, the proposal would include on-site parking provision for the retained Salvation Army premises, staff of the proposed retail and commercial units, and for staff and small service vehicles associated with the day-to-day operation of the student accommodation. While no parking is proposed for students or customers, the appeal site is in a highly accessible town centre location. It is within easy walking distance of shops and local facilities, with nearby bus stops and the bus station a short distance away. Bus services, including the No 25, provide frequent direct links to Keele University campus and Staffordshire University buildings. The No 25 also serves Stoke railway station, which offers regular train services to Birmingham, Manchester, London, and other destinations.
17. In addition, on-site cycle storage would be provided. As such, future occupants would not be reliant on private vehicles to access services and facilities, given the site's sustainable location, the availability of cycle storage, and the excellent public transport links.
18. Furthermore, the universities have implemented measures to discourage students from using private vehicles. While they cannot control on-street parking outside campus boundaries, students would be made aware of the parking limitations at the proposed development before choosing to live there. Given the proximity to the

universities, public transport, and a wide range of shops and services within walking and cycling distance, students are unlikely to retain a car while residing at the property.

19. The appellant's Transport Statement, dated March 2022, demonstrated that the proposal would not adversely affect the capacity or safety of the local road network. During my site visit, I observed extensive on-street parking restrictions in the surrounding area, including limited-waiting bays, double yellow lines, and other traffic regulation orders, all of which discourage inappropriate parking. The appeal site is also located near several pay-and-display car parks, including the Castle car park directly opposite. This multi-storey public car park is open 24 hours a day and includes wheelchair-accessible spaces. It would be suitable for use by students, their visitors (such as family and friends), and customers.
20. Paragraph 116 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I am mindful that the Highway Authority did not object to the proposal. Therefore, I conclude that the proposal would not have a detrimental effect on parking provision or highway safety in the area.
21. The Council also raised concerns regarding the lack of on-site disabled parking spaces. However, the multi-storey car park opposite the site provides spaces suitable for wheelchair users. The appellant has also suggested that on-site disabled parking could be secured through an appropriate planning condition, with which I agree. Accordingly, the proposal would not adversely impact the living conditions of future occupiers.
22. For the reasons explained above, and in the absence of substantive evidence to the contrary, I find that the proposal would not significantly worsen on-street parking to the extent that it would harm highway safety, and the living conditions of future occupiers would not be materially harmed. As such, the proposal would accord with Policy CSP1 of the Core Spatial Strategy, which amongst other things, seeks to ensure that developments are well-designed and accessible to all users.

Other Matters

23. The nearest listed building to the appeal site is the Grade II* Church of St Giles, which is positioned around 150m to the south of the site. Other listed buildings within the area include the Grade II listed Old Unitarian Meeting House, which lies to the north of the church alongside the inner ring road. There is also a small cluster of Grade II listed buildings along High Street to the south of the site, as shown in the appellant's Heritage Statement, dated March 2022.
24. Mindful of the statutory duty set out in section 66(1) of the Act, I have had special regard to the desirability of preserving their settings. From the evidence before me, the special interest and significance of these assets largely stem from their historic and architectural interests, but are also derived, in part, from their urban townscape settings.
25. Whilst the appeal site does form part of the wider setting of the Church of St Giles, due to the topography and existing built form, this limits the visibility of the church from the appeal site. Only very limited incidental glimpsed views of the St Giles's church tower can be seen over the existing buildings when viewed from Liverpool

Road and Ryecroft. The increased height of the proposed building from its present form would affect some of these glimpsed views, but this would not be significant. Furthermore, I observed that the multi-storey Castle car park building, and the North Staffordshire Justice Centre already restrict views of the church, particularly from the ring road. Therefore, on the basis of the distance between the appeal site and the church, and the likelihood of any limited views of the church tower being retained, I am satisfied that the setting of this listed building would be preserved and the contribution it makes to the asset's significance would not be harmed. The Council has raised no concerns in this regard either.

26. Given the proposal's distance from the Grade II listed buildings, I find that the settings of these designated heritage assets would be preserved, and their significance would not be harmed. The Council has raised no concerns in this regard either.
27. Local residents raise a number of concerns including in relation to accommodation for the elderly, clean air, aquifers, damp and mould. I have given careful consideration to these matters but based on the information provided they would not constitute reasons to dismiss the appeal.

Planning Obligation

28. The appellant has submitted a planning obligation in the form of a Unilateral Obligation, dated 13 August 2025.
29. The Framework states that planning obligations should only be sought where they meet the tests set out in paragraph 58. These tests, which mirror those set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2012, require that planning obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
30. Within the obligation the developers of the appeal site undertake to provide a public open space contribution of £145,058 to the Council. The obligation meets the requirements of Regulation 122 of the CIL Regulations and secures compliance with Policies CSP5 and CSP10 of the Core Spatial Strategy.

Conditions

31. The Council and the appellant have suggested conditions which I have considered, making amendments where necessary in the interests of clarity and consistency, and to ensure compliance with the tests contained in the Planning Practice Guidance.
32. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require the development to be carried out in accordance with them as this provides certainty.
33. A pre-commencement condition relating to a Construction Method Statement is required to protect the living conditions of neighbouring occupiers and for the purposes of highway safety throughout the development works. A condition to ensure the development is only occupied by students is necessary for the avoidance of doubt.

34. A pre-commencement condition is imposed to minimise any risks from land contamination. In the interests of sustainable travel, I have imposed conditions relating to the storage of bicycles and travel packs.
35. Conditions relating to glazing and ventilation systems are imposed to prevent existing businesses and facilities from having unreasonable restrictions placed on them, and to safeguard the living conditions of intended occupiers.
36. Conditions relating to external lighting and boundary treatments are also warranted to prevent harm caused to the visual amenity of the area. A condition relating to soft landscaping is imposed to ensure the satisfactory appearance of the development.
37. A condition imposing security measures is necessary to ensure the safety and security of the development and its occupiers. A materials condition is appropriate to ensure that those used are in keeping with the area.
38. Finally, a condition regarding parking is required to ensure the provision of accessible parking for people with disabilities.

Conclusion

39. For the reasons given, and having regard to all other matters raised, I conclude the appeal is allowed.

H Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - a) 1613 P04a Proposed Lower Ground Floor Plan
 - b) 1613 P05a Proposed Upper Ground (First) Floor Plan
 - c) 1613 P06b Proposed Second Floor Plan
 - d) 1613 P07a Proposed Third Floor Plan
 - e) 1613 P08a Proposed Fourth Floor Plan
 - f) 1613 P08Aa Proposed Fifth Floor Plan
 - g) 1613 P09a Proposed Roof Plan
 - h) 1613 P10b Proposed Elevations – West and South
 - i) 1613 P11b Proposed Elevations – North and East
- 3) The development hereby approved shall only be occupied by students.
- 4) Prior to built development commencing, a Construction Method Statement shall be submitted to, and approved in writing, by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - a) A site compound with associated temporary buildings.
 - b) The routing of construction vehicles.
 - c) Timing of deliveries.
 - d) The parking of vehicles for site operatives and visitors.
 - e) Loading and unloading of plant and materials.
 - f) Storage of plant and materials used in constructing the development.
 - g) Measures to prevent the discharge of deleterious material and surface water onto the highway.
 - h) All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed in writing with the local planning authority, shall be carried out only between the following hours:
 - 0800 hours and 1800 hours on Mondays to Fridays
 - 0800 and 1300 hours on Saturdays and; at no time on Sundays and Bank Holidays.
 - i) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
 - j) Procedures for emergency deviation of the agreed working hours.
 - k) Control measures for dust and other air-borne pollutants.
 - l) Measures for controlling the use of site lighting whether required for safe working or for security purposes.

The approved details shall be fully implemented during the construction of the development.
- 5) Notwithstanding the submitted plans, before the proposed development is brought into use full details of secure and weatherproof external and internal parking for cycles shall be submitted to and approved in writing by the local planning authority.

The cycle parking shall thereafter be provided in accordance with the approved details before the development is first occupied and shall be retained for the life of the development.

- 6) The building shall not be occupied until details of Travel Packs for each unit have been submitted and approved in writing by the local planning authority. The Travel Packs will consist of among other things information promoting the use of personal journey planner, walking, cycle maps, bus maps and timetables, and discount information promoting sustainable travel.
- 7) Development shall not commence until sufficient site investigation works have been undertaken to adequately assess the nature and extent of any land contamination on the site.

The scope of site investigation works should be submitted to, and approved in writing by, the local planning authority. The works must be undertaken by competent persons and in accordance with the requirements of:

- BS10175 Investigation of Potentially Contaminated Sites – Code of Practice
- BS8576 Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds

The findings of the site investigation should be used to assess the potential risks from land contamination to:

- Human health
- Controlled water
- Property
- Ecological systems
- Archaeological sites and ancient monuments

A report of the results of the site investigation works, together with a risk assessment should be submitted to, and approved in writing by, the local planning authority.

- 8) Prior to built development commencing, the glazing and ventilation scheme to be used for each residential unit shall be submitted to and agreed in writing by the local planning authority. Following agreement, the agreed glazing and ventilation systems shall be installed and shall be maintained thereafter for the life of the development.
- 9) No fixed mechanical ventilation or refrigeration / air conditioning plant shall be installed until full details have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and shall thereafter be maintained.
- 10) There shall be no external lighting installed until full details of the proposed lighting scheme have been submitted to and approved in writing by the local planning authority.

The lighting scheme shall be designed, maintained and operated so as not to exceed the maximum values specified for an E3 zone within table 2 of the Institute

of Lighting Professionals publication Guidance Notes 01 for the Reduction of Obtrusive Light 2021.

Additionally, ground level lux values attributable to the lighting scheme outside the area of the development shall not exceed 5 lux.

Unless agreed in writing by the local planning authority, the information provided shall include:

- a) A statement setting out why a lighting scheme is required, and the frequency and length of use in terms of hours of illumination during the summer and winter.
 - b) A site survey showing the area to be lit relative to the surrounding area, the existing landscape features together with proposed landscaping features to mitigate the impacts of the proposed lighting.
 - c) Details of the make and model of any luminaries/floodlights.
 - d) The size, type and number of lamps fitted within any luminaire or floodlight.
 - e) The mounting height of the luminaires/floodlights specified.
 - f) The location and orientation of the luminaires/floodlights.
 - g) A technical report prepared by a qualified Lighting Engineer or the lighting company setting out the type of lights, performance, height and spacing of lighting columns.
 - h) Details of the Upward Light Ratio of the installation (sky glow) as a percentage of luminaire flux.
 - i) Details of potential light intrusion into windows described as vertical illumination in lux as measured flat on the glazing at the centre of the window.
 - j) Details of potential for glare, as light intensity in candelas.
 - k) The ground level lux levels at the site boundary and for 25 metres outside it.
 - l) Where appropriate, details of building luminance in candelas per square metre.
- 11) No development shall commence until the boundary treatments have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details.
- 12) Prior to the occupation of any of the student units hereby approved, full and precise details of a soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season after

completion of the development, or within 18 months of the commencement of the development, whichever is the sooner and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

- 13) Prior to the occupation of any of the student units hereby provided, full details of security and crime prevention measures to be incorporated within the development shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented and shall thereafter be maintained for the lifetime of the development.
- 14) Prior to commencement of the development hereby approved, samples of all external facing materials to be utilised in the development shall be submitted to and approved in writing by the local planning authority.
- 15) No development shall commence until a scheme for the provision of parking for the use of people with disabilities has been submitted to and approved in writing by the local planning authority. There shall be no occupation of the development until the parking has been laid out and made available for use in accordance with the approved details and thereafter the parking shall be kept available for such uses in perpetuity.

****End of Conditions****