

Public Document Pack

Date of meeting	Tuesday, 7th October, 2014
Time	7.00 pm
Venue	Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact	Julia Cleary

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 2 MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 6)
To receive the minutes of the previous meeting held 16th September 2014.
- 3 Application for Major Development - Homestead/May Place Day Centre; Wrekin Housing & Wilkinson Architects; 14/00476/FUL** (Pages 7 - 20)
- 4 Application for Major Development -Land West of West Avenue, West of Church Street and Congleton Road and North of Linley Road, Butt Lane; Taylor Wimpey; 14/00562/REM** (Pages 21 - 30)
- 5 Application for Major Development - St.Quentin, Sandy Lane, Newcastle under Lyme; St. Quentin Residential Home Ltd; 14/00543/FUL** (Pages 31 - 40)
- 6 Application for Major Development - Land to the East of Hassall Road, Alsager, Cheshire; 348/214 (Cheshire East Ref.14/4010C)** (Pages 41 - 46)
- 7 Application for Minor Development - 51 London Road, Chesterton; Des Ager Design Consultant; 14/00575/FUL;** (Pages 47 - 52)
- 8 Application for Minor Development - 51 London Road. Chesterton; Des Ager Design Consultant; 14/00576/ADV;** (Pages 53 - 56)
- 9 Stoke on Trent and Staffordshire Local Enterprise Partnership Planning Concordat** (Pages 57 - 68)
- 10 Draft Newcastle under Lyme and Stoke on Trent Statement of Community Involvement 2014 Consultation** (Pages 69 - 120)
- 11 Application for Financial Assistance (Historic Buildings Grant) -4 Highway Lane, Keele; 14/15004/HBG** (Pages 121 - 122)

- 12 **Application for Financial Assistance (Historic Buildings Grant) (Pages 123 - 124)**
 - Newcastle Methodist Church, Merrial Street; 14/15002/HBG
- 13 **Application for Financial Assistance (Historic Buildings Grant) (Pages 125 - 126)**
 - St Thomas Church, Butterton; 14/15003/HBG
- 14 **Appeal Decision - XJK Enforcement Notice; 09/00230/207C3 (Pages 127 - 130)**
- 15 **Appeal Decision - Boon Hill Road, Bignall End; 13/00662/OUT (Pages 131 - 132)**
- 16 **Appeal Decision - Roosters Child Nursery, Brassington (Pages 133 - 134)**
 Terrace, Den Lane, Wrinehill; 13/00761/FUL
- 17 **DISCLOSURE OF EXEMPT INFORMATION**

To resolve that the public be excluded from the meeting during consideration of the following item(s) because it is likely that there will be a disclosure of exempt information as defined in paragraphs 1,2 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972.

- 18 **1300056207C2 Land at Doddlespool, Main Road, Betley (Pages 135 - 136)**
- 19 **URGENT BUSINESS**

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

Members: Councillors Baker (Chair), Mrs Bates, Becket, Mrs Braithwaite, Cooper, Fear, Mrs Hambleton, Mrs Heesom, Northcott, Proctor (Vice-Chair), Miss Reddish, Mrs Simpson, Waring, Welsh and Williams

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

PLANNING COMMITTEE

Tuesday, 16th September, 2014

Present:- Councillor Sophia Baker – in the Chair

Councillors Mrs Bates, Becket, Mrs Braithwaite, Cooper, Fear,
Mrs Hambleton, Mrs Heesom, Northcott, Proctor,
Miss Reddish, Mrs Simpson, Waring and Williams

14. DECLARATIONS OF INTEREST

There were no Declarations of Interest stated.

15. MINUTES OF PREVIOUS MEETING(S)

Resolved:- That the minutes of the meeting of this committee, held on 26 August, 2014 be agreed as a correct record.

16. APPLICATION FOR MAJOR DEVELOPMENT - 8-10 HIGH STREET, NEWCASTLE. TANWORTH CONSTRUCTION LTD. 14/00483/FUL

Resolved:- That the application be permitted subject to the undermentioned conditions:

- (i) Approved plans to be as now applied for
- (ii) This consent grants permission only for the variation of condition 2 of planning approval 12/00218/FUL. All other conditions of that permission shall apply

17. APPLICATION FOR OTHER DEVELOPMENT - BIGNALL END CRICKET CLUB, BOON HILL ROAD, BIGNALL END. VODAFONE LTD. 14/00583/TDET

Resolved:- That prior approval is required and granted for the siting and appearance of the proposed telecommunications equipment.

18. APPLICATION FOR OTHER DEVELOPMENT - THE SQUARE AND VILLAGE CINEMAS 98-104 HIGH STREET, NEWCASTLE. WHP WILKINSON HELSBY. 14/00586/TDET

Resolved:- That prior approval is not required for the siting and appearance of the telecommunications equipment.

19. APPLICATION FOR OTHER DEVELOPMENT - LANGHOLM, CHECKLEY LANE, WRINEHILL. MRS J MONK. 14/00489/FUL

Resolved:- That the application be permitted subject to the undermentioned conditions:-

- (i) Standard time limit.
- (ii) Approved plans

- (iii) Materials to be those as specified in application
- (iv) New garage to be used for parking vehicles and cycles
- (v) Prior approval of a landscaping scheme
- (vi) Visibility splays to be kept free of obstructions over a height of 600mm above the carriageway level.

20. APPLICATION FOR OTHER DEVELOPMENT - OLD SPRINGS FARM, STONEYFORD. HLW FARMS / BERRYS. 13/00245/FUL

Resolved:-

- (i) That, subject to the applicant entering into a Section 106 Agreement by 7 October, to secure a routeing agreement, permit 13/00245/FUL subject to the two conditions set out in the report. If a Section 106 Agreement is not secured by the due date, refuse for the reason set out in the report unless the Head of Planning has extended the period.
- (ii) That, unless the applicant enters into a Section 106 Agreement by 7 October to secure a routing agreement for vehicles transporting miscanthus to and from the unauthorised building, enforcement action should be taken to seek removal of the building referred to. If the building is immune from action, the matter should be reported back to the Planning Committee.

21. POLICY, APPEAL AND MISCELLANEOUS ITEMS - RESPONSE TO TECHNICAL CONSULTATION ON PLANNING.

Consideration was given to a report advising Members of a technical consultation by the Government on Planning and Members were given the opportunity to make comments to the Government in response to the Consultation.

Resolved:-

- (i) That the Head of Planning and Development, in consultation with the Chair and Vice-Chair to draw up and submit a response to the questions posed by the Government on the basis of the views indicated in the report taking into consideration any comments received by Members by the end of the day on 22 September.
- (ii) That a future report be brought to the Planning Committee on the scope and implications of the use of Additional Article 4 Directions.

22. APPEAL DECISION - MOSS HOUSE END . 13/00755/FUL

Resolved:-

- That the decision be noted.

23. TREE PRESERVATION ORDER 156 - MAIN ROAD BETLEY AND NEW ROAD, WRINEHILL

Resolved:-

- That the Tree Preservation Order be confirmed and that

the owners of the individual properties to be informed and the objectors written to, explaining the process of applying for works to trees.

24. TREE PRESERVATION ORDER 157 - ROWLEY HOUSE, MOSS LANE, MADELEY

Resolved:- That the Tree Preservation Order be Confirmed and the owners of the individual properties be informed.

25. TREE PRESERVATION ORDER 157B- 23 CHURCH LANE, MOW COP

Resolved:- That the Tree Preservation Order be confirmed and the owners of the individual properties to be informed. In addition, the method of the service of Tree Preservation Orders to be reviewed.

COUNCILLOR SOPHIA BAKER
Chair

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THE HOMESTEAD, MAY PLACE, BRAMPTON ROAD, MAY BANK
WREKIN HOUSING TRUST

14/00476/FUL

The application is for full planning permission for a 65 apartment extra care facility for people aged over 55, including a public café and function room at May Place, Brampton Road, May Bank, which is within the urban area, and adjacent to the Brampton Conservation Area.

The scheme will be an extra care scheme of 65 units. It would consist of 37 two bedroom apartments and 28 one bedroom apartments. All of these units will be affordable housing, comprising of social rented units.

The site extends to approximately 0.98 of a hectare. The topography of the site is higher towards the north and east, before it slopes fairly steeply down to the lower part of the site to the south adjacent to Sandy Lane.

There are two group Tree Preservation Orders on the site. Brampton Road is part of the A527 whilst Sandy Lane is a C classified road connecting the A527 with the A53

The 13 week determination period expired on 26th September. The Committee have already undertaken a site visit with respect to this application on the 4th September

RECOMMENDATION

a) Subject to the conclusions of a supplementary report to be submitted, subject to the applicant entering into S106 obligations, by the 18th November, to secure the following;

- (i) A financial contribution to public open space, the figure of which will be advised in a supplementary report
- (ii) A financial contribution of £2,200 towards Travel plan monitoring costs

Permit subject to the conditions concerning the following matters :-

1. Commencement of development
2. Approved plans
3. Approval of Finished ground and floor levels
4. Approval of all External Materials
5. Approval of all hardstanding and access materials
6. Approval of Landscaping scheme
7. Tree protection measures
8. Approval of drainage and surface water regulation
9. Approval of waste collection arrangements
10. Prior approval of a construction method statement
11. Full suite of contaminated land conditions
12. Prior approval of any external lighting
13. Prior approval of any noise mitigation measures
14. Prior approval of kitchen grease trap
15. Prior approval of kitchen ventilation system
16. Restriction on construction hours
17. Prior approval of details showing the widening of the pedestrian footway to 2 metres
18. Prior approval of surface water drainage for the parking, servicing and turning areas
19. Prior approval of details to show how the emergency access use will be controlled
20. Implementation of the travel plan in accordance with the timetable within that plan, and provision of progress reports on the promotion of sustainable transport measures to the LPA for a period of five years
21. Provision of the cycle parking prior to first occupation

b) Should the matters referred to in (i) and (ii) above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would be contrary to policy on the maintenance of the quality of public open space and sustainable transport measures.

Reason for Recommendation

The proposed Extra Care facility would provide an essential and valuable facility to the local community and the wider area. Whilst the development is likely to harm certain trees of amenity value and may put at risk others, such adverse impacts do not significantly and demonstrably outweigh the benefits of the development.

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

Pre application discussions were entered into where amendments were sought to the initial scheme in terms of design, materials and layout and how the proposal would impact upon trees. This is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026

Strategic Aim 3 (SA3) – To reduce the need to travel, improve accessibility and increase the opportunities for development of sustainable and innovative modes of travel to support the regeneration of the plan area by securing improvements to public transport infrastructure; and the progressive provision of park and ride facilities to promote walking and cycling.

Strategic Aim 4 (SA4) – To balance the supply and demand for quality housing; removing surplus and unfit/obsolescent accommodation; providing a better choice of homes in sustainable locations and to ensure that a sufficient number of new homes are affordable.

Strategic Aim 12 (SA12) – To renew the fabric of urban and rural areas to promote the best of safe and sustainable urban and rural living.

Strategic Aim 14 (SA14) – To protect and enhance the historic heritage and the unique character of the plan area by ensuring new developments are appropriate in terms of scale, location and their context.

Strategic Aim 16 (SA16) – To eliminate poor quality development and establish a culture of excellence in built design by developing design skills and understanding, by requiring good, safe design as a universal baseline and distinctive design excellence in all development proposals and by promoting procurement methods which facilitate the delivery of good design.

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets
Policy CSP5:	Open space/ sport and recreation
Policy CSP6:	Affordable Housing
Policy CSP10:	Planning Obligations

Saved policies within the Newcastle-under-Lyme Local Plan 2011

Policy H1:	Residential development: sustainable location and protection of the countryside
Policy H7:	Protection of Areas of Special Character
Policy H13:	Supported Housing
Policy T16:	Development – General Parking Requirements
Policy C1:	Development and open space
Policy C4:	Open space in new housing areas.
Policy N12:	Development and the protection of trees
Policy N13:	Felling and pruning of trees
Policy B9:	Prevention of harm to Conservation Areas
Policy B10:	The requirement to preserve or enhance the character and appearance of a a Conservation Area
Policy IM1:	Provision of Essential supporting Infrastructure

Other material considerations include:

National Planning Policy

National Planning Policy Framework (2012)
National Planning Practice Guidance (2014)

Supplementary Planning Guidance/Documents

Affordable Housing SPD (2009)
Space around dwellings SPG (2004)
Developer Contributions SPD (2007)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design SPD (2010)

North Staffordshire Green Space Strategy

Views of Consultees

The **Landscape Development Section** requests £2943 per dwelling to pay for off-site improvements to facilities at Brampton Park. This equates to £191,295.

There have been four sets of comments by the Landscape Development Section upon these proposals, as additional or revised information has been received.

As matters now stand they object to the proposal on the grounds that there will be a poor relationship between certain retained trees of amenity value and a significant part of the proposed development and the result will be that the affected part will receive very little natural light and the relationship created will not be sustainable in the long term. A further concern is the known and identified encroachment of the development into the root protection areas of certain trees within the site, and the unknown but likely encroachment into the root protection areas of other trees, including protected ones, located both within and outside the site. There a number of less significant other concerns around the issues of the lack of certain details, the provision of readily comprehensible and consistent information on tree losses/retentions and other matters.

The **Environmental Health Division (EHD)** objected to the application as submitted. In the absence of a suitable noise assessment and having taken sample noise measurements on the perimeter of the site that suggest that predicted noise levels would exceed certain guidelines, and in the absence of the identification of appropriate noise mitigation measures to sustain compliance with these guidelines, they consider, that the development as currently proposed fails to comply with the objective of avoiding significant adverse impacts on health and the quality of life as set out in the NPPF.

The **EHD's** comments on a noise survey and report now received are currently awaited

Should planning permission be granted the EHD requests conditions about contaminated land, restrictions on construction hours, the management of the environmental effects of construction, the ventilation system to the café's kitchen, and the provision of a grease trap

The Council's **Urban Design and Conservation Officer** initially indicated that she had no objections to the proposal. The site lies outside of the Brampton Conservation Area adjacent to its northern boundary. The application site has a distinctive green landscape with mature trees, especially on the road edge, some of which are protected matching the essential character of the Brampton Conservation Area characterised by large suburban plots in a mature landscape. The heritage asset statement is not particularly detailed as it does not assess the significance of the Conservation Area specifically or its setting or refer to the existing appraisal.

The northern boundary of the Conservation Area has a large area of open space (fronting onto Sandy Lane) lined with a hedge and is across from the application site. The application site has a distinctive topography, sloping down towards the road and whilst a large building is proposed, the building is well articulated and responds to the site. The materials reflect the local character, albeit in a contemporary way. Provided the proposal retains trees and landscaping along the road frontage contextually that will help it to sit better in its environment and it would be unlikely to cause harm to the setting of the Conservation Area. There are no long distance views, the road itself providing the most prominent view into and out of the Conservation Area and this aspect remains unchanged.

Subsequently the officer, having been provided with detailed information on likely tree losses has indicated that she does have some concerns about the removal of the trees on the Sandy Lane frontage and the creation of an engineered access at this point. She asks whether there is a genuine requirement for this access or whether all alternatives have been considered

The **Conservation Advisory Working Party** objects to the application due to it representing overdevelopment of the site that would adversely affect views out of the Conservation Area

The **Police Architectural Liaison Officer** suggests that an effective form of access control and physical security measures should be provided.

The **MADE Design Review Panel** had the following comments on a scheme that they considered in June:

- The Panel identified two main issues that are critical to the success of this project - the building's relationship to its immediate surroundings and the quality of accommodation for residents. This summary focuses on the former
- Panel understands that the requirement for viability demands a certain quantum of development which has led to a proposal for a large building, significantly bigger than others in the area. The scale and mass should be honestly expressed, however the designers should do all they can to reduce the dominance of the proposed building. In this regard the southern section that projects towards Sandy Lane is particularly problematic – its both the part that comes closest to the Conservation Area and its it is the tallest – the monopitch roof emphasises its dominance – a more fragmented arrangement stepping down towards the road would be better
- Recommend simplifying the materials palette to allow the building to be better articulated through its shape – the use of buff brick, not widely used in Staffordshire, should be avoided
- The rear of the proposed building comes quite close to the dwellings to the rear, and the proposal is to remove a grass bank with existing tree cover and replace with retaining wall, car parking and bin storage area. The Panel questioned whether this was necessary and also questioned the location of the bin store which would involve collection vehicles having to reverse for more than 20 metres

In summary the Panel indicated that more work needed to be done to ensure that the building has a less dominant institutional feel both externally and internally. A simpler palette of materials and more articulations through its shape would help externally.

The **Highway Authority** has no objections subject to a travel plan monitoring fee of £2,200 (secured via a planning obligation) and planning conditions relating to:

- Provision and retention of the parking, servicing and turning areas
- Prior approval of a plan showing the widening of the existing footway on May Place
- Surface water drainage for the parking, turning and servicing areas
- Measures to control the use of the proposed emergency access off Sandy Lane
- The Travel Plan implementation and reporting
- The cycle parking
- Construction method statement

Severn Trent Water has no objections subject to a condition requiring prior approval of surface water and foul sewage arrangements

The **Housing Strategy Section** note that in 2014, there were 2,250 applicants registered on the housing register. The age profile of these applicants shows that 24.9% of all applicants were over the age of 55. This information not only demonstrates the need for affordable housing with the Borough, but strongly establishes the need for older people accommodation. The Local Investment Plan for Newcastle under Lyme 2011-2014, states that “Newcastle has an older population that is increasing. There is a need to provide older people with a choice of affordable accessible and high quality housing as well as services which help people to maintain their independence. Staffordshire’s needs data used to inform Staffordshire’s Flexi-care Housing Strategy (2010 – 2015) highlights the need to increase extra care housing provision in Newcastle by 977 units by the year 2020.”

This extra scheme will contribute to the affordable housing requirements identified and meet the needs of the older people within the Borough.

The **Waste Management Team** has no objections, stating that they are pleased that there will be an outside bin store, however would appreciate discussions with the developer, prior to construction, on the issue of the capacity of bins. They request a condition requiring prior approval of recyclable

materials and refuse storage details, and the management of such waste, together with collection arrangements.

Staffordshire Wildlife Trust, United Utilities and the **East Newcastle Locality Action Partnership** although consulted have not commented by the due date on the application and accordingly must be assumed to have no observations to make upon the application

Representations

Six separate letters of objection have been received, one of which is from **Paul Farrelly MP** and one from the May Bank **Ward Councillors Simon Tagg, John Tagg and Ian Matthews**.

Paul Farrelly MP's letter is summarised below:

- the plans constitute overdevelopment, not least with the height in some parts of up to four storeys, plus a steep-sloping roof, compared with the existing one-and-a-half storeys, and also with the overall massing of the 'Extracare' complex
- The sketch in the 'view of the overall development' does not fairly reflect the impact of the development on neighbours' visual amenity, as it does not take into account the topography of the site
- Concerned regarding removal of trees and the impact this will have on the appearance of the area. From the sketches it is not possible to assess what effect this, or any proposed re-planting or landscaping, will have on visual amenity locally, and over what timescale.
- It is unclear what materials are being proposed.
- Although the site is not in a Conservation Area, it adjoins one and therefore it will be relevant to consider the impact of the proposal on the Conservation Area
- Brampton Road and its roundabout are already busy and any second access to the site will have to satisfy road safety concerns.
- May Place is an unadopted road
- There are other preferable sites within the Borough such as the Recreation Centre in Knutton
- A further 'Extracare' development such as this would fit in with current sheltered housing in Knutton as a 'retirement village' and bring much-needed footfall for existing shops following the closure of the Recreation Centre, with a view to regenerating the village.

The letter from **Councillors John Tagg, Simon Tagg and Ian Matthews** is summarised below:

- Concern regarding the scale of the proposed development given its prominent position adjacent the Brampton Conservation Area.
- Concern regarding the impact of the proposed development on neighbouring properties
- Lack of adequate parking provision for residents, staff and visitors. Existing car parking problems could be exacerbated
- Highway implications
- Large trees subject to preservation orders will require protection.
- May Place is currently un-adopted. Request that the full length of May Place is formally adopted if the development goes ahead.
- Construction activities and traffic would need to be regulated

The four remaining representations are summarised below:

- This is not the scheme that the objector was in agreement with
- The building is too high and scale is too large for the size of the site
- Trees are being removed
- The access will cause traffic nuisance and chaos.
- Loss of privacy to adjacent houses
- The density of the proposal is too high
- The proposed building does not respect local distinctiveness
- Lack of parking space provision
- Light pollution at night
- Noise pollution
- Visibility splays at entrance are not adequate for increased traffic
- Deterioration of area of natural landscape
- Heavy goods vehicles that will be delivering to the property

- No footpaths provided for the public

The County Council's **District Commissioning Lead Officer (Newcastle-under-Lyme)** writes

- The County Council fully supports the development of an extra care scheme for the site
- The proposal forms a key part of the County's strategy for accommodation, care and support of older people in the County
- By 2030 it is predicted that there will be an identified need of over 1,300 units of extra care housing compared to the current provision of only 188 units
- Extra care provides the opportunity for older people to live in their own accommodation with the security of knowing that care and support are available if required
- There are many benefits from extra care housing for older people including
 - relieving pressure on publicly funded care homes and care services
 - allowing people to retain independence for as long as possible
 - the creation of jobs
 - avoiding premature occupation of residential care home facilities
 - releasing under occupied properties for occupation by families
- The County believe the building is well designed, and it fully supports the application

Applicant/agent's submission

The Application is supported by documents including the following:-

- Design and Heritage Statement
- Affordable housing statement
- Arboricultural report
- Ecological survey
- Community involvement statement
- Transport statement
- Ventilation requirements
- Planning and Heritage Asset Statement
- Sustainability Statement
- Sustainable Urban Drainage (SUDs) Statement
- Noise survey report
- Statement on the viability of the scheme

All of the above are available for inspection both at the Council Offices, and on the Council's website www.newcastle-staffs.gov.uk/planning/1400476FUL

KEY ISSUES

The proposal would provide a sixty five apartment Extra Care facility based on a predominantly three storey building with a 4 storey element, single storey entrance reception and a single storey public café and function room.

The existing access off Brampton Road is to be utilised, and an emergency access is to be created off Sandy Lane, some 30 metres off the roundabout.

Externally the proposal seeks to provide 31 car parking spaces to the rear of the development. Six of these would be disabled parking bays.

The site is covered by two Tree Preservation Orders. It lies adjacent to, but not within the Brampton Conservation Area. The site similarly lies adjacent to, but not within, the H7 Area of Special Character. Plans showing the areas covered by these designations will be made available to the Committee.

It is considered the following are the main issues to be considered:

- Is the principle of the development acceptable?

- What is the likely impact of the development upon protected trees?
- Is the design of the development acceptable and would it adversely impact on the character and appearance of the adjoining Brampton Conservation Area?
- What are the highway safety implications and are they acceptable?
- Does the proposal would cause any residential amenity issues, and can a satisfactory residential environment be provided on this site?
- Is the securing of a financial contribution towards the maintenance of public open space justified and what would be the impact of that upon the viability of the development?
- Do either any adverse impacts of the proposal significantly and demonstrably outweigh the benefits of the proposal or do specific policies in the NPPF indicate development should be restricted

The principle of the development and provision of affordable housing

The site lies within the urban area of Newcastle under Lyme as indicated by the Local Development Framework.

The NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The proposal seeks to provide 65 apartments; which would comprise of 37 No. 2 bedroom apartments and 28 No. 1 bedroom apartments. As such it is a proposal for housing – albeit of a specialised form.

At paragraph 14, the Framework also states that where the development plan is absent, silent or relevant policies are out-of-date this means unless material consideration indicate otherwise planning permission should be granted unless

- either any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole,
- or specific policies in the Framework indicate development should be restricted.

The examples given of the latter such policies in the NPPF include designated heritage assets.

The Borough Council is currently unable to demonstrate a five year supply of deliverable housing sites which triggers the provisions of paragraph 49 of the Framework and, on that account, paragraph 14.

The site is considered to be a sustainable one, within walking distance to the shops and services of May Bank, and a longer, but still relatively short walk or drive or bus journey to Newcastle Town Centre. There is a bus stop on the Brampton Road close to the main entrance to the site.

There is a presumption in favour of this development, therefore, unless *either* any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal *or* specific policies in the Framework indicate that development should be restricted.

What is the likely impact of the development upon protected trees?

Policy N12 of the Local Plan sets out that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss, and the loss cannot be avoided by appropriate siting or design.

There are two Tree Preservation Orders (TPOs) covering trees on the site, which represent the strongest level of protection for trees. The character that trees on and surrounding this site contribute to the area is valuable, and retention of trees on this site is of great importance as they contribute to the visual amenity of the site and also to the setting of the adjacent Brampton Conservation Area.

As indicated above the Landscape Development Section object to the proposal on the grounds that there will be a poor relationship between certain retained trees of amenity value and a significant part of the proposed development and the result will be that the affected part will receive very little natural

light and the relationship created will not be sustainable in the long term. A further concern is the known and identified encroachment of the development into the root protection areas of certain trees within the site, and the unknown but likely encroachment into the root protection areas of other trees, including protected ones, located both within and outside the site.

Members should note that objections are not being raised to the loss of some of the trees on the site. Some are not considered to make a significant contribution – for example those between the existing building and No .3 May Place. Others are however more significant – either because they are more prominent or of a higher category. For example the protected group of trees between No 9 May Place and the proposed development is considered important. Your officers are proposing to continue discussions to see if the impact of the development on such trees can be avoided – but that will almost certainly require a reduction in the amount of car parking.

The loss of 2 visually prominent mature TPO'd trees on Sandy Lane will have a particularly negative impact upon the character of the neighbourhood and locality. The loss of these two trees is to facilitate the creation of an emergency access to the building, which is required, it is understood, in order to be able to get an emergency vehicle (a fire engine) within certain distances of all parts of the building. Various options have been considered, and continue to be. A report on this aspect is expected to be provided to the Committee.

Whilst there remains an issue of the lack of information, it is undoubtedly the case that the proposal would have a significant impact in two ways – it would be likely to harm trees of amenity value both on and off the site and further it would create an unsatisfactory long term relationship between the development and some trees of similarly high amenity value. Some of these trees are within the Area of Special Character (the H7 designation). Policy H7 refers to the objective of seeking to preserve the unique character of that area and indicates that permission will not be given where development would be detrimental to the overall character of the area and the loss of, or adverse effect upon, visually significant trees is cited as to be avoided.

Is the design of the development acceptable and would it adversely impact on the character and appearance of the adjoining Brampton Conservation Area?

The site is located immediately to the north of and adjacent to the Brampton Conservation Area. The duty (on the LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area applies only to the development of land that is within the Conservation Area. Nevertheless saved Local Plan policy B10 refers, in the list of criteria to be considered in the ensuring that the preservation or enhancement of a Conservation Area is achieved, to the importance of considering whether important views within, into or out of a Conservation Area are protected. The NPPF refers to the need to consider the 'setting' of heritage assets.

The character of the Brampton Conservation Area is enhanced by the character of the surrounding area – including the trees and open landscape of this site. The character of the site reflects the essential character of the adjacent Conservation Area. The northern part of the Conservation Area has a large area of open space lined with a hedge and is across from the application site.

The Council's Conservation Officer has no objections to the proposal, but only provided the large bank of trees along Sandy Lane is retained. As indicated above this is not the case because of the requirement to provide an emergency access. Negotiations may result in a change in the exact location (to take advantage of a tree that needs to be removed in any case for arboricultural reasons) but the effect will be the same – to make this tree buffer less effective.

The question is therefore whether the removal of any trees to provide the access fundamentally alters the impact of the development on the character and appearance of the Conservation Area. Your Officer notes first of all that there are developing trees on the southern, opposite side of Sandy Lane, and these two would help filter and provide context for the development.

The site has a distinctive topography, sloping down towards the road and whilst a large building is proposed, the building is well articulated and responds to the site. The scale of the building would be mostly three storeys, arranged in a "u" shape around a proposed terrace area. The materials reflect the local character of the area, albeit in a contemporary way, and the palate of materials has been

kept to a minimum particularly on the external elevations to the roadside to simplify the appearance of the proposed building.

Your Officer's view is that the proposal is unlikely to cause harm to the setting of the Conservation Area. There are no long distance views into the site from within the Conservation Area, the road itself providing the most prominent view into and out of the Conservation Area and this aspect remains largely unchanged through the retention of the majority of the trees.

What are the highway safety implications and are they acceptable?

The access arrangements into this site would remain largely unaltered. Appropriate visibility is provided and the Highway Authority have no concerns about the access arrangements.

Policy T16 of the Local Plan indicates that development will not be permitted to provide more parking than the maximum levels specified in the Local Plan Table 3.2 although development that provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on street parking or traffic problem.

The proposal is for 31 car parking spaces, of which 6 are disabled bays. A maximum of one parking space per three beds is required for C2 uses, therefore 34 spaces would be the maximum level of parking for the C2 element. The provision of the community café for public use, would, in reality, only be likely to be used by residents and their visitors. It is therefore considered that additional car parking provision is not required for this element of this scheme. That the proposal is for slightly less (than 34) is not considered significant, and therefore would not create or aggravate a local on street car parking problem. The applicant has suggested that in reality, the car parking at extra care facilities such as that proposed here tends to be underused. The proximity of the site to the town centre, and public transport facilities all suggest that vehicle trip rates associated with this particular development may be less than in a less appropriately located site.

As indicated above some reduction in the number of car parking spaces may be required to secure the retention of a particular group of important trees. Your Officer's view is that this would not cause severe harm to highway safety, as opposed to inconvenience – the NPPF indicating that development should only be refused on transport grounds where the cumulative impacts are severe.

Does the proposal would cause any residential amenity issues, and can a satisfactory residential environment be provided on this site?

It is important to ensure that proposed new development would not cause loss of amenity to existing neighbouring residents in terms of loss of light and privacy. The Council's Supplementary Planning Guidance Space Around Dwellings provides guidance on achieving acceptable amenity standards.

The distance between facing principal windows of the new development with the existing dwellings on May Place would be approximately 32 metres. This exceeds the required distances for facing principal windows. The existing dwellings on May Place are situated at a higher ground level than the proposed development, however even when an additional 3 metre separation distance is added to the required 21 metres between facing principal windows where there is an additional storey, the 32 metres still greatly exceeds the required separation distances sought by the SPG.

The views of the Environmental Health Division on the noise survey report are awaited, but your Officer's view is that concerns about high levels of traffic noise experienced on the site should not be grounds for refusal of the scheme, bearing in mind that the issue appears principally to be about the external noise levels, it being recognised that within the building appropriate noise mitigation measures should be able to be taken.

Is the securing of a financial contribution towards the maintenance of public open space justified and what would be the impact of that upon the viability of the development?

This is a matter which your Officer has not yet reached a conclusion upon, and the intention is to provide members with a supplementary report expressly on this issue. It is not an issue which goes to the heart of the question as to whether or not planning permission should be granted – at least at this stage.

Do either any adverse impacts of the proposal significantly and demonstrably outweigh the benefits or do specific policies in the NPPF indicate development should be restricted?

Given the conclusion reached with respect to the limited impact of the development upon the adjacent Conservation Area it cannot be said that specific policies in the NPPF indicate development should be restricted in this location – the H7 area is not a designated heritage asset as listed in the NPPF or similar to any of the other examples of such policies given in the NPPF footnote to paragraph 14.

A number of benefits have been advanced in support of the scheme. The primary one is the provision of extra care facilities that are already much needed and will be even more so in the future when account is taken of demographic trends.

The 65 extra care units would help to meet an identified need for social housing. In 2014, there were 2,250 applicants registered on the housing register. The age profile of these applicants shows that 24.9% of all applicants were over the age of 55. This information not only demonstrates the need for affordable housing within the Borough, but strongly establishes the need for older people accommodation. The Local Investment Plan for Newcastle under Lyme 2011-2014, further states that Newcastle under Lyme has an older population that is increasing. There is a need to provide older people with a choice of affordable accessible and high quality housing as well as services which help people to maintain their independence. Staffordshire's needs data used to inform Staffordshire's Flexi-care Housing Strategy (2010 – 2015) highlights the need to increase extra care housing provision in Newcastle by 977 units by the year 2020.

Members will note the strong support given the County Council to the scheme, as detailed in the representations section of the Committee report

More generally the scheme adds to the provision of housing within the borough both in numeric terms and in terms of the variety of provision.

Set against these benefits is the known and likely immediate and potential impact of the development on trees of amenity value. The proposals have been the subject of considerable discussion and negotiation – and represent a much more acceptable scheme than was originally contemplated. Some tree losses are an almost inevitable consequence of the redevelopment of the site. Some of the tree losses are agreed between the parties, others the subject of disagreement and speculation. That the scheme would be managed by a Housing Trust suggests that concerns that might arise in the case of owner occupied properties (about the proximity of trees and limited natural day light) are less likely to be raised.

Taking the above into account the adverse impacts of the development in your officer's view do not significantly and demonstrably outweighs the benefits of the proposal and accordingly it is recommended that the application be permitted, provided the appropriate financial contributions are secured, which as indicated will be a matter for a further report.

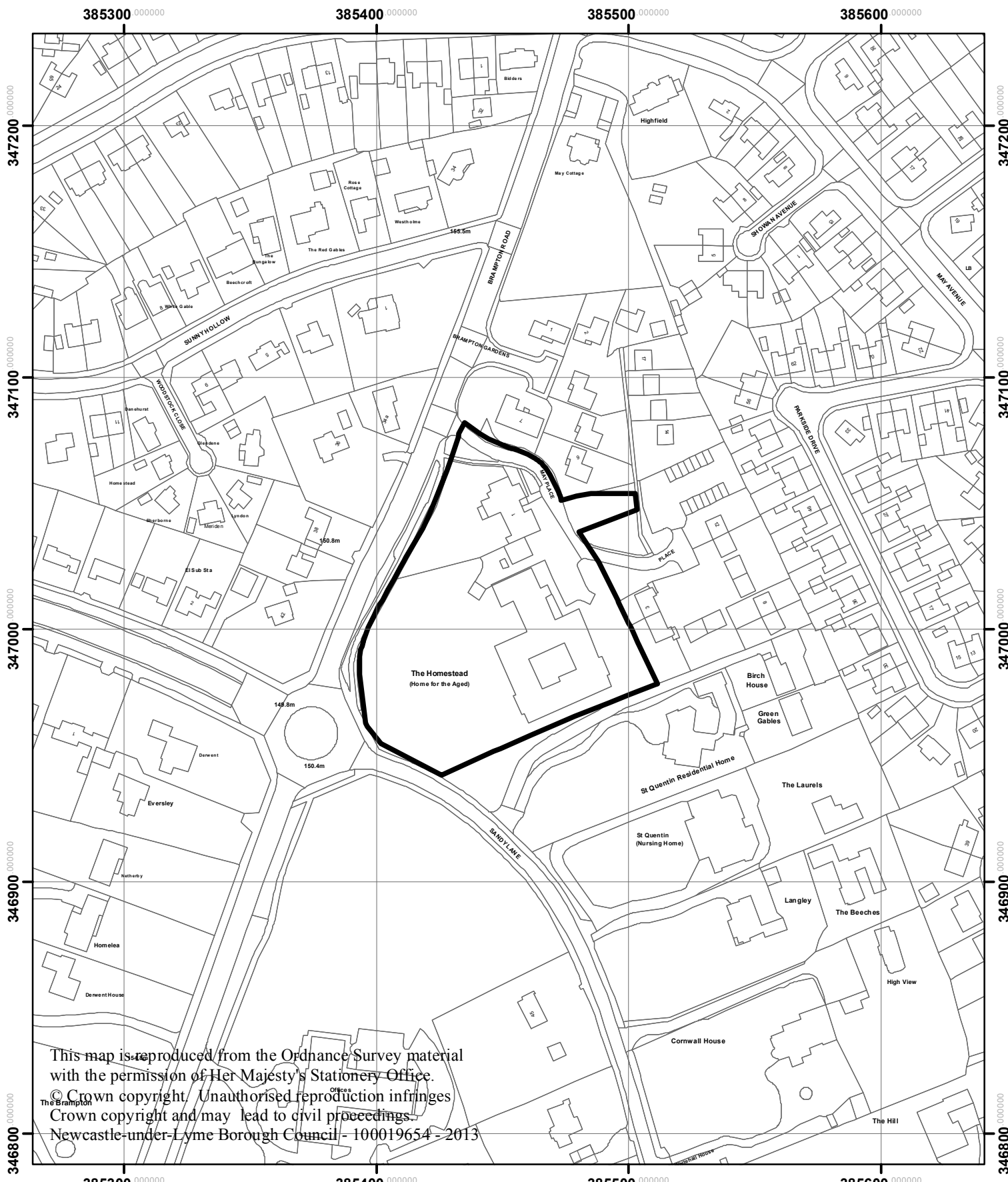
Background Papers

Planning File
Development Plan
National Planning Policy

Date report prepared
26th September 2014

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Homestead / May Place Day Centre – 14/00476/FUL



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LAND WEST OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND NORTH OF LINLEY ROAD, BUTT LANE, KIDSGROVE TAYLOR WIMPEY (NORTH MIDLANDS)

14/00363/REM

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 171 dwellings. The scheme includes an area of community woodland and public open space. Included within the scheme are a number of 'swale' features which form part of the sustainable drainage scheme proposed for the site and are designed to hold surface water during periods of flood, but otherwise be dry.

This approval of reserved matters follows the granting of an outline planning permission earlier this year (Ref. 12/00127/OUT). Details of access from the highway network were approved as part of the outline consent.

The site, of approximately 6.65 hectares in extent, is within the Kidsgrove Neighbourhood and Urban Area on the Local Development Framework Proposals Map.

The 13 week period for this application expires on 24th October 2014.

RECOMMENDATION

Subject to a satisfactory response to concerns raised within the report concerning accessibility to the elevated part of the northern section of the site by the submission of revised proposals permit, subject to conditions relating to the following:

- **Link to outline planning permission and conditions**
- **Approved plans**
- **Provision of access, parking, servicing and turning areas in accordance with the approved plans**
- **Materials (facing, roofing and surfacing)**
- **Submission/approval/implementation of details of a link through to the adjacent site**
- **Removal of permitted development rights restricting the formation of hardstandings on the front gardens**
- **Details of the play equipment**
- **Details of signage for the play area**
- **Details of planting within the play area**
- **Details of shrub/hedge species**
- **Recommendations of arboricultural survey report**
- **Retained trees to be replaced if removed within 5 years**
- **Revised landscaping scheme to include some replacement planting to rear of Congleton Road properties**

Reason for Recommendation

The principle of the use of the site for residential development has been established with the granting of the outline planning permission. The design and layout of the proposal is considered acceptable in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. The proposal would promote sustainable transport choices and there would be no adverse impact upon highway safety or residential amenity. The landscaping and open space provision within the site is considered acceptable. A significant issue of providing appropriate pedestrian access to the elevated part of the northern section of the site does however need to be addressed. Otherwise there are no other material considerations which would justify a refusal of this reserved matters submission.

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

Amendments have been sought from the applicant and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

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
Policy CSP3: Sustainability and Climate Change
Policy CSP5: Open Space/Sport/Recreation

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy N12: Development and Protection of Trees
Policy T16: Development – General Parking Requirements
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Documents (SPDs)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design (2010)

Relevant Planning History

11/00645/OUT Residential development of 176 dwellings, area of community woodland, public open space and formation of new accesses Refused 1 March 2012 (following 14th February Planning Committee resolution)

12/00127/OUT Residential development of 172 dwellings, an area of community woodland, public open space and the formation of new accesses Approved 21st February 2014

Views of Consultees

The **Highway Authority** has no objections to the proposal subject to conditions regarding the implementation of details of the access, parking, servicing and turning areas in accordance with approved plans, and the provision of a 3m wide unimpeded footpath/cyclepath link between the north and south sites.

The **Police Architectural Liaison Officer** is largely very supportive of the proposals – the principles underpinning Secured by Design having obviously been carefully considered and designing out crime measures included. A number of queries are raised as follows:

- The nature of the land adjacent to plot 43 should be clarified.
- Where garden boundaries are exposed, the treatments should be higher and more robust.
- The woodland management policy should ensure that the potential vulnerability of users of the woodland path is minimised.
- Of some concern is the status and nature of the public right of way around the eastern boundary of the site. It is unclear whether it will be incorporated into the new development or whether it will be kept separated and fenced off from the new development. A long and winding enclosed/fenced footpath would not provide a safe route for users and could be prone to anti-social behaviour. The section between plot 24 and plots 43-46 could be re-routed through the road/pavement network.

The **Landscape Development Section** has no objections subject to comments as follows:

- Further information in line with BS5837: 2012 is required including a tree protection plan, an arboricultural method statement and a schedule of works to retained trees.
- The layout of the proposed play area is acceptable subject to consideration of the location of the basket swing and confirmation of the correct items of equipment.
- Confirmation of the proposed planting species that are shown to be included within the playground area is required.
- The hedge shown between the houses and the play area should be removed to enable natural surveillance.
- The proposed landscaping is acceptable subject to clarification of the shrub/hedge species and mixes.
- Confirmation is required of the proposed boundary treatment adjacent to the school and its playing field. If the existing hedge is to be retained a method statement will be required that addresses how the hedge will be cut back and possibly 'beaten-up' to ensure that the properties and the school retain necessary privacy.

Following the receipt of additional information the Landscape Development Section have indicated that several of the better quality trees on or adjoining the site appear to be significantly overshadowing a number of the properties; there is a lack of details about works adjacent to the woodland path and concern about the loss of 9 moderate quality trees at the rear of the Congleton Road properties

The **Environmental Health Division** has no objections to the proposal.

No comments have been received from the **Waste Management Section** of the Council, Staffordshire County Council as the **Rights of Way Authority**, **Staffordshire Wildlife Trust** and **Kidsgrove Town Council**. Given that the period for comment has expired, it must be assumed that the above have no comments to make.

Representations

Ten letters of objection have been received including one from **Councillor Kyle Robinson**. Objection is made on the following grounds:

- Impact on traffic and congestion on already very busy roads in Butt Lane.
- Cramped layout.
- Potential lack of parking.
- Impact of new road at a gradient behind the houses on Church Street will increase noise and pollution.
- Impact on infrastructure needs to be addressed including local primary schools and doctor's surgery which are at full capacity.
- Concerns regarding Japanese Knotweed.
- Is a new fence proposed around the perimeter of the school playing field?
- Residents of Church Street have requested that the elevation of plots 11 – 16 be scaled down as the development will be overbearing and create privacy issues.
- The public footpath should be protected and not developed for housing.
- The gravel boards around the perimeter of the site are unsightly and should be removed.
- Residents wish to know whether the slag heap at the rear of their properties will be removed early on in the development.
- Consideration should be given to the fact that the site entrance on Congleton Road is adjacent to a primary school. There should be a stipulation that no heavy site vehicles use the site entrance at school drop off and pick up times.
- It should be stipulated that there should be no work on site outside the hours of 8am to 5pm.
- The public open spaces are insufficient and there is no play equipment designated on the new plans.
- Affordable housing will end up in the hands of private landlords and there will be issues of troublesome occupants.
- There should be a full impact assessment of the sewage works at Red Bull as the sewage works is working at full capacity and is struggling to deal with current waste levels.

- There are concerns that Newcastle Borough Council Planning Department are failing to ensure the correct checks are being made on the environmental impact of this development.
- Numerous species of wildlife have been reported in the area as a whole, not just the woodland.
- Impact in property values.
- Air pollution.
- Loss of woodland

Two letters of support have been received. It states that the development will bring a much needed boost to the economy, social fabric, vibrancy, image and appeal of a currently 'forgotten' economically poor and visually 'anonymous' village. Much needed new money spent by developers will help Butt Lane to regenerate itself. If this development is completed to the same high standard as Phase 1 of Bluebell Croft, they will bring benefits to the area.

Applicant's/Agent's submission

The application is accompanied by an Ecological Appraisal, an Arboricultural Assessment and Method Statement, a Design and Access Statement, a Planning Statement and a Statement of Community Involvement which are available for inspection at the Guildhall and on

Key Issues

The Application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 171 dwellings. The scheme includes an area of community woodland and public open space. Included within the scheme are a number of 'swale' features which form part of the sustainable drainage scheme proposed for the site and are designed to hold surface water during periods of flood, but otherwise be dry. The principle of the residential development of the site has been established by the granting of outline planning permission 12/00127/OUT. Details of access from the highway network were approved as part of the outline consent.

The outline consent for the site was granted subject to a condition that required any reserved matters applications for the site to accord with the principles set out in the Design and Access Statement and the illustrative Masterplan drawing that accompanied that application. Both that Statement and the accompanying drawing indicated that the development would encroach into part of the existing unprotected woodland. A number of objections have been received from local residents relating to the impact of a housing scheme of this size upon the surrounding highway network, the local schools, wildlife and sewage capacity. These are matters that were considered and accepted in relation to the outline consent and therefore, cannot be revisited now.

The issues for consideration now are:-

- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Would the proposed layout have any adverse impact upon highway safety and does the detailed scheme promote sustainable transport choices?
- Has a satisfactory retention of better quality trees been achieved and is the proposed landscaping and open space within the site acceptable?

Is the proposal acceptable in terms of its design and impact on the form and character of the area?

The NPPF at paragraph 56 indicates that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy CSP1 of the 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 NPPF.

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

R12 of that document states that residential development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists already and has a definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area.

R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

Two distinct areas of housing are proposed separated by an area of woodland. The topography of the site varies significantly with a strong ridgeline and embankment on the southern aspect of the site with an approximate change in levels of 18m falling from the south to the north.

The development comprises 81 units on the northern parcel and 90 units on the southern parcel. The northern site will be a continuation of the existing housing scheme at Bluebell Croft with a similar density of 31 dwellings per hectare. The units on this part of the site would be arranged in blocks of terraces, semi-detached and detached properties. The southern section of the site would comprise a more linear formation with a density of 35 dwellings per hectare. All of the units would be 2-storey in height with the exception of the two apartment blocks on the northern site which would be 3-storey. The scheme would provide 50 2-bed units, 85 3-bed units and 36 4-bed units.

Due to the topography of the site, the development would provide variation in building heights which would add interest to the street scene. There would be 14 house types on the site which would add variety between the streets as well as distinctive characters distinguishing between the northern and southern areas. The materials would comprise a limited material palette of red/brown brick and ivory render with red/brown/grey plain tile roofs to ensure a consistency of style. Detailing would be simple and unfussy with brick soldier and band courses, projecting splayed bay windows, canopies and front facing gables. Double-frontage dwellings are proposed at prominent locations, providing focal points and features to enhance legibility through the development.

Properties would be set back from the pavement to allow for limited frontage landscaping. A range of car parking would be provided within the development, with parking provided in front of or to the side of dwellings where appropriate, or in small parking courts in the case of terraced dwellings, with some dwellings also provided with a garage. Parking courts and visitor parking areas would be well overlooked by surrounding residential properties.

The layout of the site follows closely that of the illustrative Masterplan drawing referred to in a condition of the outline consent and the design parameters set out in the Design and Access Statement are reflected in this detailed scheme.

The layout and density of the proposed scheme and the proposed house types reflect local character as well as replicating the new development at Bluebell Croft, and it is considered that the proposal would be acceptable in terms of its design and impact on the form and character of the area.

Would there be any adverse impact on residential amenity?

This falls into 2 elements – the residential amenity of existing adjacent occupiers and the residential amenity of future residents of the development.

Existing occupiers' amenity

Objections have been received from some residents of Church Street on the grounds that the development would be overbearing and create privacy issues. The distance between the principal windows of the existing properties on Church Street and those of the proposed dwellings significantly exceeds the distance of 21m recommended in the Council's Supplementary Planning Guidance (SPG) relating to Space about Dwellings. The development would also back onto the rear of existing properties on Congleton Road. An objection has been received from the occupier of No. 268 Congleton Road particularly regarding impact on privacy. The existing dwelling is a large 2½ storey detached property with an attached garage, the ground level of which is raised up 1 – 2 metres above the application site. It has a small rear garden but the dwelling proposed on Plot 76 would neither be directly behind nor directly facing the rear of the existing property and in any event, there is approximately 25m between the dwellings. This distance exceeds that recommended in the Council's SPG for directly facing principal windows. No windows are proposed in the side elevation of the dwelling on Plot 80 and therefore, it is not considered that there would be any significant adverse impact on the amenity of the occupiers of No. 268 Congleton Road.

Amenity of future occupiers of the development

The proposed dwellings would generally provide amenity areas which comply with the lengths/areas recommended in the SPG and as such it is considered that the level of private amenity space would be sufficient for the family dwellings proposed.

In conclusion, it is not considered that a refusal could be sustained on the grounds of impact on residential amenity.

Would there be any adverse impact upon highway safety and does the detailed scheme promote sustainable transport choices?

Although objections have been received regarding increased traffic and congestion in Butt Lane, the site benefits from outline consent and therefore, an objection to the principle of such a use in terms of its impact upon the highway network could not now be sustained.

All houses would have two off-road parking spaces (plus garages in some cases) and the apartments would have one allocated space each, with additional visitors' car parking spaces provided.

The Highway Authority has no objections to the detail of the proposal subject to conditions and therefore, the proposal is considered acceptable in terms of impact on highway safety.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD states that new development must be well connected to provide direct and convenient links and routes into the surrounding area. R2 states that the layout of development should:

- a. Connect into existing routes around the site;
- b. Ensure that any new pedestrian routes connect to the facilities and places that people wish to visit and incorporate any existing or potential desire lines that cross the site;
- c. Accommodate the needs of different users, for instance connections may include some pedestrian and cycle only paths and spaces.

In terms of linkages through the site, there is currently a footpath through the area of woodland that will be enhanced as part of this scheme to ensure the provision of a pedestrian and cycle route. There is also an existing public footpath that runs to the rear of the dwellings on Church Street and around the eastern edge of the site up to Congleton Road. The Section 106 Agreement relating to the outline consent for the site includes a requirement for the developer to make a financial contribution towards improvements and maintenance measures on public rights of way in the vicinity of the site. The improved public footpaths would improve linkages between the two sites and to the nearby school, shops and services, would help to reduce the requirement for residents to use their cars and would therefore contribute to the achievement of a sustainable development.

There are significant levels differences within the northern site with, for example, the dwellings around the public open space being approximately 7m above the ground level of the apartments. The scheme currently makes no provision for any direct pedestrian access between the footpath that links the two areas of the site and the higher level dwellings and the Public Open Space on the more elevated section of the northern part of the site, upon which the play area for the **whole** development would be provided, and therefore residents would currently have to take a circuitous route along the highway. Your officer's view is that provision of a more direct route is necessary to achieve linkages between the two parts of the development and it is considered that an appropriate solution can be reached. Your Officer is in discussions with the developer and it is anticipated that a further report on the matter will be brought to Members.

To the south-west of the application site is Unit 7, Linley Trading Estate on Linley Road, which is a site that has both outline planning consent for residential development and detailed consent for commercial business uses and a retail foodstore. In the interests of considering the planning of the wider area and to promote and facilitate sustainable development, a condition was imposed on both the residential scheme and the detailed commercial scheme requiring the submission and approval of details of a pedestrian/cycle access from that site to the boundary with the current application site. Your Officer's view is that the link would be best sited to the east of the swale on the southern site linking into the highway at this point. This could be achieved via a condition.

Subject to consideration of the developer's response regarding the additional link referred to above, it is considered that this scheme promotes sustainable transport choices and is in accordance with the aims and objectives of the NPPF.

Has a satisfactory retention of better quality trees been achieved and is the proposed landscaping and open space within the site acceptable?

There are currently discrepancies between the trees shown to be retained on the landscaping scheme drawing and the tree survey. The Landscape Development Section has highlighted that several of the trees appear to be significantly overshadowing a number of the properties and several trees appear to have been removed with no justification. However it is acknowledged that the two trees likely to overshadow properties are of moderate (B) category, are not the subject of a Tree Preservation Order and critically are part of a wider woodland rather than individually set trees. On balance it is not considered that an objection to the scheme on such grounds could be sustained.

With respect to the concern expressed regarding the loss of nine B category trees at the rear of Congleton Road it has been established that the key issue is the loss of a 21m high tree in this location, which is not compatible with the layout as planned. The public amenity value of this tree is somewhat limited – it is well set back from Congleton Road, and other trees closer to Congleton Road draw the eye of the viewer. The tree is a hybrid black poplar so it is not particularly rare (unlike the non-hybrid version). Again on balance it is not considered that refusal on the grounds that the scheme involves the loss of this tree or adjacent other smaller ones could be sustained. Two category B trees are retained on the boundary here, and there may be some albeit limited scope for some replacement tree planting.

An area of Public Open Space has been provided in the centre of the northern site with the inclusion of a Locally Equipped Area of Play (LEAP). The play area will provide both natural and traditional forms of play equipment with fencing around the area. Subject to confirmation of the details of the play equipment and planting within the play area, the Landscape Development Section is satisfied that the play area is acceptable. These details can be required by conditions.

Background Papers

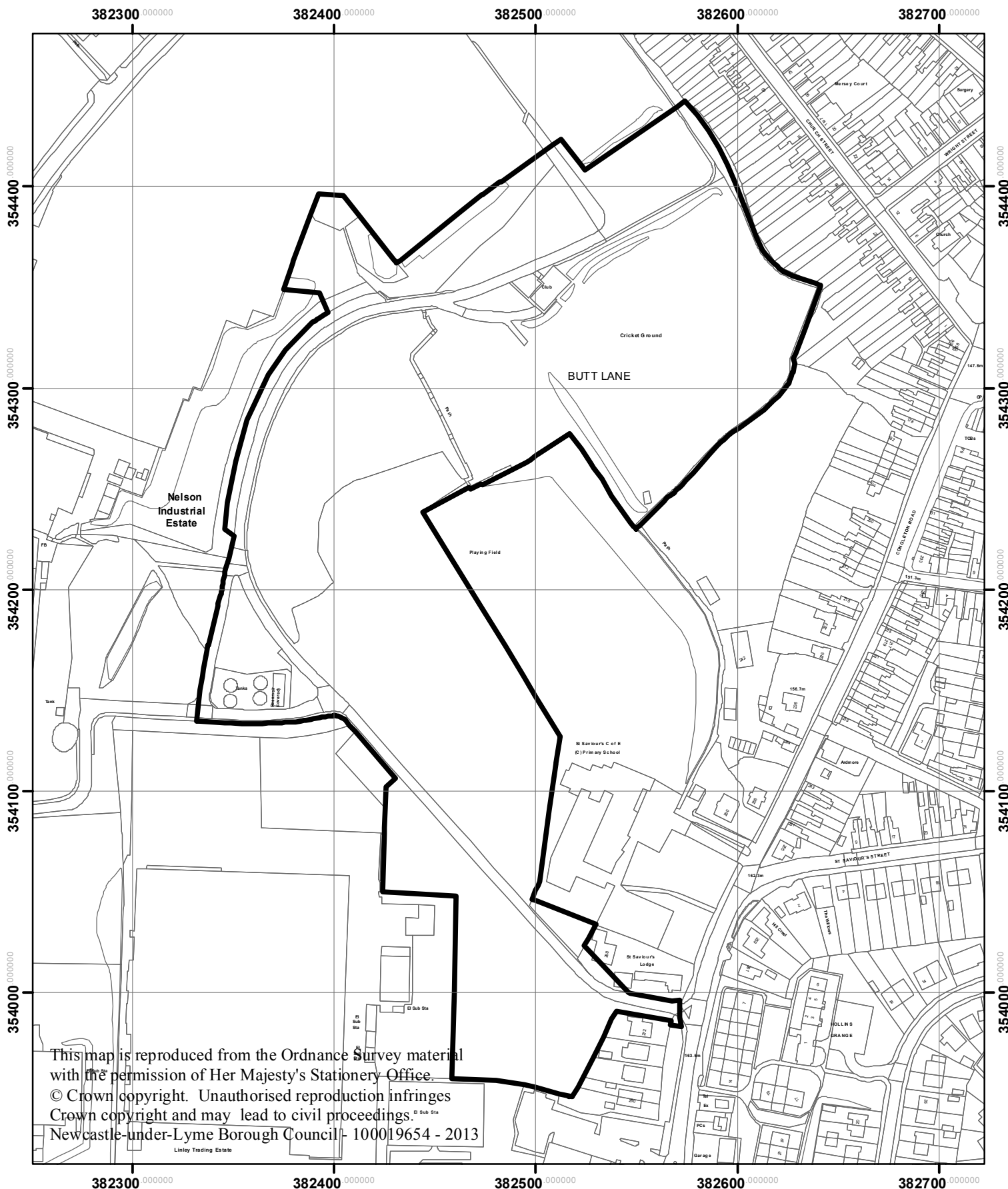
Planning files referred to
Planning Documents referred to

Date report prepared

24 September 2014

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Land south of West Avenue,
 West of Church Street and
 Congleton Road, and North of
 Linley Road, Butt Lane
 14/00562/REM



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ST QUENTIN'S NURSING HOME, SANDY LANE, NEWCASTLE
ST QUENTIN RESIDENTIAL HOME LTD

14/00543/FUL

The Application is for full planning permission for the erection stand-alone two-storey 24 bedroom Elderly Mentally Infirm (EMI) unit and replacement conservatory to St Quentin's Nursing Home. The footprint of the building is about 700 square metres with a maximum height of 7.5 metres.

The conservatory proposed is on the front elevation of the existing building and measures 16.5 metres by 3.8 metres in footprint, by 4.3 metres in roof height. A terrace area is to be created around the conservatory.

The site is within the Urban Area of Newcastle, an Area of Special Character (as set out in saved Local Plan policy H7), and close to the northern boundary of the Brampton Conservation Area as set out on the Local Development Framework Proposals Map.

Certain trees on the site are the subject of a Tree Preservation Order.

Sandy Lane is a C class road.

The 13 week determination period for this application expires on 24th October 2014. The Committee have already undertaken a site visit with respect to this application on the 4th September 2014.

RECOMMENDATION

REFUSE the application for the following reason:-

The two storey building proposed is harmful to the form and character of the area by virtue of its footprint and scale which encroaches into an open frontage which is a key component of the character of Sandy Lane – an area of recognised special character. If permitted the proposal will also compromise future decisions affecting the unique character of the area.

Reason for Recommendation

The proposed building is in a sustainable location, close to public transport links and within a short walking distance of the Town Centre. There is a presumption in favour of this development, therefore, unless *either* any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal *or* specific policies in the Framework indicate that development should be restricted. Provided the trees are retained along the Sandy Lane frontage, it is not considered that an objection on grounds of impact on the adjacent Conservation Area, a designated heritage asset, could be sustained. The properties in this part of Sandy Lane have a very open frontage and the two storey extension proposed will encroach significantly into this. The well set back line of development on the eastern side is a key characteristic of this area with isolated and limited exceptions – it is part of the unique character of the area which is recognised in Local Plan policy H7. There are very limited traffic generation implications and appropriate parking provision can be made. The proposal has an acceptable impact upon neighbouring uses. The harm to the character and appearance of the area which carries a Special Character designation significantly and demonstrably outweighs the benefits of the proposal relating to providing specialist residential care facilities and housing provision within the Borough.

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

Pre-application discussions were entered into by the applicant and the advice received was not favourable with respect to a building on the frontage of the site. No amendments are considered possible to overcome the form and character issues for the proposal to be an acceptable form of development that complies with the provisions of the National Planning Policy Framework.

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026

Policy SP1: Spatial Principles of Targeted Regeneration
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area spatial policy

Newcastle-under-Lyme Local Plan 2011

Policy H1: Residential development: sustainable location and protection of the countryside
Policy H7: Protection of Areas of Special Character
Policy H13: Supported Housing
Policy T16: Development – General Parking Requirements
Policy N12: Development and the protection of trees
Policy B9: Prevention of harm to Conservation Areas
Policy B10: The requirement to preserve or enhance the character and appearance of a Conservation Area

Other material considerations include:

National Planning Policy

National Planning Policy Framework (2012)
National Planning Practice Guidance (2014)

Supplementary Planning Guidance

Space around dwellings SPG (2004)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design SPD (2010)

Views of Consultees

The **Landscape Development Section** have no objections subject to conditions relating to:

- Tree protection measures to British Standards and compliance with the tree survey.
- Prior approval and implementation of, a detailed landscaping scheme.
- Compliance with the recommendations of the submitted Tree Survey and Arboricultural Impact Report

The **Police Architectural Liaison Officer** has no objections and recommends that all doors and windows are of at least the minimum standard for security.

The **Environmental Health Division** following the consideration of a noise assessment have no objections subject to conditions relating to:

- Contaminated land conditions.
- Construction hours.
- Construction management details.
- Protection of highway from mud and debris.
- Certain Internal and external noise levels being achieved.

The Council's **Urban Design and Conservation Officer** has concerns that the design proposed is not sympathetic to the surrounding character of the area principally by bringing the building line forwards some 40 metres which is out of keeping with the overall character of the area. Any cumulative change of this nature along Sandy Lane should be carefully managed as it would be harmful to the character of the area.

The **Highway Authority** have no objections subject to conditions relating to:-

- The prior approval and implantation of 25 parking spaces within the site curtilage (as opposed to the 22 indicated in the submission).
- Provision of the ambulance parking area as submitted.
- Provision of a signage scheme for the access points.
- Prior approval and implementation of weatherproof cycle parking.
- Prior approval and implementation of a Construction Method Statement.

The **East Newcastle Locality Action Partnership** and **Waste Management** have not provided any comments by the due date so therefore it can be assumed they have no objections.

Housing Strategy's comments are being sought and will be reported to the Committee if received in time.

Representations

5 letters of representation have been received raising the following objections:

- The proposal will erode from the attractiveness of the area which is recognised as an area of Special Character by the Council's policies.
- The modern architecture of the proposal is out of keeping with the appearance of St Quentin's and neighbouring properties.
- The position of the extension encroaches onto important landscaped garden area fronting the property which is a key component of the area. Such development will set a harmful precedent.
- The scale and size of the extension proposed is inappropriate.
- The car parking facilities within the site are currently to capacity and the additional parking proposed is insufficient.
- Sandy Lane is already a very busy road and the additional traffic turning into and out of the site will be harmful to the flow of traffic and highway safety.
- The Planning Statement submitted with the application states that pre-consultation with residents was initially positive and residents have expressed the opposite view.
- Disturbance from existing activities associated to the use – such as ambulances coming and going, shouting and screaming are likely to increase and result in further nuisance to neighbouring residents.
- The extension will overlook neighbouring land which is unneighbourly and harmful to living conditions.
- The local drainage system is to full capacity and a large building of the nature proposed will be problematic.

The impact to neighbouring property values which has also been raised as an issue is not a material planning consideration.

Applicant/agent's submission

The application is supported by the following documents:

- Design and Access Statement
- Tree Survey and Arboricultural Report
- Ecological survey
- Transport statement
- Planning Statement
- Noise Assessment

All of the above are available for inspection both at the Council Offices, and on the Council's website at www.newcastle-staffs.gov.uk/planning/1400543FUL. The agent has submitted a response to the representations received by the Council which is also available to view.

KEY ISSUES

The proposal is for a 24 bedroom EMI Unit and replacement conservatory. Nursing homes with EMI units specialize in caring for elderly people who suffer from mental illness, such as Alzheimer's

Disease. There are two existing buildings on the site providing nursing home and residential care facilities respectively. The new building is to be erected on a presently open part lawned part hardstanding area fronting the existing building.

The site is within the Urban Area of Newcastle, an Area of Special Character, and close to the northern boundary of the Brampton Conservation Area as set out on the Local Development Framework Proposals Map. Certain trees on the site are also the subject of a Tree Preservation Order

The key issues for members to consider are:

- Is the principle of the development acceptable?
- Would the development adversely affect the character and appearance of the Brampton Conservation Area?
- Does the development have an acceptable impact on the character of the area with regard to the Protection of Special Character Area designation associated with the location?
- What are the highway safety implications and are they acceptable?
- Does the proposal have an acceptable impact on existing neighbouring uses?, and
- Do either any adverse impacts of the proposal significantly and demonstrably outweigh the benefits of the proposal or do specific policies in the NPPF indicate development should be restricted?

Is the principle of the development acceptable?

The proposal is a form of specialist housing provision therefore it is appropriate to consider it in the context of the most up-to-date planning policies that refer to residential development.

The National Planning Policy Framework (NPPF) advises, at paragraph 49, that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that where the development plan is absent, silent or relevant policies are out-of-date this means unless material considerations indicate otherwise planning permission should be granted unless

- either any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole,
- or specific policies in the Framework indicate development should be restricted.

The examples given of the latter such policies in the NPPF include designated heritage assets

The Borough Council is currently unable to demonstrate a five year supply of deliverable housing sites which triggers the provisions of paragraph 49 of the Framework and, on that account, paragraph 14.

The proposed building is in a sustainable location, close to public transport links and within a short walking distance of the Town Centre. There is a presumption in favour of this development, therefore, unless *either* any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal *or* specific policies in the Framework indicate that development should be restricted.

Would the development affect the character and appearance of the Brampton Conservation Area?

The site, whilst it lies opposite the Brampton Conservation Area, is not within it. The duty (on the LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area applies only to the development of land that is within the Conservation Area. Nevertheless saved Local Plan policy B10 refers, in the list of criteria to be considered in the ensuring that the preservation or enhancement of a Conservation Area is achieved, to the importance of considering whether important views within, into or out of a Conservation Area are protected. The NPPF refers to the need to consider the 'setting' of heritage assets.

The character of the Brampton Conservation Area is enhanced by the character of the surrounding area – including the trees and landscape along Sandy Lane. Whilst views are achievable into the site from certain locations within the Conservation Area, these are limited principally to views from the area of public open space at the northern end of the Conservation Area rather than from Brampton Road itself or its adjacent footways. The views are not planned or critically important views, and provided the trees on the site frontage will be maintained, that will limit any harm to the character of the adjacent Conservation Area.

In conclusion, provided these trees are retained, it is not considered that an objection on grounds of impact on the adjacent Conservation Area could be sustained.

Does the development have an acceptable impact on the character of the area with regard to the Special Character Area designation associated to the site?

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 53 is supportive of policies that resist inappropriate development in residential gardens, for example where development would cause harm to the local area.

Policy CSP1 of the Core Strategy sets out the design criteria to which development will be assessed against which include that development positively contributes to an area's identity in terms of scale, density, layout, use of appropriate material for buildings surfaces and accesses. The Council's Urban Design Supplementary Planning Document gives further detail of how the development should be assessed above the broad guidance contained within Policy CSP1.

Saved Local Plan Policy H7 states that in the designated Areas of Special Character, the Council will seek to preserve the unique character of these areas, consisting mainly of large houses in extensive plots, and will not permit development that would be detrimental to the overall character of the area or that would result in the further sub-division of plots or the loss of, or adverse effect on, visually significant trees.

As pre NPPF policies the weight to be given to these development plan policies is determined by the degree to which they are consistent with policies in the Framework. As indicated above they are consistent with the NPPF.

The properties in this part of Sandy Lane have a very open frontage and the two storey extension proposed will encroach significantly into this. The well set back line of development on the eastern side is a key characteristic of this area with isolated and limited exceptions – it is part of the unique character of the area.

The two storey building proposed replaces an open frontage and that will adversely impact upon the character of the area. The style of architecture proposed is markedly different from that of the existing building on site and surrounding properties but that contrast in itself is not considered to be harmful. However the size and position of the building is considered to be dominating and intrusive to the current attractiveness of Sandy Lane. That the scheme should have no impact upon protected trees and does not involve subdivision of the plot is acknowledged, but that does not mean it does not affect the unique character of the area. Efforts have been made by the applicant to reduce the height of the building which incorporates a green flat roof with solar panels into its design but the appearance of the scheme due to its position and relationship with Sandy Lane is considered to be visually harmful in this location.

Permitting the development would also set precedent for similar developments on adjoining sites, which cumulatively would also change the character of the area for the worse.

What are the highway safety implications and are they acceptable?

The most up to date planning advice within the NPPF states that development should only be prevented or refused on transport grounds only where the residual cumulative impacts of development are severe.

Sandy Lane is a C classified road with a speed limit of 30mph and it links to Brampton Road (A527) to the north and to King Street (A53) to the south.

Existing access arrangements are to be utilised which can provide adequate visibility for vehicles turning into and out of the site. As part of the works proposed the existing access arrangements will be improved by designating one entrance/exit for staff and visitors and one for service vehicles only. The increase in traffic generated by the proposal is likely to be of a low level as the majority of occupants are expected not to have a car and traffic movements will largely be associated to staff and visitors, the latter often visiting the premises outside of peak hours as is the case with respect to the existing function of the site. No concerns of any form have been raised by the Highway Authority about any increased use of the accesses.

The submitted plan drawings show that a total of 22 parking spaces for staff and visitors for the whole site would be provided (that is contrary to a higher number indicated (27) in the accompanying Transport Statement as appropriate). Policies within the Local Plan indicate a maximum requirement of 23 or 24 spaces. The Highway Authority have not objected to the proposal subject to the conditions outlined above which include the provision of an additional 3 spaces (making 25 in total) to make the level of off road car parking provided acceptable. It is considered that a figure of at least 24 spaces in total on the site could be achieved by better use of existing hardstandings adjacent to the existing buildings, rather than by enlarging the new parking area which might be of detriment to protected trees on the site (and unacceptable for that reason).

In summary there are very limited traffic generation implications and appropriate parking provision can be made.

Does the proposal have an acceptable impact on existing neighbouring uses?:

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

Langley which adjoins the site operates both as a house and as a day nursery for children. The proposed building will directly overlook the substantial front and enclosed garden of that property. The windows in that part of the development closest to Langley have been orientated to face away somewhat from Langley itself. There will undoubtedly be a reduction in the perception of privacy currently enjoyed in this front garden but it would not be materially harmful to either the commercial nor the residential use. Langley would retain a private rear garden.

Situated between the St Quentin buildings there is a long intervening drive way leading to a residential property called Laurels. The driveway serving Laurels would also be overlooked by the development. However, as the private garden of the dwelling will be unaffected by the proposal that particular impact on privacy is not of a level to conclude an unacceptable relationship would be created upon those occupiers.

Do either any adverse impacts of the proposal significantly and demonstrably outweigh the benefits or do specific policies in the NPPF indicate development should be restricted?

Given the conclusion reached with respect to the limited impact of the development upon the adjacent Conservation Area it cannot be said that specific policies in the NPPF indicate development should be restricted in this location – the H7 area is not a designated heritage asset as listed in the NPPF or similar to any of the other examples of such policies given in the NPPF footnote to paragraph 14..

A number of benefits have been advanced in support of the scheme. The primary one is the provision of specialist residential care facilities that are already much needed and will be even more so in the future when account is taken of demographic trends. Subsidiary arguments include that the scheme will assist with the viability of the residential home and the nursing home, but the evidence advanced to that end is limited. More generally the scheme adds to the provision of housing within the borough both in numeric terms and in terms of the variety of provision.

Set against these benefits is the harm to the character and appearance of the area. Your officers' view is that this is a clear and fundamental harm and that the development without doubt would

adversely affect the unique character of one of the few designated 'areas of special character' within the Borough. Policy H7 is consistent with the Framework and in particular paragraph 53 to which reference is made above. As such considerable weight can be attached to both the policy and to the conflict with it. This harm in your officers' view does for these reasons significantly and demonstrably outweighs the benefits of the proposal and accordingly it is recommended that the application be refused.

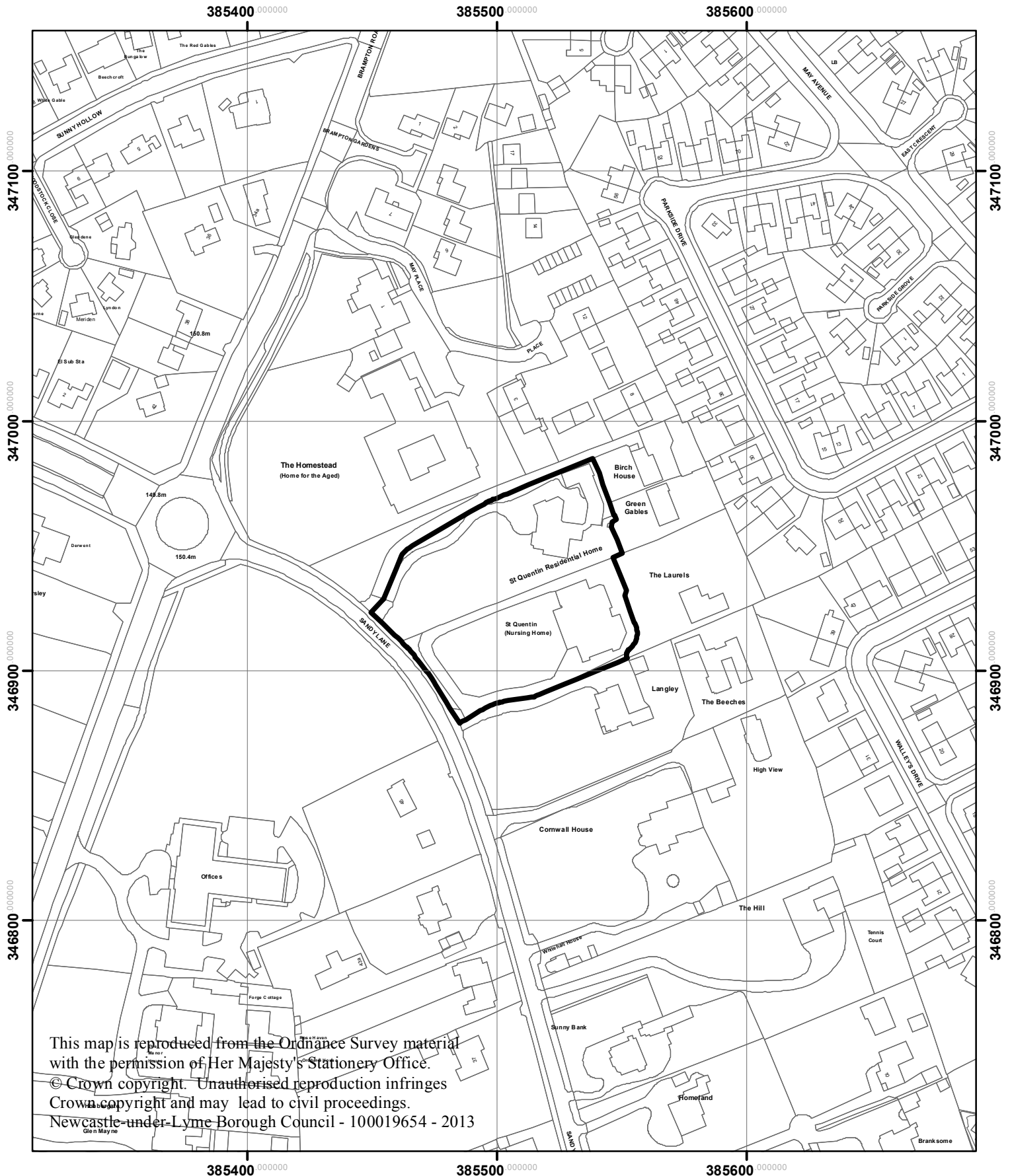
Background Papers

Planning File.
Development Plan.
National Planning Policy.

Date report prepared

24th September 2014

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Newcastle-under-Lyme Borough Council - 100019654 - 2013

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LAND TO THE EAST OF HASSALL ROAD, ALSAGER, CHESHIRE

GLADMAN DEVELOPMENTS LTD

CHESHIRE EAST REF: 14/4010C

NEWCASTLE-UNDER-LYME REF: 348/214

The Borough Council has been consulted by Cheshire East Council on an application for outline planning permission for major residential development.

The 2.57 hectare site is located to the north west of Alsager, in open countryside but adjacent to the built up area and not within the Green Belt. The application is for up to 60 dwellings.

For the Borough Council's comments to be taken into account by Cheshire East Council in their decision, they must be received by them by 8th October 2014.

RECOMMENDATION

To notify Cheshire East Council that the Borough Council OBJECTS to the application on the grounds that major development in this location would be likely to undermine the delivery of the Newcastle-under-Lyme and Stoke-on-Trent Joint Core Strategy.

Reason for Recommendation

Whilst it is recognised that there may be limited evidence available at present to substantiate the concern, major development in this location is likely to have a negative impact on the strategic objectives of the adopted Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy and that therefore the proposed development would have an adverse impact upon the regeneration of North Staffordshire.

Other Material Considerations include:

Emerging Local Plan – Cheshire East Local Plan Strategy

The Cheshire East Local Plan Strategy has been submitted to the Secretary of State for consideration by an independent Planning Inspector at an Examination in Public. Examination hearings are currently ongoing and are expected to conclude on 31st October 2014.

National Planning Policy

- National Planning Policy Framework (March 2012)

Newcastle-Under-Lyme Planning Policy

- Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS):
Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Applicant/agent's submission:

The application is supported by the following;

- Air Quality Screening Assessment
- Arboricultural Report
- Archaeology Report
- Assessment of Sustainability
- Design and Access Statement
- Draft S106 Agreement
- Ecology Report
- Flood Risk Assessment
- Landscape Visual Impact Assessment

- Noise Screening Assessment
- Objectively Assessed Housing Need Report
- Planning Statement
- Socio-Economic Impact Report
- Statement of Community Involvement
- Transport & Travel Plan
- Development Framework Parameters Plan
- Location Plan

These documents are available to view both at the Cheshire East Council Offices (under reference 14/4010C) and on the Cheshire East Council web site at www.cheshireeast.gov.uk. ([please click here.](#))

KEY ISSUES

As indicated above, the Borough Council has been consulted by Cheshire East Council on an application for outline planning permission for the construction of up to 60 new dwellings on Land to the East of Hassall Road, Alsager.

The principal issue that could adversely affect the interests of Newcastle-under-Lyme Borough is the cumulative impact of this development, when considered alongside other recent and anticipated speculative applications for major housing development in and around Alsager. Taken together, these developments are likely to lead to an over-provision of housing in Alsager against the target proposed in the emerging Local Plan of Cheshire East Council.

Given the strong economic links between this part of Cheshire and North Staffordshire, major development in this location could encourage further out-migration from the North Staffordshire conurbation. Such out-migration in turn would undermine the strategic aim and Policy SP1 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy, detracting from the regeneration of the North Staffordshire housing market and economic base. Providing substantive evidence to demonstrate this link is however challenging.

BACKGROUND

In March 2014, Cheshire East Council published its Local Plan Strategy submission document for consultation. This document identifies Alsager as a 'Key Service Centre' where development is to be of a scale, location and nature that recognises and reinforces the distinctiveness of the town. A target of 1,600 new homes is proposed in Alsager during the plan period (2010-2030), 1,250 of which are proposed to be delivered on three Strategic Sites in the town. The remainder is to be met by existing allocations, planning approvals and previously completed development.

This proposal is not included in the 1,600 new homes proposed within the Local Plan Strategy and therefore it would be over and above that required to be delivered over the next plan period.

There have been a number of speculative planning applications for housing development on the outside edge of Alsager's Settlement Zone Line. Together these have the potential to far exceed the 1,600 new homes target, thus potentially undermining the strategy for Alsager set out in the Local Plan submission document. Previous speculative residential developments at Alsager that go beyond the target identified in the submission Local Plan Strategy and that have been reported to the Borough's Planning Committee in the past year include;

- **13/4627C – Land off Dunnocksfold Road, Alsager;** 95 dwellings. Reported to Planning Committee on 19th November 2013. No decision yet made by Cheshire East Council.
- **13/4150N – Land to West of, Close Lane and North of Crewe Road, Alsager;** 132 dwellings. Reported to Planning Committee on 19th November 2013. Application refused by Cheshire East Council on 24th March 2014.
- **13/3032C – Land Off Crewe Road, Alsager;** 110 dwellings. Reported to Planning Committee on 19th November 2013. No decision yet made by Cheshire East Council.

- **13/4092C – Land South of Hall Drive, Alsager;** up to 125 dwellings. Reported to Planning Committee on 19th November 2013, approved by Cheshire East Council on 24th June 2014.

Taken together with this new proposal, these speculative schemes would amount to an additional 522 new dwellings on top of the 1,600 proposed within the submitted Cheshire East Local Plan Strategy. Although it must be recognised that so far 125 have been approved, 132 refused and the remainder are currently awaiting a decision.

Recent appeal decisions have established that Cheshire East Council is currently unable to demonstrate a five year supply of housing land, and consequently that applications must be decided on the basis of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This limits the extent to which the current policies restricting the supply of housing land in the Congleton Local Plan can be applied.

CONCLUSION

Your officers consider that the development of this site when considered together with the revised planned allocation of strategic sites at Alsager, is likely to result in a level of development that would have an adverse impact on the strategic objectives of the adopted Core Spatial Strategy and hence has the potential to both undermine the North Staffordshire housing market and encourage further out-migration from the conurbation.

Background Papers

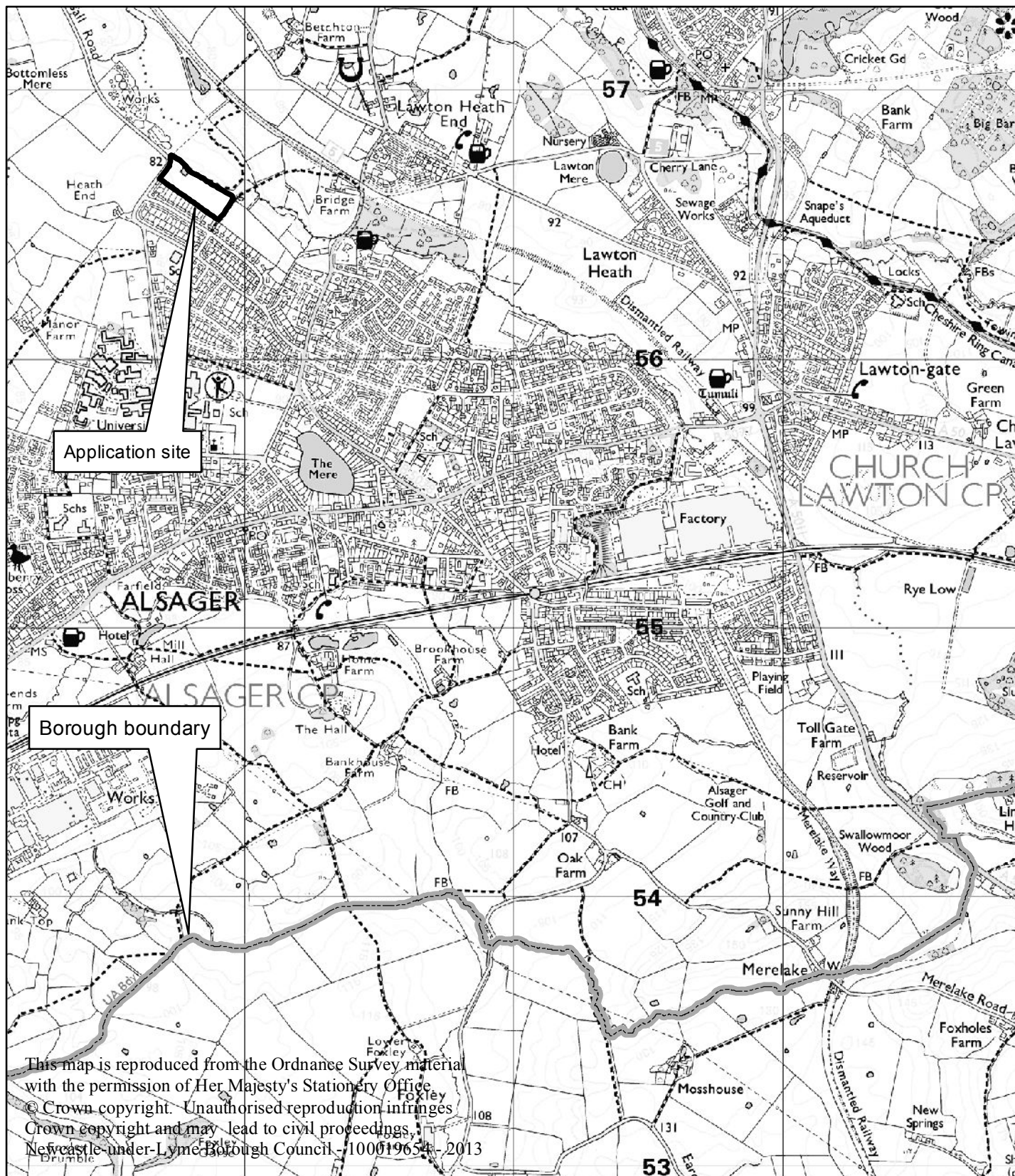
- Planning Committee papers for meeting on 19th November 2013
- National Planning Policy Framework
- Cheshire East Council Local Plan Strategy: Submission Document.
- Joint letter to Cheshire East Council 16/12/13 re: Local Plan Pre-Submission Core Strategy consultation.
- Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy

Date report prepared

19th September 2014

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Land at Hassall Road, Alsager 348 /214 Cross boundary consultation



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51 LONDON ROAD, CHESTERTON
NOTEMACHINE

14/00/575/FUL

The report is to consider application 14/00575/FUL which seeks retrospective planning permission for an ATM inserted within the retail frontage of 'Wood Pie'.

The application site contains a retail unit in a corner position of London Road and Ripon Avenue. The unit is split into retail use at ground floor, with residential use above.

The statutory 8 week determination period for the application expires on the 8 October 2014

RECOMMENDATION

Approve; subject to conditions relating to the following

- 1) The ATM shall only be operational between 6am and 12am only.
- 2) The lighting levels shall not exceed 800 cd/m²

Reason for recommendation

The ATM is considered to have an acceptable visual impact within the character of the area, and would not adversely affect the shop frontage. The hours of operation for the ATM can be limited in order to prevent any adverse impact upon the amenities of residents in terms of noise disturbance. The Highway Authority has viewed the application, and raise no objections to the development and as such it is considered that there would be no adverse impact upon the local highway network.

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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Policies and Proposals in the approved Development Plan relevant to this decision:-

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

Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011 (NLP)

None

Other material considerations include:

Relevant National Policy Guidance:

National Planning Policy Framework (March 2012)
National Planning Practice Guidance (2014)

Relevant Planning History

A retrospective application for the ATM signage has been submitted in conjunction with this application and a report on that application, reference 14/00576/ADV, is also on this agenda.

Views of Consultees

Highway Authority:

No objections to the application subject to the lighting levels not being above 800 cd/m²

Environmental Health:

No objections, subject to a limit on the hours of operation in order to protect the amenities of neighbouring residents.

Police Architectural Liaison Officer:

No objections, and recognise that due to the loss of other ATMs in the area, that the development would be of use to local residents. Due to crime in other areas, they recommend that CCTV is utilised in the future.

Representations

Five letters of representation have been received to date. A summary of the objections is provided below.

- Lighting to the ATM machine is bright resulting in disturbance of neighbours
- Traffic and parking issues created by the location of the ATM.
- Speed of vehicles using the ATM
- Noise caused by users of the cash machine, including cars and pedestrians
- Issues with the ATM are 24 hours per day
- No need for the additional ATM machine.

Applicant/agent's submission

The application includes a Design and Access statement and addendum.

All of the application documents can be viewed at the Guildhall or using the following link.

www.newcastle-staffs.gov.uk/planning/1400575FUL

KEY ISSUES

The application site is located within a District Centre, and as such the principle of the provision of an ATM within a retail frontage is considered to be acceptable, subject to the impact upon the character of the area, amenity in terms of noise disturbance and visual disturbance and the local highway network.

Design and Character of the Area

The application site is situated within an area of mixed character, including commercial and residential development.

The application is retrospective, and the cash machine has been in place for some time.

The ATM is of standard appearance, and its addition within the retail frontage of 'Wood Pies' is not considered to be detrimental to the appearance of the shop front, or character of the area.

Residential Amenity

The cash machine is located in a mixed use area, with residential terraced properties located adjacent to the site. Several objections have been received by neighbours with regards to the impact the ATM has upon their amenity. Users of the cash machine can currently use it at any time of night or day, resulting in some disturbance from noise.

As the site is located in close proximity to residential properties, it is considered to be necessary to limit the hours of operation, to between 6am and 12am to prevent any adverse disturbance to neighbours from the ATM in terms of noise, of visual disturbance from the machine.

Highways

The application site is located on London Road (A34). Several objections have been received with regard to issues surrounding parking, traffic and the implications upon the highway.

The parking associated with the cash point is unlikely to result in any greater impact that arises in association with the existing retail use on site. The use of the cash point can be limited and as such, this should prevent any further disturbance.

The Highways Authority was consulted as part of the application process and raises no objections to the proposal, subject to the luminance levels not raising above 800cd/m². The ATM has lighting levels far lower than this, and as such the proposal is considered to have an acceptable impact upon highway safety.

Background Papers

Planning File

Development Plan

Date report prepared

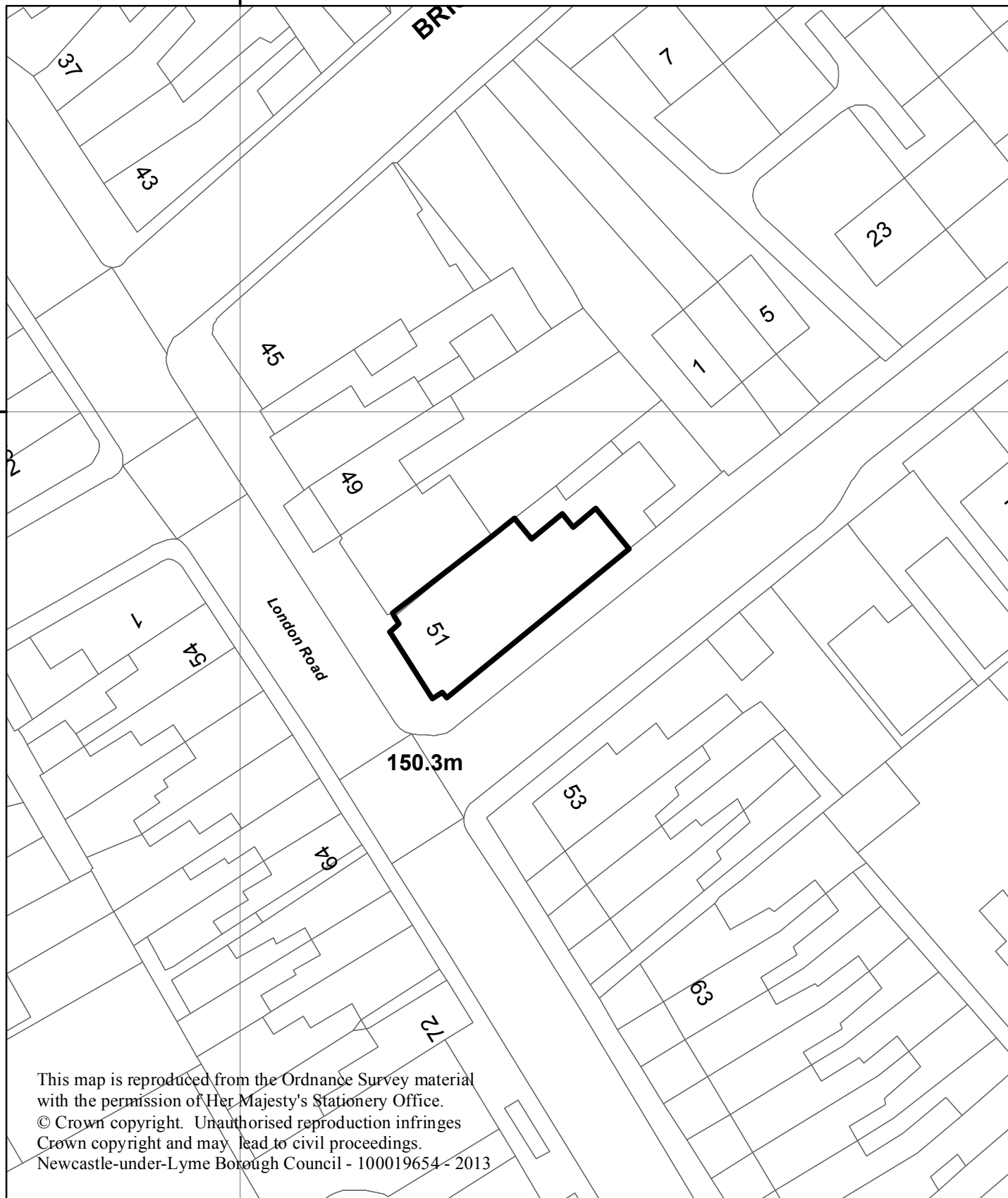
23rd September 2014

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51 LONDON ROAD, CHESTERTON
NOTEMACHINE

14/00576/ADV

The report is to consider application 14/00476/ADV which seeks retrospective advertisement consent for signage associated with an ATM.

The application site contains a retail unit in a corner position of London Road and Ripon Avenue. The unit is split into retail use at ground floor, with residential use above.

The statutory 8 week determination period for the application expires on the 8 October 2014

RECOMMENDATION

Approve; subject to standard advertisement conditions and

- 1) The lighting of the adverts will only be operational between 6am and 12am only.
- 2) The lighting levels shall not exceed 800 cd/m²

Reason for recommendation

The proposal is considered to be acceptable in terms of visual amenity and public safety.

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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Policies and Proposals in the approved Development Plan relevant to this decision:-

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

Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011 (NLP)

None

Other material considerations include:

Relevant National Policy Guidance:

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (2014)

Relevant Planning History

A retrospective application for the installation of the ATM has been submitted in conjunction with this application and a report on that application, reference 14/00575/FUL, is also on this agenda.

Views of Consultees

Highway Authority:

No objections to the application subject to the lighting levels not being above 800 cd/m²

Environmental Health Division:

No objections subject to the restriction on the hours of operation, and providing that the illuminated ATM lights are switched off out-of-hours.

Representations

Five letters of representation have been received to date. A summary of the objections is provided below.

- Lighting to the ATM machine is bright resulting in disturbance of neighbours, particularly at night
- Traffic and parking issues created by the location of the ATM.
- Speed of vehicles using the ATM
- Noise caused by users of the cash machine, including cars and pedestrians
- Issues with the ATM are 24 hours per day
- No need for the additional ATM machine.

Applicant/agent's submission

The application includes a Design and Access statement, accompanies with details for the lighting of the ATM.

All of the application documents can be viewed at the Guildhall or using the following link www.newcastle-staffs.gov.uk/planning/1400576ADV

KEY ISSUES

The application is for the advertisements associated with the ATM within the retail frontage of Wood Pies, a retail unit off London Road.

The adverts are limited to the perimeter of the cash point and are contained within this area only.

The National Planning Policy Framework requires a degree of consistency between Local Plan and those policies within the framework. Where Local Plan Policies are consistent with the Framework greater weight can be given to that Policy. In general terms within the NPPF there is a presumption in favour of sustainable development.

The NPPF seeks to achieve sustainable forms of development through, inter alia, securing a high quality built environment and to provide a good standard of amenity for all existing and future occupants of land and buildings. The NPPF continues with regards to advertisements in paragraph 67 and states that poorly placed adverts can have a negative impact on the appearance of the built environment. Only adverts which have an appreciable impact on the buildings and surroundings should be subject to detailed assessment. The NPPF confirms that proposals should be subject to control only in the interests of amenity, public safety and take into account cumulative impacts.

Amenity

The signs are located to the perimeter of the cash point, providing signage for the ATM only.

The lighting level of approximately 100cdm, and therefore is relatively low, preventing any adverse impact upon the area.

The lighting has disturbed a number of residents at night. As such, it is recommended that the lighting is switched off over night, in line with the hours of operation of the cashpoint which is recommend as 6am – 12am. This would prevent any adverse impact upon amenity.

Public safety

Having regard to highway safety it is not considered that there would be any detriment to highway safety as a result of the proposal. The Highway Authority raises no objection to the proposal subject to restrictions on the lighting levels.

Background Papers

Planning File

Development Plan

Date report prepared

23rd September 2014

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Stoke on Trent and Staffordshire Local Enterprise Partnership Planning Concordat

Purpose of Report

To inform the Planning Committee about the 'Planning Concordat' prepared by the Local Enterprise Partnership (LEP) which aims to ensure that planning authorities are playing their part in promoting the LEP's growth agenda, and to provide the Planning Committee with the opportunity to make comments to Cabinet before it considers the matter

Recommendations

That it be recommended to Cabinet to ratify and enter into the Planning Concordat

Reasons

To improve the effectiveness of the planning system in terms of supporting appropriate development.

1.0 Background

1.1 The background to this report is set out within a report that went to the Council's Economic Development and Enterprise Overview and Scrutiny Committee at its meeting on the 3rd September. This report is attached as Appendix A. The Overview and Scrutiny Committee commended to Cabinet that they ratify the Concordat. A report will be going before Cabinet at its meeting on the 15th October and any comments of the Planning Committee on the Council's position with respect to the Planning Concordat will be reported to Cabinet by means of a Supplementary report.

2.0 The content of the Planning Concordat

2.1 As indicated in the attached report the Stoke on Trent and Staffordshire Local Enterprise Partnership (LEP) Executive Group at its meeting on the 17th July 2014 has agreed, following a review of its former Planning Charter (now renamed the Planning Concordat), to the following 8 proposals :-

1. All parties agree that the NPPF requirement for high-quality, sustainable forms of development should be an over-arching priority in respect of all future development proposals.
2. The LEP will seek to publish, as a matter of urgency, a Strategic Economic Plan for the area, in consultation with Local Planning Authorities (LPAs) and appropriate consultees, and subsequently to coordinate the Local Plan strategies of individual LPAs in accordance with its stated aims and policies.
3. The LEP will investigate the possibility of establishing a "call-off" contract with appropriate supplier(s) to provide consultancy assistance if / when required by LPAs and developers.
4. The LEP will establish and convene a bi-annual Working Party comprising planning officers, elected members, statutory consultees, planning agents, and representatives of local businesses at which issues of interest and concern can be raised, discussed and resolved in an open and collaborative environment.

5. All parties to encourage pre-application submissions and discussions, to include elected councillors in cases where there are likely to be community concerns. In pursuance of this, individual LPAs will publish a clear set of guidelines for potential developers wishing to engage in pre-application discussions.
6. LPAs to provide Town and Country Planning update training of an appropriate standard for planning officers and elected members on an annual basis, in addition to Introductory training for new councillors.
7. LPAs will monitor and regularly review levels of customer satisfaction with the services offered by Planning Departments, and review their own performance in terms of adding value to new development.
8. LPAs will ensure that the planning section of Council web-sites are as informative and customer-friendly as possible and that they are updated on a regular basis, with regard to both development management and policy issues.

2.2 The LEP envisage several stages to the effective implementation of the Concordat. The **first stage** is ratification. As a joint initiative between the participating bodies it will need to be ratified by all the respective partners. For the planning authorities it will require a report to be taken to their Cabinet or a relevant committee. For the Borough this is the report.

2.3 The **second stage** would be a set of agreed actions by the participating bodies to undertake those elements of the agreement that are not currently being provided. A period of time for these to be established will need to be set out and agreed within the Concordat. The LEP propose that this should be 6 months from formal ratification, to be agreed between the parties.

2.4 The various officer groups in the County that meet already on a regular basis are seen by the LEP as a useful source of experience to help with introducing any changes required. This would continue the process of evolving and sharing good practice that is already established.

2.5 The **third stage** would be some form of monitoring or reporting to confirm the extent to which the Concordat is being implemented. In the spirit of joint enterprise reporting by each party to an annual review of actions and outcomes would be the preferred way of securing this information. This should include it is suggested some aspects of customer satisfaction as well as hard data on the number of permissions granted, the scale of job creation and appropriate measures of economic success.

2.6 Much of this data it is suggested by the consultants will be collected already and it should be relatively straightforward to assemble the necessary information to illustrate the operation and effectiveness of the Concordat.

2.7 One additional element that might be considered would be to compile annually a series of case study examples provided by the participating bodies that highlight a positive and helpful approach to development proposals.

2.8 There is no statutory basis for the proposed arrangements for encouraging the delivery of sustainable economic regeneration across Staffordshire and Stoke on Trent. It is hoped by the LEP that all the authorities will see the value in agreeing to the measures proposed but they are free to choose not to if circumstances argue against their continued involvement. The annual review would be the opportunity for this.

3. The consequences for the Borough of participation in the Concordat.

3.1 The Council already provides some of the elements of the Concordat. For example it encourages preapplication submission and involves members in preapplication discussions on certain applications (through the Strategic Planning Consultative Group). That it charges

for some of these is not seen as incompatible with that objective. It has a well developed website offer in certain respects, although its pages will always require regular review. It has been pursuing as part of the Staffordshire One Place initiative the concept of inter authority trading of specialist services, as an alternative to the use of consultants and the LEP call off contract proposal could perhaps add another useful option, resources permitting. Other elements referred to in the LEP's recommendations are perhaps not as well developed at the Borough Council as they might be – for example member training (where there has been introductory training rather than an indepth annual programme) and the limited provision of guidelines for potential developers wishing to engage in pre-application discussions being examples. The Planning Concordat could provide a useful focus for their introduction.

3.2 Your officers see no fundamental objections to any of the 8 elements of the Concordat.

4. Financial and Resource implications

4.1 There would be resource implications for the Council associated with participating actively in the Planning Concordat. These would include officer time attending the required meetings, providing input and ideas, drawing up proposals, implementing them and then participating in the proposed annual reviews. By using the services of the LEP to organise meetings such as the suggested Bi-annual Working party at which issues of interest and concern can be raised, some of the administrative burden of such arrangements would not have to be borne by the Council and it could be a useful forum that does not exist at present.

4.2 Whilst the LEPs' consultants suggest that hard data may already be available on outcomes, in some cases additional information may need to be collected which could have resource implications but these should be able to be managed. There could even be direct costs – for example if customer satisfaction surveys are to be undertaken successfully they may require some form of financial incentive to participants to achieve high return rates.

4.3 The Council is already preparing to respond to the recent Planning Peer Review and this will involve the preparation, approval and implementation of an Action Plan. However much of this activity would relatively easily feed into engagement into the Planning Concordat and should be compatible with it.

4.4 If the burden of participating in the Planning Concordat became unduly onerous then the option of withdrawing from it would exist.

5.0 Background Papers

- The Stoke and Staffordshire Local Enterprise Partnership Planning Agreement : February 2014
- Stoke-on-Trent & Staffordshire Local Enterprise Partnership – Planning Concordat – Final Report 15 May 2014

6.0 Appendix

- Report to Economic Development and Enterprise Overview and Scrutiny Committee 3rd September 2014

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**REPORT TO ECONOMIC DEVELOPMENT AND ENTERPRISE SCRUTINY COMMITTEE
3rd SEPTEMBER 2014**

**THE STOKE ON TRENT AND STAFFORDSHIRE LOCAL ENTERPRISE PARTNERSHIP
PLANNING CONCORDAT**

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Purpose of the report

To inform members about the 'Planning Concordat', prepared by the Local Enterprise Partnership (LEP), which aims to ensure that planning authorities are playing their part in promoting the LEP's growth agenda.

Recommendation

That the LEP's Planning Concordat be commended to Cabinet

Reasons

To improve the effectiveness of the planning system in terms of supporting (appropriate) development.

1. Introduction

1.1 The LEP launched a Planning Charter Mark initiative in February 2012 to encourage its Local Planning Authorities to demonstrate a proactive and business-focused approach to planning applications. The LEP envisaged certain 'outcomes' would be delivered by the Local Planning Authorities, and although they were not prescriptive about exactly how these outcomes would be delivered they did suggest specific proposals based upon a survey of businesses. Although the focus of the Charter was on the planning system – reflecting the role of each of the local authorities as the Local Planning Authority for their area, there was an expectation that Councils will support economic growth in exercising all of their functions. The Peer Review of the Council that took place in 2012 had highlighted the importance of aligning the strategies and policies of regulatory functions with the Council's corporate priorities most notably that of a "borough of opportunity.

1.2 The outcomes that the LEP were seeking were Clarity and consistency, Effort and focus, Competence and respect, Accuracy and fairness, and Dialogue and understanding. The Council was invited to sign up to the process it being indicated by the LEP that if it did so it would then receive the 'Charter Mark' when it had adopted measures which the LEP considered necessary to deliver the 'outcomes', and that in subsequent years retention of the 'Charter Mark' would depend upon sustained and measurable improvements in the service experienced by businesses.

1.3 Cabinet considered a report at its meeting on 12th December 2012 and resolved that

- The Stoke on Trent and Staffordshire LEP be advised that the Council wished to attain the Planning Charter Mark status and invites the LEP to satisfy itself that the

Council's current practices and procedures are compliant with the spirit and intent of the Charter Mark

- The LEP be informed of the Council's decision and be invited to keep under review the Council's current decision-making processes procedures and performance in relation to planning applications for development relating to the safeguarding and/or growth of jobs with a view to achieving continuous improvement
- The Planning Committee be advised of this decision and asked to introduce specific monitoring of business- related planning applications in its current performance monitoring regime
- Officers bring forward proposals to a future meeting of Cabinet on the steps that were likely to be required to achieve Planning Charter Mark Status in 2013.

1.4 No formal award of the 'Charter Mark' was subsequently made to any of the Staffordshire Authorities that are part of the LEP. In July 2013 the LEP commissioned the Planning Cooperative consultancy to undertake a review of planning policies and practice across the County - to assess the extent to which the local planning authorities were demonstrating an appropriate level of commitment to economic regeneration and recovery and to explore the circumstances in which the Charter Mark could be awarded. The consultants' final report and recommendations went before the LEP Executive Group at its meeting on the 17th July 2014 and were approved.

2. Questions to be addressed by the Overview & Scrutiny Committee and possible outcomes

2.1 It is suggested that the Committee should scrutinise the recommendations of the LEP which will be reported to Cabinet, and give a view on whether the Council should ratify the Concordat which would then mean :-

- agreeing to actions to undertake those elements of the Concordat which are not currently being provided and implementing these within an agreed timeframe probably within the following 6 months
- setting in place monitoring arrangements to provide data including business customer satisfaction information
- participating in annual reviews of actions and outcomes
- contributing to case studies of examples of where a positive and helpful approach has been taken to development proposals

3. The approach taken by the consultants

3.1 The Charter Mark Initiative grew out of a perception within some parts of the business community that the planning process might not be doing all it could to facilitate new employment development proposals in the time scale needed to respond to opportunities and changes in market conditions.

3.2 The consultants' report suggests that the planning system is recognised as having a key role in securing economic recovery. This role has two aspects:

- promoting new sites through the Local-Plan process and
- determining planning applications on both existing and new sites in line with national and local policy.

3.3 Because of the importance of these activities to local businesses, planning authorities are seen by them as the gate-keepers to economic growth.

3.4 The operation of the planning system is of crucial importance in encouraging economic growth both through the expansion of existing businesses and attracting inward investment. The purpose of the research was to provide an objective, independent analysis of practice and process across Stoke-on-Trent and Staffordshire - the intention being to foster good practice and understanding.

3.5 The consultants' report observes that the original Charter Mark initiative

- was a one-way street initiative – with the LEP looking to the LPAs to demonstrate a response to the obvious importance of economic growth during a time of recession, whilst a more two way process would be more appropriate – recognising that some developer and agents have not responded to the other theme of the National Planning policy framework – the delivery of higher quality and more sustainable development
- was strongly influenced by anecdotal examples of poor behaviour by Local Planning Authorities that were not necessarily representative of general practice
- did not accurately represent the NPPF's more rounded and nuanced approach

3.6 The consultants report indicates that the National Planning Policy Framework (NPPF) and principles of sustainable development are the two bedrocks of the modern planning system. They focus on the fact that the NPPF states that economic growth must be planned for, encouraged and facilitated but must be handled in such a way as to constitute sustainable development. Sustainable development is the 'golden thread' running through NPPF. Development that achieves that status enjoys a presumption in favour of consent and should be approved without delay.

3.7 The consultants see sustainable development as that which avoids adverse impact on the environment and on the wellbeing of the wider society. Where possible it goes further delivering enhancement and improvement as well as securing economic growth. But while economic growth is made something of a special case in the NPPF it is not, the consultants say, so special as to be exempt from the defining criteria of sustainable development. These are to do with the quality of the proposals and the nature of their impacts which should be minimized in all cases and be positive whenever possible.

3.8 The consultants say the established way of evaluating planning applications is to divide the issues (material planning considerations) into two groups, those in favour and those against, and then to judge which side has the greater weight of argument. Under that process they consider it is unlikely that either of the two possible outcomes will be seen as sustainable development. On the one hand a **refusal** deprives the community of economic growth which is vital to their future well-being. This is clearly contrary to the aims of NPPF and was the central justification for the Charter Mark initiative.

3.9 Equally however, a **consent** reflecting the importance of the economic issues will almost inevitably involve a price to be paid in the form of additional adverse impacts on the natural or built environment, infrastructure capacity or some aspect of quality of life for the local community. Very frequently it will also represent a missed opportunity to deliver wider benefits, including measures to improve the environment which is also a requirement of NPPF and a defining element of sustainable development.

3.10 The NPPF, the consultants say, requires all the parties involved with development proposals to acknowledge the legitimacy of the valid planning concerns raised rather than seeking to play some of them down in order to increase the chance of success, either way.

Instead, the issues raised by the development should be used to refine and improve the proposals so that the scheme becomes sustainable and therefore benefits from the presumption in favour of consent rather than being used as an argument for rejecting the initial proposals.

3.11 Central to this approach for the consultants is the concept that sustainable economic growth is a shared objective and an end-point of all parties and that it can be secured only by collaborative working. In their words Punch and Judy planning has had its day.

3.12 For the consultants, the best examples of sustainable development come from collaborative working in which the views of all parties, including the local community on whom the impacts most obviously fall, are aired and considered jointly. Views expressed need not necessarily be for or against but are proposed as issues to be considered and to contribute to the design process and emergence of a more sustainable proposal.

3.13 The NPPF is very clear on the importance of not missing opportunities both to reduce potential impacts and to widen the scope of potential benefits of development proposals. There were several examples of this approach being used presented to the consultants during meetings with the officers of the local planning authorities.

3.14 For the consultants Ecology and archaeology are two areas in the NPPF that illustrate this point most clearly. The government policy is explicit that they should not be taken as a barrier to development but that they must be properly taken into account so that the development can be designed and managed to avoid significant impacts and, where practical, result in enhancement. An increasing number of issues of this kind derive from legislation that is independent of the planning system. As such it is outside the discretion of the local planning authorities even though the need for the information about the issue has been triggered by a planning application.

3.15 The total policy context provided by NPPF could be summed up as an attempt to have your cake and eat it (again the consultants' words). That, they say, is only possible with two-way, cooperative working.

4. The LEP's recommendations on a Planning Concordat:

4.1 Following consultation with local planning authorities across the county, the LEP has drawn up the following 8 recommendations:

- All parties agree that the NPPF requirement for high-quality, sustainable forms of development should be an over-arching priority in respect of all future development proposals.
- The LEP will seek to publish, as a matter of urgency, a Strategic Economic Plan for the area, in consultation with LPAs and appropriate consultees, and subsequently to coordinate the Local Plan strategies of individual LPAs in accordance with its stated aims and policies.
- The LEP will investigate the possibility of establishing a "call-off" contract with appropriate supplier(s) to provide consultancy assistance if / when required by LPAs and developers.
- The LEP will establish and convene a bi-annual Working Party comprising planning officers, elected members, statutory consultees, planning agents, and representatives of local businesses at which issues of interest and concern can be raised, discussed and resolved in an open and collaborative environment.

- All parties to encourage pre-application submissions and discussions, to include elected councillors in cases where there are likely to be community concerns. In pursuance of this, individual LPAs will publish a clear set of guidelines for potential developers wishing to engage in pre-application discussions.
- LPAs to provide Town and Country Planning update training of an appropriate standard for planning officers and elected members on an annual basis, in addition to Introductory training for new councillors.
- LPAs will monitor and regularly review levels of customer satisfaction with the services offered by Planning Departments, and review their own performance in terms of adding value to new development.
- LPAs will ensure that the planning section of Council web-sites are as informative and customer-friendly as possible and that they are updated on a regular basis, with regard to both development management and policy issues.

To reflect the new approach the LEP have renamed the Planning Charter Mark the Planning Concordat.

5. Next steps as set out in the consultants report

5.1 The consultants envisage several stages to the effective implementation of the Concordat. The **first stage** is ratification. As a joint initiative between the participating bodies it will need to be ratified by all the respective partners. For the planning authorities it will require a report to be taken to their Cabinet or a relevant committee. Your officers' intention is to bring a report to the 15th October Cabinet

5.2 The **second stage** would be a set of agreed actions by the participating bodies to undertake those elements of the agreement that are not currently being provided. A period of time for these to be established will need to be set out and agreed within the Concordat. The LEP propose that this should be 6 months from formal ratification, to be agreed between the parties.

5.3 The various officer groups in the County that meet already on a regular basis are seen by the LEP as a useful source of experience to help with introducing any changes required. This would continue the process of evolving and sharing good practice that is already established.

5.4 The **third stage** would be some form of monitoring or reporting to confirm the extent to which the Concordat is being implemented. In the spirit of joint enterprise reporting by each party to an annual review of actions and outcomes would be the preferred way of securing this information. This should include it is suggested some aspects of customer satisfaction as well as hard data on the number of permissions granted, the scale of job creation and appropriate measures of economic success.

5.5 Much of this data it is suggested by the consultants will be collected already and it should be relatively straightforward to assemble the necessary information to illustrate the operation and effectiveness of the Concordat.

5.6 One additional element that might be considered would be to compile annually a series of case study examples provided by the participating bodies that highlight a positive and helpful approach to development proposals.

5.7 There is no statutory basis for the proposed arrangements for encouraging the delivery of sustainable economic regeneration across Staffordshire and Stoke on Trent. It is hoped by the LEP that all the authorities will see the value in agreeing to the measures proposed

but they are free to choose not to if circumstances argue against their continued involvement. The annual review would be the opportunity for this.

6. The consequences for the Borough of participation in the Concordat.

6.1 The Council already provides some of the elements of the Concordat. For example it encourages preapplication submission and involves members in preapplication discussions on certain applications (through the Strategic Planning Consultative Group). That it charges for some of these is not seen as incompatible with that objective. It has a well developed website offer in certain respects, although its pages will always require regular review. It has been pursuing as part of the Staffordshire One Place initiative the concept of inter authority trading of specialist services, as an alternative to the use of consultants and the LEP call off contract proposal could perhaps add another useful option, resources permitting. Other elements referred to in the LEP's recommendations are perhaps not as well developed at the Borough Council as they might be – for example member training (where there has been introductory training rather than an indepth annual programme) and the limited provision of guidelines for potential developers wishing to engage in pre-application discussions being examples. The Planning Concordat could provide a useful focus for their introduction. Your officers see no fundamental objections to any of the 8 recommendations.

7. Constraints

7.1 There would be resource implications for the Council associated with participating actively in the Planning Concordat. These would include officer time attending the required meetings, providing input and ideas, drawing up proposals, implementing them and then participating in the proposed annual reviews. By using the services of the LEP to organise meetings such as the suggested Bi-annual Working party at which issues of interest and concern can be raised, some of the administrative burden of such arrangements would not have to be borne by the Council and it could be a useful forum and does not exist at present. Whilst the LEPs' consultants suggest that hard data may already be available on outcomes, in some cases additional information may need to be collected which could have resource implications but these should be able to be managed. There could even be direct costs – for example if customer satisfaction surveys are to be undertaken successfully they may require some form of financial incentive to participants to achieve high return rates.

7.2 The Council is already preparing to respond to the recent Planning Peer Review and this will involve the preparation, approval and implementation of an Action Plan. However much of this activity would relatively easily feed into engagement into the Planning Concordat and should be compatible with it.

7.3 If the burden of participating in the Planning Concordat became unduly onerous then the option of withdrawing from it would exist.

8. Conclusions

8.1 The Planning Charter Mark has been reconsidered by the LEP, who are now promoting what they term a Planning Concordat. Your officers consider that there is merit in engaging in such an initiative. Members are requested to consider the recommendations of the LEP and to indicate what their views are on these particularly where they relate to the role of the Local Planning Authority - so that when the matter comes before Cabinet, these views can be taken into account.

Relevant Portfolio Holders: Councillor John Williams (Planning & Assets) and Councillor Terry Turner (Economic Regeneration, Business and Town Centres)

Background Materials (available to view in the Members Room)

The Stoke and Staffordshire Local Enterprise Partnership Planning Agreement : February 2014

Stoke-on-Trent & Staffordshire Local Enterprise Partnership – Planning Concordat – Final Report 15 May 2014

Date report prepared 21st August 2014

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Draft Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement 2014 Consultation Document

Purpose of Report

1. To consider the Draft Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement 2014 for public consultation purposes.

Recommendation

- 1) That it be recommended to Cabinet to approve the Draft Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement 2014 for public consultation purposes.**

Reasons

To enable the views of the Planning Committee to be taken into account by Cabinet. To ensure the Newcastle-under-Lyme and Stoke-on-Trent Local Plan proceeds in accordance with the agreed timetable and to maintain an efficient and effective planning service which supports meaningful community engagement in planning policy and development management.

1.0 Background

- 1.1 The Council is required by Section 18 of the Planning and Compulsory Purchase Act, 2004 to have an adopted Statement of Community Involvement (SCI). There is also a responsibility to monitor and review the SCI to make sure it is up to date and appropriate.
- 1.2 The Joint Local Plan timetable agreed by Newcastle-under-Lyme Borough Council and Stoke on Trent City Council earlier this year included provision to prepare and consult on a Joint Statement of Community Involvement as an important first step towards the preparation of the Joint Local Plan. The Draft Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement 2014 (Draft SCI) appended to this report has been agreed by Officers from both councils and now requires sign off by both councils prior to going out to public consultation.
- 1.3 Members will be aware that a Newcastle-under-Lyme and Stoke-on-Trent Joint Advisory Group (JAG) has been established to facilitate the development of the Joint Local Plan. The inaugural meeting of the JAG, on the 18 September 2014, received a report on the Draft Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement 2014. The JAG endorsed the contents of the Draft SCI for public consultation purposes and resolved to recommend its approval through each council's respective decision making bodies.
- 1.4 Cabinet will consider a report on the draft SCI at its meeting on the 15th October and Stoke-on-Trent City Council will consider a report on the draft SCI at their Cabinet meeting on 30 October 2014.

2.0 National Planning Policy Framework

- 2.1 The National Planning Policy Framework (Paragraph 155) requires Local Planning Authorities to undertake *Early and Meaningful engagement and collaboration with neighbourhoods, local organisations and businesses* in the production of a Local Plan. The Statement of Community Involvement is therefore important not only to help a wide section of the community to express their views on draft proposals but also to ensure Local Plans *reflect a collected vision and set of agreed priorities for the sustainable development of the area*. The involvement of all sections of the community in the development of Local Plans and in planning decisions is also seen as way of supporting the creation of *healthy, inclusive communities* (paragraph 69).

2.2 In respect of development management the National Planning Policy Framework is not so specific. At paragraph 189 it states that *Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties.*

3.0 Key Issues

- 3.1 The current SCI for Newcastle-under-Lyme Borough Council was adopted in 2006. There have been significant changes in development management and planning policy procedures since the adoption of the SCI. The changes have in part been made to improve community involvement practises in order to deliver both an efficient and effective service but also reflect changes to the planning system, including the introduction of the Local Planning Regulations 2012 and the National Planning Policy Framework in 2012. The Draft SCI formalises these changes and provides the community with a clear understanding of how they can expect to be involved in planning matters. In this way it also helps to manage public expectation. Without an up to date SCI the council risks criticism and complaints from members of the public.
- 3.2 The consultation proposals set out in the Draft SCI attempt to strike a balance between giving confidence to the community that its voice will be heard and delivering a service that is cost efficient. Similarly the level of consultation proposed seeks to support delivery of the Local Plan in a timely manner and to ensure that the local community does not become overloaded with consultation exercises.
- 3.3 The Draft SCI commits both the Borough and City Councils to meeting a list of requirements when consulting with the local community in the process of determining planning applications. However, there are differences in the way the development management service is managed by the two local authorities and it has been necessary to reflect these differences. It is considered that this is necessary to avoid compromising specific local needs of both local planning authorities.
- 3.4 Similarly the proposal to take a common approach to planning policy consultation may attract objections on the grounds that it does not support distinctive communities. However this is necessary to support the legal compliance of the Joint local Plan when it is independently examined by the Planning Inspectorate. Critically the Local Plan would run into difficulty if it was considered that the public consultation that had taken place was inconsistent with the SCI.
- 3.6 The Borough Council's current SCI, adopted in 2006, had the same status as a Development Plan Document in the same way as a Local Plan, and was therefore subject to independent Examination. An amendment to the Regulations in 2008 no longer identifies the Statement of Community Involvement as a Development Plan Document and is no longer required to undergo an independent Examination. It is the responsibility of the Borough to consider and agree to adopt a new Statement of Community Involvement as its policy for community involvement in planning matters. The SCI is not therefore part of the Development Plan Policy Framework but is a supporting document.

4.0 Proposal

- 4.1 The Draft SCI provides a structured approach to engaging with local people and organisations across the two local authority areas on a variety of planning matters. It attempts to describe the main functions of the planning system in a user friendly manner to help local people and organisations understand the processes involved in preparing planning policy documents and determining planning applications. It seeks to ensure no groups and individuals, including hard to reach groups, are excluded.
- 4.2 The Draft SCI is split into three sections. Part One is an introduction to the planning system and explains the background to the Statement of Community Involvement, as well as, stating the benefits of getting involved at an early stage. Part Two focuses on the process of plan making including setting out the key stages in preparing Development Pan Documents and Supplementary Planning Documents.
- 4.3 The Draft SCI shows who the key stakeholders are and explains when and how people are consulted during the preparation of these documents. This section also shows the councils' commitment towards satisfying the Duty to Co-operate legal requirement. This is designed to

provide the community with information to improve its understanding of the planning policy process rather than being a necessary part of producing a SCI.

- 4.4 Part Three focuses on the process of decision taking in the development management process and describes the types of planning applications the council deals with and explains who, when and how people are consulted on development proposals. The numerous types of planning applications are described in appendix 2 to the Draft SCI. The proposals with respect to the Borough do include some significant changes from current practice, with respect to the acknowledgement of representations and the notification of decisions.

5.0 Next Steps

- 5.1 The views of the Planning Committee on Draft Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement 2014 will be reported to Cabinet. It is expected that Cabinet will take these views into account before it makes a final decision to publish the Draft SCI for public consultation purposes.
- 5.2 In accordance with the agreed Local Plan timetable public consultation on the Draft SCI is scheduled to take place over a six week period from early November to mid December. All comments received will be reviewed and necessary amendments made, before each council takes the steps to independently 'adopt' the Joint SCI.
- 5.3 Prior to going out to consultation the Draft SCI will be formatted and styled to ensure the document is user friendly and this includes adding a glossary. It should also be noted that the Draft SCI is also the subject of further internal comment and may be subject to minor alterations prior to going through the final sign off process.
- 5.4 The consultation on the Draft SCI will be carried out in accordance with the proposals set out in Table 5, Statement of Community Involvement Consultation.

6.0 Background Papers

- 18 Sept Newcastle-under Lyme and Stoke-on-Trent Joint Advisory Group Joint Report Agenda

7.0 Appendix

- Draft Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement 2014

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Newcastle-Under-Lyme Borough Council and Stoke-on-Trent City Council

DRAFT Statement of Community Involvement 2014

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Part 1: Introduction and Background

What is a Statement of Community Involvement?

- 1.1 A Statement of Community Involvement (SCI) describes how the public, businesses and interest groups within a local authority area can get involved in the creation of local planning policy and the decision making process aimed at shaping where we live, work and trade. This is essential to help improve understanding and openness of the planning process. It also identifies the types of people and groups who ought to be involved, ways of involving them effectively and when they can get involved.
- 1.2 The SCI is extremely important as it will establish a minimum standard of consultation on planning matters and these requirements are which closely scrutinised when planning policy documents are independently examined.

Draft SCI 2014 for Public Consultation

- 1.3 The Draft Stoke-on-Trent & Newcastle-under-Lyme Statement of Community Involvement 2014 has been published to give residents, businesses, parish and town councils and other groups an opportunity to have a say in how they want to be involved in guiding the development of the Borough of Newcastle-under-Lyme (the 'Borough Council') and The City of Stoke-on-Trent (the 'City Council'). We want people to tell us what they like and don't like about how each council proposes to involve them. We will do our best to take these comments on board so that people can feel confident that their voice is going to be heard and considered.
- 1.4 The proposals set out in this Draft SCI aim to give people plenty of opportunities to tell us what they think and in many cases go beyond the minimum legal requirements. However, both councils have also recognised the need to deliver a service which is both effective and cost efficient.
- 1.5 Following the consultation on the Draft SCI (10 November to 19 December), we will review all comments received and make necessary amendments, before each council takes the steps to 'adopt' the Joint SCI as its policy for involving the community in the way it respectively guides and controls development.

Why are we producing a new Statement of Community Involvement?

- 1.6 The Borough Council's current SCI was adopted in 2006 and the City Council's SCI was adopted in 2007. As one would expect there have been significant

changes in development management and planning policy procedures since the adoption of each Statement of Community involvement. The changes have in part been due to changes to national policy and legislation and reviews of both councils. Consequently some practises set out in the original Statements of Community Involvement no longer apply in their entirety.

- 1.7 The Borough Council and the City Council decided in March 2014 to take a joint approach to planning the future of the two local authority areas by producing a Joint Local Plan. This also provided the opportunity to work jointly on a new SCI to ensure both a consistent approach to consultation on planning policy matters and that the most effective consultation mechanisms are in place to support the successful involvement of the local community in the Joint Local Plan.
- 1.8 The Development Management section in this SCI, which sets out the way the community can have a say on planning applications, reflects the different ways in which these services are managed.

Why should the community get involved in the planning process?

- 1.9 The Planning process aims to encourage investment and growth, to help ensure that the long term economic and social needs of a community are met. It does this by providing land for: housing; jobs, shopping; leisure and community facilities etc. These needs often compete with one another and can put pressure on the environment. The planning process exists to balance these competing interests and create the conditions for business to grow and to deliver spaces and buildings that raise the quality of life. The aim is to do this without creating an unacceptable long term impact on the environment. This is often referred to as 'sustainable development'.
- 1.10 Since planning has a direct impact on the daily lives of ordinary people and the business community it is very important that development proposals are transparent and that you have the opportunity to have a say in the planning decisions that are made on your behalf.
- 1.11 Getting involved at an early stage of the planning process means that you stand the best chance of influencing a decision, so this draft SCI is designed to tell you about the different stages when you can get involved and how. See Part 2 to find out how to get involved in Planning Policy and Part 3 to know more about the Development Management process.
- 1.12 Your local knowledge is also very valuable in helping to make good decisions and it's important that decision makers understand the type of community you want to live in. Likewise it's very important that we understand the aspirations of those who are ultimately responsible for delivering future development, i.e.

the developers and land owners, so that we can work together to bring forward development which is in the public interest.

1.13 Our approach to community involvement therefore aims to:

Inform people of the planning process and to provide people with the information they need to be involved at the earliest opportunity possible.

Involve individuals and/or groups by creating opportunities for active participation and dialogue with planning officers.

Consult with the local communities and a range of stakeholders, in line with statutory requirements and regulations.

Respond to any comments received, giving proper consideration and explanation of how these views will be incorporated into the planning documents and decisions.

Challenges and objectives

1.14 The Borough Council and the City Council recognise that there can be barriers to effective public participation and will work hard to address and overcome these where possible.

1.15 The main constraints are:

- **Cost** - complex community involvement exercises can be costly and labour intensive in the preparation, attendance and follow up. These costs need to be balanced with the complexity of the subject matter of the consultation document and the extent of the area covered by proposals;
- **Managing expectations** – balancing the need for consultation with resource constraints.
- **Consultation fatigue** – it is important that the councils can deliver their objectives for community involvement but there is also a need to ensure that the local community does not become overloaded with consultation exercises;
- **Technical terminology** - although the current planning system seeks to open up the process, there are still many technical terms and expressions. Plain English will be used wherever possible, and glossaries provided within each planning policy document;
- **External constraints** - it is sometimes not possible to give a 'free rein' to an issue due to national policy or other 'rules' which are beyond the control of the councils. Where these are known, the Borough Council and the City Council will make these clear from the outset; and
- **Technology** - the use of e-technology makes communication and involvement in a complex process much easier for the public to self-serve. E-

technology enables communities to have 24/7 access to information posted on the council websites. This supports an open and transparent planning system and should reduce the number of planning enquiries. However, the Borough Council and the City Council recognise that not all of the community is able to use a computer, the internet or email, and therefore traditional methods of consultation will continue to be utilised.

Equal Opportunity

- 1.16 The way in which we consult on planning matters will aim to meet the specific local needs of the two local authority areas.
- 1.17 In our endeavour to work in an inclusive manner we will consider the way we deliver our planning services from the perspective of a range of potential users. We will do this in a number of ways, including the following:
- Meeting our duties as set out in the Race Relations (Amendment) Act 2000 and the Disability Discrimination Act 1995.
 - Promoting race equality and ensure fairness and equal treatment when carrying out consultation and community engagement.
 - Providing equal standards of service to disabled people.
 - Considering the need to offer planning policy documents in other formats on request.
 - Offering some consultation and community engagement approaches in plan-making that do not involve writing.
 - Organising consultation events to maximise involvement in plan-making, i.e. workshops.
- 1.18 Making the service accessible to those who are unfamiliar with the terms, processes and structures of the planning system is always a challenge. We will continuously review the ways we do this and will endeavour to cater for a range of levels of literacy and comprehension and will seek to clarify the relevance of planning to people's everyday lives. Any significant changes to the way the community are involved will be subject to public consultation.
- 1.19 The Tables on pages 13 to 18 and in Appendices 5 to 8 set out how different groups and individuals can get involved.

The Planning System: Plan-Making and Decision-Taking

Plan-making:

- 1.20 Plan-making involves thinking ahead about where it might be best to build new development to provide new homes and new jobs, whilst at the same time

thinking about the necessary support facilities such as shops, schools, doctors, etc. This type of planning is normally dealt with by **Planning Policy**.

Decision-Taking:

- 1.21 Planning is something that affects everyone's lives although, for many of us, the only direct involvement we may have in the planning system is if we decide to build an extension and need to obtain planning permission from the council, or we may receive a letter from the council to let us know that a new development is proposed near where we live or work. This part of the planning process is often referred to as '**Development Management**', which involves making decisions on planning applications.

- 1.22 This Draft SCI sets out what the key stages are in the plan making and planning decision making process and how you can expect to be involved. Planning Regulations also require, when making development plans, that a number of statutory bodies (including Town and Parish Councils) should be consulted and these are listed in Appendix 1.

Part 2: Planning Policy

- 2.0 Recent legislation and planning regulations have changed the way in which we plan for the future. The key document containing planning policies and future development proposals is now called a Local Plan. It is intended to replace core strategies and site allocation documents and to become the document that plays a key role in guiding investment and decisions made in the Development Management process. Additional guidance may be set out in supplementary planning documents, commonly known as SPDs. Together all the planning documents adopted by a local authority form a council's 'Local Development Framework' (see Glossary).

How can you get involved in plan-making?

- 2.1 Early and meaningful engagement and collaboration with individuals, neighbourhoods, local organisations and businesses is essential in the development of a Local Plan. The Borough Council and the City Council are keen that a wide section of the community should be proactively engaged, so that the Joint Local Plan, as far as possible, reflects a collective vision and a set of agreed priorities for the sustainable development of the area.
- 2.2 A range of methods and techniques will be used to involve the communities of both local authorities. Details of the methods of community involvement to be used at each stage of Local Plan preparation are set out in Tables below. These methods have taken into account the outcomes of Newcastle-Under-Lyme Borough Council's public consultation exercise in 2012 to determine the scope and methods to be used in public consultation on site allocations and local planning policies¹.
- 2.3 If you don't want to get involved, but you do want to know what's going on and what stage a policy document has reached, or what progress has been made towards the completion of each plan making stage then you can view the Local Plan programme published on each council's website, this fulfils the role of the councils' Local Development Scheme.
- 2.4 Planning policy can also be set out in Neighbourhood Plans, but the decision to prepare such plans is not the responsibility of the local authority. This rests with a Town or Parish Council or Neighbourhood and Business Forums. The

¹ Report to Newcastle-Under-Lyme Borough Council Planning Committee, 10th July 2012:
<http://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=119&MId=1637&Ver=4>

methods of communication that are adopted for these types of plan will be at the discretion of these lead bodies.

Who we will be consulting

- 2.5 The Borough Council and the City Council are keen to extend opportunities for involvement to everyone who has a desire to take some part in the plan-making process. We recognise that many people, whilst having an interest in local affairs, may find the bureaucratic and cumbersome nature of the process both frustrating and off-putting. We do however want to take every opportunity to raise people's awareness of how development plans are relevant to their concerns and how they can influence the debate that leads to their formation.

Consultation Database

- 2.6 The Borough Council and the City Council will be consulting directly with groups and organisations whose details it keeps on a database for this purpose.
- 2.7 These include:
- Local community and voluntary sector groups.
 - Parish or town councils and neighbouring local authorities.
 - Local MPs and county councillors.
 - Locally based statutory bodies and other providers.
 - Utility and commercial infrastructure provision companies.
 - Land owners and developers
 - Government departments or agencies and other statutory bodies (national and regional level).
 - National and regional non-governmental organisations and interest groups.
- 2.8 We will continue to strive to make this database as inclusive as possible. If you wish to be added or deleted please inform us by contacting planningpolicy@newcastle-staffs.gov.uk or planning.policy@stoke.gov.uk
- 2.9 Appendix 1 sets out a list of 'specific' and 'general' consultees and stakeholders. Both lists are used to notify individuals and stakeholders of the proposal to prepare the Joint Local Plan and to seek comments. Such notification is necessary to comply with section 18 of the Local Planning Regulations.
- 2.10 However, anyone can respond to public consultation they do not need to be notified directly. For planning policy documents such as a supplementary planning document that cover only a limited area or topic, the Borough Council

and the City Council will engage those organisations with an interest in the area or topic and any others who have requested it.

Duty to Cooperate

The 'duty to cooperate' as set out in the Localism act (2011) requires local planning authorities, county councils and other public organisations to engage with one another and consider joint approaches to plan making.

2.11 The Borough of Newcastle-under-Lyme and the City of Stoke-on-Trent are located in the north of Staffordshire and share their boundaries with a total of five other local authorities:

- Cheshire East Council
- Shropshire Council
- Stafford Borough Council
- Staffordshire County Council
- Staffordshire Moorlands District Council

2.12 It is important for the councils to communicate with their partner organisations, particularly regarding cross boundary and county-wide issues. The councils also take part in regular discussions through the following forums:

- Staffordshire Development Officers Group
- West Midlands Planning Officer Group

2.13 The Borough Council and the City Council will continue to work closely with their partners to deliver planning under the duty to cooperate.

The Newcastle-Under-Lyme and Stoke-on-Trent Joint Local Plan

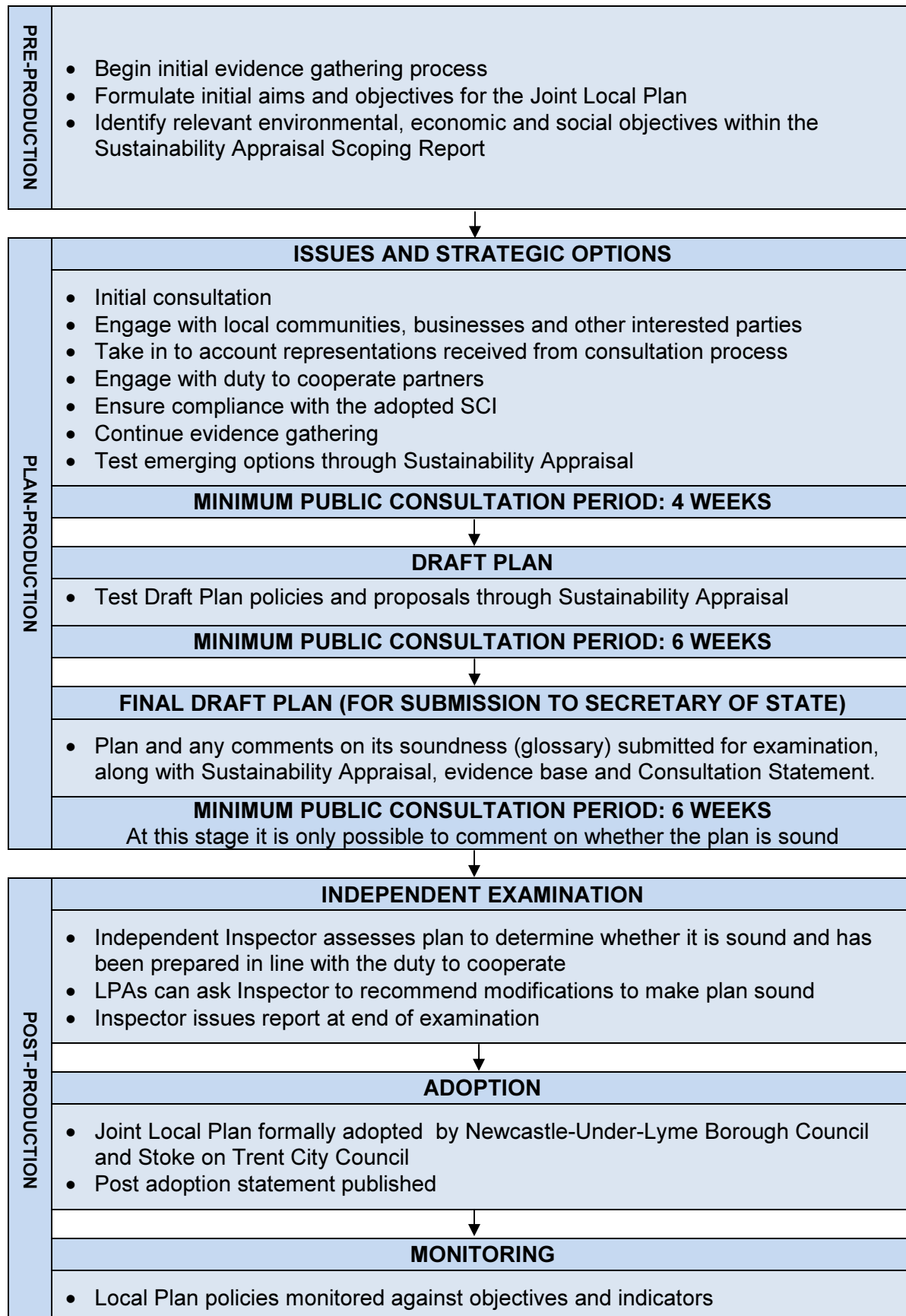
2.14 The Newcastle-under-Lyme and Stoke-on-Trent Joint Local Plan will be comprised of a new overarching planning strategy which will capitalise on the advantages of the two local authority areas to create the environment for investment and economic growth over a 15 – 20 year period, setting targets for housing, employment and retail provision. It will focus on the key issues that need to be addressed and be aspirational but realistic in what it proposes. In this way the Joint Local Plan will make clear what is intended to happen in the area over the life of the plan, where and when this will occur and how it will be delivered.

- 2.15 The planning strategy will form the starting point for considering whether a planning application is acceptable, but the Local Plan will also contain site specific allocations and a set of generic development management policies to be used in the determination of planning applications.
- 2.16 A timetable for preparation of the Newcastle-under-Lyme and Stoke-on-Trent Joint Local Plan is available on both Councils websites – www.newcastle-staffs.gov.uk and www.stoke.gov.uk – and will be regularly updated to reflect progress on key milestones.

How will the Joint Local Plan be prepared?

- 2.17 National planning policy sets clear expectations as to how a Local Plan must be developed in order to be justified, effective, consistent with national policy and positively prepared to deliver sustainable development that meets local needs and national priorities.
- 2.18 The key stages of plan preparation are prescribed within the Planning and Compulsory Purchase Act 2004 and Local Planning Regulations 2012. The production of a Local Plan is an iterative process where the overarching strategy is developed through a number of stages in consultation with the public and key stakeholders. Local planning authorities should firstly assess the future needs and opportunities of their area (i.e. understanding the issues). Following on from this, options for addressing these issues should be developed. Finally, a preferred approach should be identified which will ultimately form the basis of the Local Plan.
- 2.19 The Joint Local Plan will be prepared in accordance with the requirements of the National Planning Policy Framework and National Planning Practice Guidance (NPPG). The following diagram shows both the key stages of plan production, adapted from the NPPG, and identifies the key stages when we will be consulting.

Diagram 1: The Joint Local Plan Production Process:



The Role of Elected Members in Local Plan Preparation:

Joint Advisory Group

- 2.20 To assist in the timely delivery of the Joint Local Plan, the Borough Council and the City Council have agreed to establish a Joint Advisory Group made up of equal numbers of senior officers and councillors from both councils. The group will have no decision making powers but will facilitate discussion and negotiation on 'high level' policy matters, which have cross boundary implications, such as the future growth of each local authority area.
- 2.21 The group will also facilitate legal compliance with the duty to cooperate. By law local planning authorities and other public bodies must work together constructively from the outset of the preparation of a Local Plan. Evidence of compliance with the duty is both a legal test and a test of soundness, which the plan will be tested against when it is ultimately submitted for independent examination by the Planning Inspectorate.

Cabinet and Full Council

- 2.22 The responsibility for preparing the Joint Local Plan will rest with the separate Executive Bodies at each authority, i.e. Cabinet. As part of the process the recommendations of the Joint Advisory Group will be reported to and considered by the executive body of each council, which will retain decision making powers. The legal requirement for the Full Council of each authority to ratify policies set out in the Draft and Final Local Plan and to formally adopt the Local Plan (following examination) also remains. Comments will be sought from Newcastle-under-Lyme's Planning Committee and Stoke-on-Trent's Development Management Policy Group at appropriate times to inform this process.

Joint Local Plan – Methods of Communication

2.23 The following tables set out the detail about the methods of communication with stakeholders and the public that will be used by the Borough Council and the City Council in preparing the Joint Local Plan. This indicates the minimum standards that will be applied. Occasionally other methods of involvement may be applied in response to needs identified at the time.

Table 1: Joint Local Plan Pre-Production Stage

	Duty to Cooperate Discussions and Liaison with Statutory Consultees & Partners ²	Draft Versions of Documents Published Online	Reference Copies of Final Documents Made Available ³	Enable Public Consultation Responses to be Submitted	Publish and consider all comments received	Make changes to documents, where considered appropriate	Final Versions of Documents Published Online	Produce a Consultation Statement
Scoping and Assembly of Evidence Base⁴	✓						✓	
Production of SCI	✓	✓	✓	✓	✓	✓	✓	✓
Production of Sustainability Appraisal Scoping Report	✓	✓			✓	✓	✓	

² Duty to Cooperate discussions will be held with relevant bodies when relevant cross boundary or strategic issues are identified

³ Reference copies will be made available at public venues (see Glossary). Hard copies may be made available for purchase in exceptional circumstances (e.g. where the consultee is unable to use a computer).

⁴ Occasionally, wider engagement may take place on scoping and evidence gathering where there is a need to input more specialist knowledge. This may take the form of focus groups, workshops, surveys or one to one conversations with relevant parties.

Table 2: Joint Local Plan Production Stage

	Duty to Cooperate Discussions. Liaison with Statutory Consultees & Partners ⁵ .	Publish Documents Online & Make Reference Copies Available ⁶	Publicise via Press Release and Social Media	Leaflets and Posters	Display Site Notices ⁷	Hold Manned Exhibitions ⁸	Focus Groups & Workshops	Enable Public Responses to be Submitted ⁹	Publish and consider all comments received	Make appropriate changes to documents	Produce a Consultation Statement ¹⁰
Issues & Strategic Options	✓	✓	✓	✓		✓	✓	✓	✓	✓	
Draft Local Plan	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Final Draft Local Plan	✓	✓	✓	✓	✓	✓		✓	✓		✓

⁵ Duty to Cooperate discussions will be held with relevant bodies when relevant cross boundary or strategic issues are identified

⁶ Reference copies will be made available at public venues (see Glossary). Hard copies may be made available for purchase in exceptional circumstances (e.g. where the consultee is unable to use a computer).

⁷ Where there are site specific proposals (such as the proposed allocation of sites at Draft Local Plan and Final Draft Local Plan stages) notices will be placed in publicly accessible and visible frontages at the boundaries of sites.

⁸ Exhibitions will be manned where there is a need for dialogue between members of the public and council officers. Opportunities for people to submit comments at the exhibitions will be provided.

⁹ A facility to submit comments online during the public consultation periods will be provided. Response forms will be provided alongside hard copy reference documents during public consultation periods.

¹⁰ This will be submitted to the Planning Inspectorate along with all other supporting documents in advance of the Independent Examination.

Table 3: Joint Local Plan Post Production Stage

	Publish Details on Council Websites ¹¹	Publicise via Press Release and Social Media	Reference Copies Available ¹²	Duty to Cooperate Discussions and Liaison with Statutory Consultees & Partners ¹³	Host Formal Examination Hearings	Enable Papers & Statements to be Submitted	Councils & Inspector to consider all comments received	Produce a Consultation Statement ¹⁴	Publish an Adoption Statement On Council Websites ¹⁵
Independent Examination	✓	✓	✓	✓	✓	✓	✓	✓	
Adoption	✓	✓	✓	✓					✓

2.24 Following adoption, performance and progress against the Joint Local Plan policies and land allocations will be presented in the Authorities Monitoring Report (AMR).

¹¹ Details of the Independent Examination will include the venue, dates and times of the Hearing Sessions, along with agendas, papers and other relevant documents. The Inspectors Report and adopted Local Plan documents will also be made available online.

¹² Reference copies will be made available at public venues (see Glossary). Hard copies may be made available for purchase in exceptional circumstances (e.g. where the consultee is unable to use a computer).

¹³ Details of the Examination, publication of the Inspectors Report and adoption of the Joint Local Plan will be sent via email or letter to those who have provided comments at any stage of plan production, have requested to be kept informed of these stages, or if they are listed as a specific consultee in Appendix 1.

¹⁴ See Glossary

¹⁵ See Glossary

Supplementary Planning Documents (SPD's)

- 2.25 Supplementary Planning Documents (SPD's) will occasionally be produced in order to add greater detail and guidance to planning policies or allocations. SPD's could relate to a location or area or they may be topic-based, such as affordable housing, design guidance, etc. SPD's do not have the same status as a Local Plan but, once adopted, an SPD will be a 'material consideration' in planning decisions. National policy advises that SPD's should only be prepared where necessary, and should not be used to add unnecessarily to the financial burdens on development.
- 2.26 The Borough Council and the City Council are committed to involving communities in the preparation of SPD's. The process for SPD preparation is different to Local Plan preparation. Key stages and opportunities for community involvement are set out below.

Table 4: SPD Production

	Duty to Cooperate Discussions	Liaise with Statutory Consultees/ Partnerships	Publish Documents Online & Make Limited Hard Copies Available. ¹⁶	Publicise via Press Release	Publicise via Social Media	Leaflets and Posters	Enable Public Responses to be Submitted ¹⁷	Publish and consider all comments received	Make changes to documents, where considered appropriate	Produce a Consultation Statement ¹⁸ and consult on this	Publish Adoption Statement and send a copy to those who have requested it
Evidence Gathering and SPD Preparation Stage		✓	✓		✓	✓	✓	✓	✓		
Publication Stage¹⁹	✓	✓	✓	✓	✓					✓	✓

2.27 Exhibitions may be used to publicise and receive feedback on SPDs. This will be particularly considered where the SPD is focused on a location or area. Focus groups, public meetings, workshops, surveys or one to one conversations with relevant parties may be held where there is a need for more specialist knowledge to input to SPD preparation.

2.28 Final versions of SPDs will be adopted by each council’s Cabinet. Where an SPD is withdrawn a statement will be published online and those who previously made comments on it will be notified.

¹⁶ Limited numbers of hard copy SPDs will be made available for reference only at public venues (see Glossary). Copies may be made available for purchase in exceptional circumstances

¹⁷ This will be within a six week consultation period. A facility to submit comments online during the public consultation periods will be provided. Response forms will be provided alongside hard copy reference documents during public consultation periods.

¹⁸ See Glossary

¹⁹ Notification of the publication of the final version of the SPD will be sent via email or letter to those who have registered interest or provided comments.

Preparation and Review of this Statement of Community Involvement

2.29 The following table sets out how the community will be involved in the preparation and future review of this Joint Statement of Community Involvement.

Table 5: Statement of Community Involvement Consultation

Stage:	Method of Involvement:
Production of SCI	<ul style="list-style-type: none"> ✓ The draft version of the SCI will be published and consulted on for a six week period. ✓ The draft and the final versions of the SCI will be made available on both Councils websites and in hard copy reference format in council offices, contact centres, libraries and local information centres. ✓ A press release will be made to local media organisations to publicise the production of the draft and final versions of the SCI. ✓ Both councils will consult with neighbouring authorities and individuals, organisations and interest groups named on the Local plan database of each authority upon publication of the draft and final versions of the SCI. ✓ Publication of the SCI will be promoted using both councils social media accounts ✓ Response forms will be made available online and in public venues (see Glossary) for people to provide comments on specific aspects of the draft SCI, or the document as a whole. ✓ The Borough Council and the City Council will consider all comments received and make appropriate changes to the SCI where necessary. <p>Where further publicising of the SCI may be necessary, leaflets and posters may be produced and will be displayed in a range of public venues (see Glossary).</p>
Review of SCI	<ul style="list-style-type: none"> ✓ The Borough Council and the City Council will make minor revisions to improve the SCI or implement changes required by new regulations via a council resolution. ✓ More fundamental changes to the document that warrant a 'fresh' SCI will repeat the process laid out above. ✓ You will be able view authorities monitoring reports online to see how the Borough Council and the City Council consider they are performing against the standards set out in the SCI

Part 3: Development Management

The Development Management Process

- 3.1 Development Management includes the process by which the Borough Council and the City Council consider and decide applications made under planning legislation. Development Management aims to deliver the vision and objectives set out within the Local Plan and it therefore has a key role to play in improving the quality of life for the community and in achieving sustainable development.
- 3.2 The Borough Council and the City Council each decide approximately 900 applications made under 'planning' legislation each year, with proposals ranging from the more minor householder developments such as extensions, through to major applications for housing developments, retail and industrial schemes, and new infrastructure. There are numerous different types of applications – the principal ones being planning applications, or applications for planning permission.
- 3.3 As the City Council is a unitary authority, it is responsible for all local government functions and all decisions that are made by a Local Planning Authority. The Borough Council is within a two-tier system, and so planning decisions for certain types of development will be made by Staffordshire County Council. For example, all applications under 'planning' legislation dealing with quarrying, mineral processing and waste disposal, and the County Council's own developments, in Newcastle-under-Lyme are dealt with by the County Council.

Diagram 2: The Decision Making Management Process for applications for outline and full planning permission



Types and Categories of Applications

- 3.4 There are numerous different types of applications made under planning legislation to the Borough Council and the City Council as the Local Planning Authorities for the area. These are set out in detail in Appendix 2 to this Statement.
- 3.5 Applications are made for various different types of development. These are detailed in Appendix 3 to this Statement.

Community Involvement in Decision making

- 3.6 The Borough Council and the City Council wish to ensure that any person, groups or organisations affected by or with an interest in a planning application, have the opportunity to comment on that proposal.
- 3.7 Planning officers will aim to work with the applicant, the community, elected members and other statutory consultees throughout the Development Management process. Different methods of community involvement will be appropriate, depending on the scale and nature of the individual proposal. Standards for community involvement are set out within the Tables in Appendices 5, 6 and 7.
- 3.8 There are however many types of applications made under planning legislation which do not require to be subject of any publicity. In the case of the Borough Council these applications are available for members of the public to view on its website but the Council takes no proactive steps to invite comment upon them. It is possible for users of the Council's website to set up a "saved search" for any applications on a property and to receive email alerts whenever any application made under planning legislation is made to the Council, regardless of whether or not the Borough Council is taking any proactive steps to publicise the application.
- 3.9 Community involvement in planning applications is of great benefit to all affected, including the applicants themselves, and is encouraged from an early pre-application discussion stage through to the final decision. Community involvement can allow the Development Management process to be carried out more efficiently by helping people who are most directly affected by the proposals to get involved at the outset and have a chance to influence the proposed development. This gives a 'sense of ownership' of new development, and is more likely to result in a development that is successful on the ground.

Pre-Application Planning Advice

- 3.10 The Borough Council and the City Council welcome and encourage applicants to seek pre-application advice for all types of planning application, prior to submitting an application. This pre-application advice stage is an important opportunity for officers of the Councils to provide an initial view on a proposal, to identify any elements which may need amending and to identify information which should be submitted to support the application.
- 3.11 *“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community” - NPPF para. 188.*
- 3.12 For all planning applications, the Borough Council and the City Council can advise on what is required to support an application and how planning policies will be applied when considering the proposal. In some cases, both Councils will also negotiate Planning Obligations via S.106 agreements and undertakings. More significant applications will often require a series of pre-application meetings between the applicants (and/or their agents) and the Borough Council or the City Council.

Community Involvement in preparing planning applications

- 3.13 In certain limited situations – where on shore wind development is proposed of more than 2 turbines, or where the hub height of a turbine exceeds 15 metres, the developer has to by statute carry out pre application consultation with the local community, and in submitting an application they have to explain how they have complied with the legislation, detail the responses received as a result of this consultation, and the account taken of these responses. The expectations of the councils as to the nature of that preapplication consultation are set out in the first Table in Appendix 5.
- 3.14 Where a development is likely to have significant impacts on local communities or where the site is particularly sensitive, the Borough Council and the City Council will actively encourage applicants to undertake early consultation with that local community. It is however not compulsory. The expectations of the councils as to the nature of that preapplication consultation are set out in the second Table in Appendix 5

- 3.15 Various methods of community involvement may be adopted by an applicant, including: direct notification, public meetings, exhibitions, websites, surveys, questionnaires, etc. The Borough Council does not maintain a specific list of local organisations for this purpose. However it can guide an applicant to contact a Town and/or Parish Council or Locality Action Partnership, as appropriate.
- 3.16 For the applicants, effective community involvement in preparing a planning application is an opportunity to explain proposals to that community and thereby reduce any misconceived objections; potentially it can help address some problems before the application is submitted; and prevent abortive work, ultimately reducing the time and cost in reaching the decision-stage. For the community, this is an opportunity to help shape proposals from an early stage, drawing on valuable local knowledge.
- 3.17 Applicants should demonstrate how the community has been consulted, what comments have been received and how these have been taken into account in progressing the proposal. Applicants should produce their own 'statement of community involvement' or Consultation Statement to accompany the planning application. One local validation requirement that is currently applied by the Borough Council for applications for major development is that the developer submits with their application a 'statement of community involvement'. Details of this and other local validation requirements can be obtained from the Borough Council's website. The validation requirements refer back to this Statement of Community Involvement.

Role of Elected Members (Councillors) in pre-application discussions

- 3.18 For more significant developments, generally proposals for 'major development', applicants may have the opportunity to present proposals to Elected Members (Councillors). At the Borough Council this is currently done at the Council's Strategic Planning Consultative Group (which comprises senior members of all political groups, together with the Chair and Vice Chairman of the Council's Planning Committee), whilst at the City Council this will usually involve a presentation to Members of the Development Management Committee, followed by a question and answer session. The 'Local Code of Conduct for Dealing with Planning Matters' (October 2010) sets out the protocol for such scenarios.
- 3.19 Applicants may also wish to discuss proposals with the local ward Councillor(s). For information on how to contact Councillors, please visit: www.newcastle-staffs.gov.uk or www.stoke.gov.uk.

The Decision-Making Process

- 3.20 In dealing with applications for planning permission the Borough Council and the City Council have to have regard to the provisions of the development plan for the area, what are termed local finance considerations, and any other material considerations. Where regard is to be had to the provisions of the development plan, the decision the Councils make should be in accordance with that plan unless material considerations indicate otherwise.
- 3.21 Councils have a statutory period within which to determine applications made under planning legislation. Unless this statutory period is extended by the applicant, they have the right once that period has passed to appeal against the Council's failure to determine the application. The statutory period for most applications is 8 weeks. However, in the case of applications for 'major development' it is 13 weeks, and in the case of applications requiring an Environment Impact Assessment it is 16 weeks. Appendix 3 explains what is meant by 'major development'.

Consultation

- 3.22 Once the Borough Council or the City Council formally register a planning application, a period of consultation is undertaken during which views on the proposed development can be expressed. This formal consultation period will usually last for 21 days. There are different types of consultation; this Statement of Community Involvement is concerned only with the consultation with the public including consultation with neighbouring residents, and community groups. Other types of consultation include consultation with statutory consultees, consultation with non-statutory consultees, and consultations required by government direction.

Public Consultation:

What steps must the Borough Council and the City Council take to involve members of the public on planning applications?

- 3.23 As far as applications for planning permission are concerned the Borough Council and the City Council are required by statute to undertake a formal period of public consultation, prior to deciding the application. Similar requirements exist for application for listed building consent, and some other types of applications.

Who is eligible to respond to a consultation?

- 3.24 Anyone can respond to public consultation – they do not need to be directly notified of the application by either Council. In addition to individuals who might be directly affected by a planning application, community groups and specific

interest groups may wish to make representations on planning applications. The Borough Council and the City Council invite comments both for and opposed to proposals, and upon conditions which they may attach should permission be granted.

What publicity will take place to let the public know that a planning application has been received?

- 3.25 Within certain legislative requirements the Borough Council and the City Council have discretion about how they inform the public about planning applications. Each Council, within and in addition to these legislative requirements, has its own policies on what method of publicity is to be used in specific cases. The publicity methods can include press notices, site notices, and direct neighbour notification. The method/s used will depend upon the scale and type of application, with details set out within Appendices 6 and 7.
- 3.26 In both authority areas it is possible for users of either Council's website to set up a "saved search" for any applications on a property or an area and to receive email alerts whenever any application made under planning legislation is made to either Council with respect to that property or area.

What is the time period for making comments?

- 3.27 The publicity given by the Borough Council and the City Council will set out the time period within which comments are invited. This is normally 21 days from the date when the publicity was first given.
- 3.28 For both authorities whilst the application may be determined as soon as the time period has passed, it is current practice to take into account late representations received up to the point of determination of the application. However in the case of the Borough Council, with respect to items that are being considered by its Planning Committee, a guillotine or deadline is operated, after which any further representations received will not be reported to or considered by the Planning Committee. This is not the case within the City Council and it is always best to submit representations within the time period indicated in the Council's publicity.

Will receipt of my comments be acknowledged?

- 3.29 In the case of the City Council, you will be sent an acknowledgement of receipt of your representation and details of how the application will be determined. In the case of the Borough Council, no acknowledgement will be sent but as representations are displayed on the Council's website you will be able to check that they have been received, provided you allow sufficient time for the representation to be uploaded.

If an application is amended after it has been submitted, will it be the subject of further consultation?

- 3.30 It is up to the Borough Council and the City Council to decide whether further publicity and public consultation is necessary. In deciding whether this is necessary the following may be relevant:
- Were objections or reservations raised in the original consultation stage substantial and, in view of the Council, enough to justify further publicity?
 - Are the proposed changes significant?
 - Did earlier views cover the issues raised by the proposed changes?
 - Are the issues raised by the proposed changes likely to be of concern to parties not previously notified of the application?
- 3.31 Where the Borough Council or City Council decide that re-publicity and re-consultation is necessary it is open to the respective Council to set the time frame for responses, balancing the need for the public to be given time to consider the issue that is being re-consulted upon and respond, against the need for efficient decision making.

Representations

- 3.32 Before making a decision, we will review all relevant planning policies, any comments received during the consultation and any other material considerations.
- 3.33 Representations on a planning application can only be taken into account if they relate to material planning considerations.
- 3.34 These do **not** include the following (note: this list is not exhaustive):
- the fact that development has already begun (people can carry out development at their own risk)
 - the fact that an applicant has carried out unauthorised development in the past;
 - “trade objections” from potential competitors
 - moral objections, for instance against betting shops as a matter of principle
 - the belief that an application is submitted by an owner with the intention of selling on the property at an enhanced value
 - the loss of an attractive private view (for instance when development is proposed at the rear of an objector’s house)
 - the fear that an objectors’ house or property might be devalued

- the fact that an applicant does not own the land to which his application relates (this being capable of being overcome by agreement with the owner)
- the fact that an objector is a tenant of land where development is proposed (the owner of land can terminate the tenancy whether or not he carries out the development; and therefore any consequences are therefore unrelated to the development, except in the case of agricultural tenants where the grant of planning permission has special consequences)
- allegations that a proposal might affect private rights e.g. restrictive covenants; property maintenance; ownership and private rights of way disputes.

Decisions

- 3.35 **Delegated Decisions:** Around 90% of planning applications are decided by Planning Officers in both Councils. Both the Borough Council and the City Council have an 'Approved Scheme of Delegation' which gives certain officers powers to take decisions on behalf of the Council, under 'delegated powers'. In the case of the City Council the Approved Scheme of Delegation can be viewed within the Council's Constitution. In the case of the Borough Council a link is provided to the agreed report which has led to the decision.
- 3.36 **Committee Decisions:** Where a planning application is of a more significant scale, the application may be considered and decided by a Committee, which is made up of elected Councillors. The Committee at the City Council is called the Development Management Committee, whilst at Borough Council the Committee is called the Planning Committee.
- 3.37 In both authorities, the Committee meetings are open to the public, unless the Committee have expressly decided to exclude members of the public because it is likely that confidential information as defined in legislation is likely to be disclosed during the consideration of the item.
- 3.38 When a planning application is to be decided by Committee, the Officer will produce a report summarising details of the proposal, the key planning policies and issues, and comments made during the consultation period. The report will include a recommendation to either approve or refuse the application, and the reason for that recommendation. The report will be made publicly available at least 5 clear working days before the day of the Committee meeting. Supplementary reports are also often published immediately prior to or at the committee meeting.

- 3.39 In the Borough Council, those who have made representations in writing concerning the application are advised at the date of the publication of the agenda of the meeting about how they can view the report that has been prepared on the application, how and by when they can request to address the Planning Committee and of the deadline for any further representations.
- 3.40 The City Council only inform those who indicated in writing a wish to speak at any future planning committee of the committee date and the associated procedures.
- 3.41 At the Committee meeting itself both the Borough Council and the City Council permit public speaking subject to certain criteria being met. In the case of City Council, members of the public and other interested parties are able to make a short presentation to the committee, to support, comment or oppose a planning application. It is normally held that only one person can address the committee for each case and so those wishing to speak are encouraged to discuss their opinions with others with a view to appointing a solitary spokesperson. The applicant also has the right to address the Committee and Councillors may also ask questions of the speakers on both sides.
- 3.42 In the case of the Borough Council, only those who have either made a written representation or who have submitted the application, or persons who speak on their behalf, are permitted to address the Committee. For each application only one supporter and one objector are allowed to address the Committee. Councillors are not able to ask questions of the speakers. Details of the procedure and the dates for the Committee meetings are available online: www.newcastle-staffs.gov.uk and www.stoke.gov.uk, or by contacting either Council's Committee Services departments.
- 3.43 Once an application has been decided, a copy of the planning decision notice will be sent to the applicant and will also be made available online by either Council. In the case of the City Council, notification of the decision will be sent to all third parties who have made representations. In the case of the Borough Council the third parties will only be written to where there is a need to comply with legal requirements in this respect, but it will promptly make the decision available to view on its website, along with the reports that have been considered in the reaching of the decision.

Enforcement

- 3.44 Insofar as the consideration of whether or not it is expedient to take enforcement action in the case of unauthorised development, the Borough Council and the City Council will consider comments that they receive from

members of the public on the merits or otherwise of unauthorised developments. They will not however undertake any publicity expressly inviting comment upon such developments. In the event of any appeal being lodged against an Enforcement Notice appropriate publicity as required by legislation, will be given to the lodging of the appeal, providing an opportunity for members of the public to write to the Planning Inspectorate and provide comments.

Planning Aid

3.45 Planning Aid offers free, independent and professional planning advice on all planning issues, to people and communities who cannot afford to pay to hire a planning consultant. Planning Aid can help communities engage with the planning process and influence decisions that affect their local area.

3.46 For more information, please visit: <http://www.rtpi.org.uk/planning-aid/>

Appendix 1: Joint Local Plan Consultation Bodies

This appendix sets out the organisations who have been identified under the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012. Specific Consultation Bodies:

Specific Consultees:

Local Planning Authorities:

- Cheshire East Council
- Shropshire Council
- Stafford Borough Council
- Staffordshire County Council
- Staffordshire Moorlands District Council

Parish Councils within the Joint Local Plan area:

- Audley Rural Parish Council
- Betley, Balterley & Wrinehill Parish Council
- Chapel and Hill Chorlton Parish Council
- Keele Parish Council
- Kidsgrove Town Council
- Loggerheads Parish Council
- Madeley Parish Council
- Maer and Aston Parish Council
- Silverdale Parish Council
- Whitmore Parish Council

Adjoining Parish & Town Councils:

- Alsager Town Council
- Barthomley Parish Council
- Biddulph Town Council
- Brown Edge Parish Council
- Caverswall Parish Council
- Cheswardine Parish Council
- Church Lawton Parish Council
- Doddington and District Parish Council
- Draycott in the Moors Parish Council
- Eccleshall Parish Council
- Endon & Stanley Parish Council
- Forsbrook Parish Council
- Fulford Parish Council
- Hough & Chorlton Parish Council

- Market Drayton Town Council
- Norton in Hales Parish Council
- Odd Rode Parish Council
- Standon Parish Council
- Sutton Upon Tern Parish Council
- Swynnerton Parish Council
- Werrington Parish Council
- Weston & Basford Parish Council
- Woore Parish Council

Other Organisations:

- Staffordshire & Stoke-on-Trent Partnership NHS Trust
- Staffordshire Police
- Utility Companies
- Relevant Government Agencies & Departments

General Consultees:

- Voluntary bodies some or all of whose activities benefit any part of the local planning authority areas.
- Bodies which represent the interests of different racial, ethnic or national groups in the local planning authority areas.
- Bodies which represent the interests of disabled persons in the local planning authority areas.
- Bodies which represent the interests of persons carrying on business in the local planning authority areas.

Appendix 2: Types of applications made under planning legislation to Local Planning Authorities

Types of Application	
Full	An application where full details are submitted at the outset, sometimes called a detailed application
Outline	<p>An application for planning permission for the erection of a building where details are not given for at least one of the reserved matters as defined below. Reserved matters means any of the following</p> <ul style="list-style-type: none"> (a) access (b) appearance (c) landscaping (d) layout, and (e) scale <p>Each of the above terms are themselves defined in legislation</p>
Reserved Matters	An application for the approval of a reserved matter of a previously granted outline planning permission
Variation of conditions	An application to undertake development without complying with conditions subject to which a previous planning permission has been granted
Retrospective	An application for permission for development that has already been carried out
Approval of details required by conditions of a condition of a planning permission	An application for approval of details required by conditions of a planning permission, other than a condition referring to the reserved matter of an outline planning permission
Non Material Amendment	An application to the Planning Authority to change the terms of a planning permission if they are satisfied that the change is not material
Extension of time application	An application to extend the period of time within which in the case of a planning permission it can commence, and in the case of an outline planning permission either the period of time within which any application for approval of its reserved matters must be made or the period of time within which the development can be commence
Prior Approval	An application for a determination by the Authority as to whether its approval is required of certain details, as required by various Parts and Classes of the General Permitted Development Order, and if it is required whether that approval is to be given
Modification or discharge of a	An application to vary or discharge a previously entered into planning obligation. A planning obligation can restrict

planning obligation	development, can require specific operations to be carried out, can require land to be used in a specific way or require the payment of money to the planning authority
Modification or discharge of affordable housing requirements	An application to vary, replace, remove or discharge an affordable housing requirement within a previously entered into planning obligation.
Lawfulness of existing use or development	An application for a certificate that an existing use or development was at the date of the application lawful in planning terms
Lawfulness of proposed use or development	An application for a certificate that a proposed use or development would have been, at the date of the application, lawful in planning terms
Works to Protected Trees	An application for works to trees which are the subject of a Tree Preservation Order
Work to Trees in a Conservation Area	Notice to the authority of proposed works to trees in a Conservation Area that are not the subject of a Tree Preservation Order
Advertisement	An application for express consent to display an advertisement
Listed Building	An application for consent under Listed Building legislation
Approval of details required by conditions of a Listed Building consent	An application for approval of details required by conditions of a previously granted Listed Building Consent
Lawfulness of works to a Listed building	An application for a certificate that works to a listed building do not require Listed building consent, or are already consented
Hazardous Substances Consent	An application to the authority for approval of the storage and keeping of hazardous substances
Householder	An application for <ul style="list-style-type: none"> (a) planning permission for the development of an existing dwellinghouse or development within the curtilage of that dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse (b) any consent, agreement or approval required by a planning permission, or development order in relation to such development

Appendix 3: Development Types

Types of Development	
Major Development	<ul style="list-style-type: none"> Residential: 10+ dwellings / Site area of over 0.5 Hectare Non-Residential: floorspace of 1,000+ m² / site area of over 1 Hectare (includes: office, industrial, retail) <p>The period after which an applicant can appeal against any failure to determine the application, unless they agree to extend that period, is 13 weeks</p>
Minor Development	<ul style="list-style-type: none"> Residential: 1-9 dwellings / under 0.5 Hectare Non-Residential: floorspace of up to 999 m² / site area under 1 Hectare (includes: office, industrial, retail) <p>The period after which an applicant can appeal against any failure to determine the application, unless they agree to extend that period, is 8 weeks</p>
Other Development	<p>Changes of use, Advertisements , Telecommunications, TPO's, Lawful Development Certificates, etc.</p> <p>The period after which an applicant can appeal against any failure to determine the application, unless they agree to extend that period, is 8 weeks.</p>

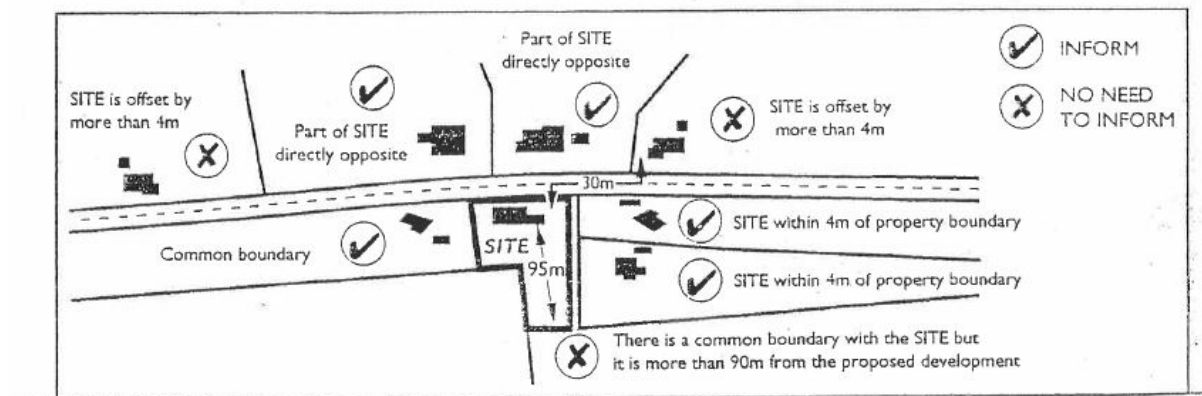
Appendix 4: Identification of adjoining land whose owners/occupiers are to be notified of an application (in Newcastle-under-Lyme only)

Which neighbours are to be notified?

Notifications are to be sent to:

- The occupiers/ owners of any land or buildings which share, or lie within 4 m of, a boundary of the application site (normally the area outlined in red) (ignoring any road 20 m or less in width when measuring the 4 m)
- No notification is required where a road wider than 20 m separates adjoining land from the application site
- No notification is required where there is at least 90 m between the application site and the boundary with adjoining land.

The diagram below provides further guidance



Appendix 5: Pre-Application Consultation

The following table sets out the methods to be applied where pre-application consultation is a compulsory requirement upon the developer.

Type of Application:	Method of Consultation to be Applied:					
	Direct Mailing	Press and other Media releases	Press Notice	Site Notice	Exhibition	Public Meeting
Applications for planning permission for Wind farms (more than 2 turbines) and turbines of a hub height of more than 15 metres	✓	◇	◇	◇	◇	◇

Key:

Method will be appropriate =



Method will not be appropriate =

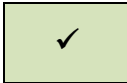



Method will sometimes be applied =

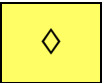


The following Tables sets out the methods to be applied when preapplication consultation is not a compulsory requirement

Proposed Application for planning permission for different types of development	METHODS OF PRE APPLICATION CONSULTATION COMMUNICATION BY DEVELOPERS					
	Pre application consultation when undertaken voluntarily by a developer					
	Public Meeting	exhibition	Press and other media release	Press Notice	Site Notice	Direct mailing to adjoining owners likely to be affected
Major Development	◇	✓	◇	◇	◇	✓
Minor Development	◇	✓	◇	◇	◇	✓
Other development, except for householder development	x	x	x	x	✓	✓
Householder development	x	x	x	x	x	✓

Method probably appropriate = 

Method will not be appropriate = 

Method might be appropriate = 

Appendix 6: Publicity for planning applications made under planning legislation

Newcastle-Under-Lyme Borough Council

Planning application for	Methods of publicity to be used by Newcastle-under-Lyme Borough Council								
	During application Process						Following decision		
	Publication on the Council website	Making hard copy of application documents available for inspection	Press Notice	Site Notice	Neighbour Notification letter	Notification to previous interested third parties on similar applications within 12 months	Publication on Council website	Press Notice	Direct Notice to affected owners or agricultural tenants of applications site ²⁰
Major Development	✓	✓	✓	✓	✗	✓	✓	✗	✗
Residential development up to 9 dwellings, or where number of units is not known up to 0.4ha	✓	✗	✗	✗	✓	✓	✓	✗	✗
Householder development	✓	✗	✗	✗	✓	✓	✓	✗	✗
All Other applications for planning permission	✓	✗	✗	✓	✓	✓	✓	✗	✗
Development that does not	✓		✓	✓		✓	✓	✗	✗

²⁰ Only where the owner or tenant has requested this and/or made an comment or objection to the application

Planning application for	Methods of publicity to be used by Newcastle-under-Lyme Borough Council								
	During application Process						Following decision		
	Publication on the Council website	Making hard copy of application documents available for inspection	Press Notice	Site Notice	Neighbour Notification letter	Notification to previous interested third parties on similar applications within 12 months	Publication on Council website	Press Notice	Direct Notice to affected owners or agricultural tenants of applications site ²⁰
accord with the development plan									
EIA Development	✓		✓	✓		✓	✓	✓	✗
Development that affects a public right of way	✓		✓	✓		✓	✓	✗	✗
Development affecting the character or appearance of a Conservation Area (sn 73 of LBA)	✓		✓	✓			✓		
Development affecting the setting of a Listed Building (sn 67 if the LBA)	✓		✓	✓			✓		

Key:

Method will be used = ✓

Method will not be used = ✗



Method might be used = ◇

Stoke-on-Trent City Council

Planning application for	Methods of publicity to be used by Stoke-on-Trent City Council								
	During application Process						Following decision		
	Publication on the Council website	Making hard copy of application documents available for inspection (upon request)	Press Notice	Site Notice	Neighbour Notification letter	Notification to previous interested third parties on similar applications within 12 months	Publication on Council website	Press Notice	Direct Notice to affected owners or agricultural tenants of applications site ²¹
Major Development	✓	✓	✓	✓	✓	✓	✓	✗	✓
Residential development up to 9 dwellings, or where number of units is not known up to 0.4ha	✓	✓	✗	✓	✓	✓	✓	✗	✓
Householder development	✓	✓	✗	✗	✓	✓	✓	✗	✓
All Other applications for planning permission	✓	✓	✗	✓	✓	✓	✓	✗	✓
Development that does not accord with the development	✓	✓	✓	✓	✓	✓	✓	✗	✓

²¹ Only where the owner or tenant has requested this and/or made an comment or objection to the application

Planning application for	Methods of publicity to be used by Stoke-on-Trent City Council								
	During application Process						Following decision		
	Publication on the Council website	Making hard copy of application documents available for inspection (upon request)	Press Notice	Site Notice	Neighbour Notification letter	Notification to previous interested third parties on similar applications within 12 months	Publication on Council website	Press Notice	Direct Notice to affected owners or agricultural tenants of applications site ²¹
plan									
EIA Development	✓	✓	✓	✓	✓	✓	✓	✓	✓
Development that affects a public right of way	✓	✓	✓	✓	✓	✓	✓	x	✓
Development affecting the character or appearance of a Conservation Area (sn 73 of LBA)	✓	✓	✓	✓	✓	✓	✓		✓
Development affecting the setting of a Listed Building (sn 67 if the LBA)	✓	✓	✓	✓	✓	✓	✓		✓

Key:Method will be used = Method will not be used = Method might be used = 

Appendix 7: Publicity for other types of applications made under planning legislation

Newcastle-Under-Lyme Borough Council

Application type:	Methods of publicity to be used by Newcastle-under-Lyme Borough Council										
	During application Process							Following decision			
	Publication on the Councils' website	Making hard copy of application documents available for inspection	Press Notice	Site Notice	Neighbour Notification letter	Notification to previous interested third parties on similar applications within 12 months	Notification to owner of tree to which works are to be done	Publication on Council website	Press Notice	Direct Notice to affected owners or agricultural tenants of applications site ²²	Direct notice to other interested parties
Approval of details required by conditions of a condition of a planning permission	✓	✗	✗	✗	✗	✓	✗	✓	✗	✓	✗
Non Material Amendment	✓	✗	✗	✗	✗	✓	✗	✓	✗	✗	✗
Extension of time application	✓	◇	◇	◇	◇	✓	✗	✓	✗	✓	✗
Prior Approval	✓	✗	✗	✗	✓	✓	✗	✓	✗	✗	✗

²² Only where the owner or tenant has requested this and/or made an comment or objection to the application

Application type:	Methods of publicity to be used by Newcastle-under-Lyme Borough Council										
	During application Process							Following decision			
	Publication on the Councils' website	Making hard copy of application documents available for inspection	Press Notice	Site Notice	Neighbour Notification letter	Notification to previous interested third parties on similar applications within 12 months	Notification to owner of tree to which works are to be done	Publication on Council website	Press Notice	Direct Notice to affected owners or agricultural tenants of applications site ²²	Direct notice to other interested parties
Modification or discharge of a planning obligation	✓	◇	◇	✗	✗	✓	✗	✓	✗	✗	✗
Modification or discharge of affordable housing requirements	✓	◇	◇	✗	✗	✓	✗	✓	✗	✗	✗
Lawfulness of existing use or development	✓	✗	✗	✗	✗	✓	✗	✓		✗	✗
Lawfulness of proposed use or development	✓	✗	✗	✗	✗	✓	✗	✓		✗	✗
Works to Protected Trees	✓	✗	✗	✗	✗	✗	✓	✓		✓	✗
Work to Trees in a Conservation	✓	✗	✗	✗	✗	✗	✓	✓		✓	✗

Application type:	Methods of publicity to be used by Newcastle-under-Lyme Borough Council										
	During application Process							Following decision			
	Publication on the Councils' website	Making hard copy of application documents available for inspection	Press Notice	Site Notice	Neighbour Notification letter	Notification to previous interested third parties on similar applications within 12 months	Notification to owner of tree to which works are to be done	Publication on Council website	Press Notice	Direct Notice to affected owners or agricultural tenants of applications site ²²	Direct notice to other interested parties
Area											
Advertisement	✓	x	x	x	x	✓	x	✓		x	x
Listed Building	✓	x	✓			✓	x	✓		?	?
Approval of details required by conditions of a Listed Building consent	✓	x	✓	✓	✓	✓	x	✓		?	?
Lawfulness of works to a Listed building	✓	x	x	x	x	✓	x	✓		x	x
Hazardous Substances Consent	✓	x	x	x	x	x	x	✓		x	x

Key:

Method will be used = ✓

Method will not be used = x

Method might be used = ◇

Stoke-on-Trent City Council

Application type	Methods of publicity to be used by Stoke-on-Trent City Council										
	During application process							Following decision			
	Publication on the Councils' website	Making hard copy of application documents available for inspection upon request	Press Notice	Site Notice	Neighbour Notification letter	Notification to previous interested third parties on similar applications within 12 months	Notification to owner of tree to which works are to be done	Publication on Council website	Press Notice	Direct Notice to affected owners or agricultural tenants of applications site ²³	Direct notice to other interested parties
Approval of details required by conditions of a condition of a planning permission	✓	✓	✗	✗	✗	✗	✗	✓	✗	✗	✗
Non Material Amendment	✓	✓	✗	✗	✗		✗	✓	✗	✗	✗
Extension of time application	✓	✓	◇	◇	◇	✓	✗	✓	✗	✓	✗
Prior Approval	✓	✓	✗	✗	✓	✓	✗	✓	✗	✗	✗
Modification of a planning obligation	✓	✓	◇	◇	◇	◇	✗	✓	✗	✓	✗

²³ Only where the owner or tenant has requested this and/or made an comment or objection to the application

Application type	Methods of publicity to be used by Stoke-on-Trent City Council										
	During application process							Following decision			
	Publication on the Councils' website	Making hard copy of application documents available for inspection upon request	Press Notice	Site Notice	Neighbour Notification letter	Notification to previous interested third parties on similar applications within 12 months	Notification to owner of tree to which works are to be done	Publication on Council website	Press Notice	Direct Notice to affected owners or agricultural tenants of applications site ²³	Direct notice to other interested parties
Discharge of a planning obligation	✓		✗	✗	✗	✗	✗	✗	✗	✗	✗
Lawfulness of existing use or development	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗
Lawfulness of proposed use or development	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗
Works to Protected Trees	✓	✓	✗	◇	◇	✗	✗		✗		✗
Work to Trees in a Conservation Area	✓	✓	✗	◇	◇	✗	✗		✗		✗
Advertisement	✓	✓	✗	✗	✗	✓	✗	✓	✗	✗	✗
Listed Building	✓	✓	✓			✓	✗	✓	✗	?	?
Approval of details required	✓	✓	✓	✓	✓	✓	✗	✓	✗	?	?

Application type	Methods of publicity to be used by Stoke-on-Trent City Council										
	During application process							Following decision			
	Publication on the Councils' website	Making hard copy of application documents available for inspection upon request	Press Notice	Site Notice	Neighbour Notification letter	Notification to previous interested third parties on similar applications within 12 months	Notification to owner of tree to which works are to be done	Publication on Council website	Press Notice	Direct Notice to affected owners or agricultural tenants of applications site ²³	Direct notice to other interested parties
by conditions of a Listed Building consent											
Lawfulness of works to a Listed building	✓	✓	✗	✗	✗	✓	✗	✓	✗	✗	✗
Hazardous Substances Consent	✓	✓	✗	✓	✗	✗	✗	✓	✗	✗	✗

Key:

Method will be used = ✓

Method will not be used = ✗

Method might be used = ◇

Appendix 8: Glossary

Adoption Statement:

Authority Monitoring Report:

Consultation Statement:

Development Plan:

Duty to Cooperate:

General Consultee:

Local Development Scheme:

Local Development Framework:

Local Plan:

Locality Action Partnership: applies in Newcastle-Under-Lyme

Parish and Town Councils:

Public venues: venues used for making reference copies of planning policy documents and response forms available, e.g. council offices, libraries, customer contact centres

Specific Consultee:

Statement of Community Involvement:

Supplementary Planning Documents:

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Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund – Smithy House, 4 Highway Lane, Keele (Ref: 14/15004/HBG)

RECOMMENDATION:

That the Planning Committee approves a grant of £297 for window replacement at 4 Highway Lane, Keele.

Purpose of report

To agree an application for financial assistance towards the cost of the replacement of windows to an important historic building within the Keele Conservation Area

An application has been received the owner of the property which is situated within Keele Conservation Area. The building is an important historic building within the Conservation Area as a former Sneyd property (1871). The application is for replacement of 4 windows. The windows are timber with a painted finish and will be replaced like for like. The total cost of this work is £2,969 including VAT.

The property was offered a small grant of £1,664 in August 2013 for repair to the roof, walls, downspouts, and cills. All of this work has been completed. This new application concerns additional work to timber windows in need of replacement.

The amount of grant available to the property is modest at 10% towards the repair costs for buildings within Conservation Areas.

The views of the Conservation Advisory Working Party will be reported to the Planning Committee.

Financial Implications

There is sufficient funding to meet this grant application with approximately £20,000 in the Fund (allowing for commitments).

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Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund – Newcastle Methodist Church, Merrial Street (Ref: 14/15002/HBG)

RECOMMENDATION:

That the Planning Committee approves a grant of £527 for window repair and replacement on Merrial Street frontage of the Methodist Church.

Purpose of report

To agree an application for financial assistance towards the cost of the repair and replacement of windows as an important historic building within the Conservation Area.

An application has been received from Newcastle Methodist Church which is situated within Newcastle Town Centre Conservation Area. The building is an important historic building within the Conservation Area. The application is for the selective repair of the main frontage windows. The 16 windows are currently in a mixed state of repair and two are required to be replaced. These will be replaced like for like. The total cost of this work is £5,268.

The Church was offered a small grant of £216 in January 2014 for repairs to the valley roof and this new application concerns additional work which is required to keep the building in a proper state of repair.

The amount of grant available to the Church is modest at 10% towards the repair costs for buildings within Conservation Areas.

The views of the Conservation Advisory Working Party will be reported to the Planning Committee.

Financial Implications

There is sufficient funding to meet this grant application with approximately £20,000 in the Fund (allowing for commitments).

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Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund – St Thomas’s Church, Butterton (Ref: 14/15003/HBG)

RECOMMENDATION:

That the Planning Committee approves a grant of £1,013 for the repair of the vestry ceiling and removal of dry rot at St Thomas’s Church, Butterton.

Purpose of report

To consider an application for financial assistance towards the cost of the repair of dry rot and the vestry roof at the Church which is a Grade II* Listed Building.

An application has been received from St Thomas’s Butterton Parochial Church Council for a grant to help with the cost of unexpected work which has arisen during the present works. The Church was recently awarded its third grant from the Fund in March 2014 for £5,000 towards the cost for repair to high level stone work with some replacement, re-roofing of the south transept, chancel and north transept, lime mortar repair and French drain installation to solve water penetration problems. The total cost of this work was over £170,000 and is almost complete.

The ceiling was opened up to investigate crack movement and this revealed a concealed dry rot outbreak within the ceiling structure. Specification for the additional work has been drawn up by conservation architects overseeing the current scheme of repairs. The total cost of this work is £5,065. The Church has received funding in the past from the Historic Building Grant Fund. It was allocated £8,000 and £2,000 respectively in 2006 and 2007 for stonework repairs and dealing with water penetration. The Church is a Grade II* Listed Building within the Butterton Conservation Area and as such is one of the most important historic buildings in the Borough. Fortunately the dry rot has been discovered before it has done serious damage to the internal timbers and masonry and it is important help to preserve the church and its future and the current request is a relatively modest amount.

The views of the Conservation Advisory Working Party will be reported to the Planning Committee.

Financial Implications

There is sufficient funding to meet this grant application with approximately £20,000 in the Fund.

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APPEAL BY MR D MORRIS AGAINST AN ENFORCEMENT NOTICE ISSUED RELATING TO AN UNAUTHORISED TWO STOREY EXTENSION AT XJK JAGUAR LIMITED, CROSS HEATH

Enforcement Ref. No **09/00230/207C3 & 14/00002/ENFNOT**

Appeal Decision **Allowed**

Date of Appeal Decision **19th August 2014**

The full text of the appeal decision which followed and Informal Hearing held on 31st July 2014 is available to view on the Council's website (as an associated document to appeal reference 14/00002/ENFNOT) and the following is only a brief summary.

The Inspector sought clarification as to what was unlawful – the extension as a whole or the ground floor works. It was confirmed by representatives of the Council that no material harm arose from the first floor extension sufficient to require enforcement action. The Inspector considered that the enforcement notice could be amended without injustice to relate expressly to the building works at ground floor.

The Inspector went on to consider the two grounds of appeal; that it was too late to take enforcement action (ground (d)) and that planning permission should be granted (ground (a)):

Ground (d)

- The appellants' provided a statement that the work was completed in April 2009 (which was more than 4 years before the notice was issued) was not in the form of a sworn statutory declaration and there was no supporting documentary evidence which confirmed and corroborated the dates on which it was said that the ground floor works were carried out.
- The Council provided contradictory evidence which was a log of a telephone call in December 2009 (less than 4 years before the notice was issued) which stated that the windows were being put into the ground floor area and it looked like they were making it into a room. In addition a written log was provided of a site inspection that took place in January 2010 which indicated that the site manager had confirmed that substantive work was completed during Christmas and New Year.
- The Inspector was faced with two irreconcilable accounts of the date of the ground floor works. The burden of proof is with the appellant and the Inspector considered that the appellants' evidence failed the required tests as the Council's evidence contradicted their account of the date of completion of the works and it was not sufficiently precise and unambiguous to demonstrate the case on the balance of probabilities.
- The Inspector concluded that the ground (d) appeal must fail.

Ground (a)

- The Inspector, following discussions at the Hearing, considered the single main issue to be the effect of the loss of on-site parking on the safety of road users in the vicinity of the site.
- It was highlighted that the appeal premises was tightly-constrained.
- The Inspector considered that the Council's concern about retaining on-site parking was understandable given the tight-knit grain of housing and limited on-street parking capacity per house frontage in the surrounding streets.
- A condition of a planning permission in 1999 required that demarcated parking bays be permanently available for use and such spaces have mostly been lost.
- The Inspector referred to an error in the rebuilding of the workshop which resulted in it increasing in depth and meant that on-site parking is more constrained than the Council may have envisaged. It was agreed that one space had been lost as a result of the unauthorised works which was subject to the Enforcement Notice.

- The Inspector assessed the level of on street parking, acknowledged the good working relations of appellants' with their neighbours and that the majority of staff arrive by foot or by public transport and concluded that no material harm arises to the safety of road users in the vicinity of the site from the loss of a single on-site parking space.
- The Inspector considered that the condition suggested by the Council was reasonable and necessary.
- He therefore concluded that the ground (a) appeal should succeed, that the enforcement notice be quashed and imposed requiring the removal of the building works within 6 months of the date of the failure to meet any one of four requirements as follows:
 - (i) Within 3 months of the date of the decision the provision of off-site vehicle storage and parking to be submitted for approval including a timetable for its implementation
 - (ii) Within 11 months of the date of the decision if the LPA refuse to approve the scheme or fail to give a decision an appeal shall have been made.
 - (iii) If an appeal is made the appeal shall have been finally determined and the submitted scheme approved.
 - (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

COSTS APPLICATION IN RESPECT OF THE ABOVE APPEAL

The full text of the cost is available to view on the Council's website (also as an associated document to appeal reference 14/00002/ENFNOT) and, as above, the following is only a brief summary.

- At first glance, the Council's approach to the appeal was beset with errors relating to the estimate of the number of spaces lost and the late decision not to pursue action against the first floor use conveyed at the Hearing which calls into question the expediency of taking action.
- However the actions were in large part a result of the appellants' repeated failure to submit a regularising planning application in respect of works which were plainly unauthorised, even if they did not believe them to be when undertaking them. The Inspector expressed that a number of letters from the Council could not have been clearer in expressing its desire that matters be resolved quickly and helpfully set out what would be needed by way of plans and supporting information.
- No application was forthcoming at any point in the four-year period up to December 2013, after which time, from the Council's records, the works would have become lawful.
- The Inspector considered that it was plainly necessary for the Council to take action to protect its position at that point as the works would otherwise have become immune from enforcement action and saw nothing unreasonable in that.
- The Inspector considered it unbecoming of the appellants' to so severely criticise the Council's practice at the Hearing when a major contributor to the action which ensued was their own failure to properly regularise matters.
- The appellant cited the failure to serve a Planning Contravention Notice as evidence of unreasonable behaviour. The Inspector, however, did not agree as the breach was inspected, a meeting held and the remedy of a regularising planning application agreed upon. He indicated that considerations such as the increased footprint of the workshop and their implications for parking would no doubt have emerged in an application process and faced with such evidence may well itself have granted retrospective planning permission, thus avoiding the need for an appeal.
- As it was the application that the Council sought was made through the appeal process. For all that given the basic geography of the surrounding area, it was understandable that it should have concerns about parking. The Council, in the opinion of the Inspector, needed to look beyond the appellants' exemplary approach

to neighbours to possible future occupiers of the land. For these reasons the Inspector considered it was expedient of the Council to take action.

- The Inspector acknowledged that an Authority is at risk of an award of costs if it is concluded that an appeal could have been avoided by more diligent investigation that would have avoided the need to serve the notice in the first place or ensured that it was accurate. The Inspector considered, however, that the need to serve the notice could have been avoided by the regularising application sought, and he saw no need to correct the notice for material inaccuracies
- The Inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process have not been demonstrated and an award of costs, either full or in part, was not justified.

Recommendation

That the appeal and costs decisions be noted.

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APPEAL BY MR G MORRIS AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A SINGLE DETACHED DWELLING AT BOON HILL ROAD, BIGNALL END

<u>Application Number</u>	13/00662/OUT
<u>LPA's Decision</u>	Refused by delegated powers 7th November 2013
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	22nd September 2014

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 13/00662/OUT) and the following is only a brief summary.

The Inspector considered the main issues to be whether the proposal is inappropriate development in the Green Belt; the effect of the proposal on the openness of the Green Belt; if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm to the Green Belt is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development; the impact on protected trees. In dismissing the appeal, the Inspector made the following key comments:

- The appeal site is located within a loose ribbon of development which extends between the settlements of Bignall End and Wood Lane. Although there are various residential properties on either side of Boon Hill road, the nature of the area is one of dispersed development which neither relates to nor constitutes a village.
- Whilst there is an existing dwelling to the south, the site in combination with the open plot of land to the north reinforces the large undeveloped gap along this side of Boon Hill Road. The appeal proposal would not represent 'limited infilling in villages' or 'limited infilling' as defined in the fifth and sixth exception of paragraph 89 of the National Planning Policy Framework (NPPF).
- The appeal scheme does not fall within the exception identified in Policy S3 of the Local Plan which indicates development for residential purposes of a small gap within the built up area of the village of Keele.
- The appellant considered the land is previously developed, however the Inspector considered that any remains of any former buildings had blended into the landscape over the course of time. As such it did not fall within another exception of paragraph 89 of the NPPF relating to redevelopment of previously developed sites. The construction of a stable block as observed by the Inspector did not change that opinion as it did not appear permanent or include any fixed surface infrastructure.
- The Inspector indicated that whilst the purposes of including land within the Green Belt would not be harmed the proposal represents inappropriate development in the Green Belt which paragraph 87 of the NPPF is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- Openness is an essential characteristic of the Green Belt. The introduction of up to two detached dwellings would inevitably reduce and harm the openness and as such would result in some material harm to the openness of the Green Belt.
- The development would make a modest contribution towards housing supply in the Borough but insufficient detail was provided to assess whether or not the Council has a 5 year supply of deliverable housing. The matter was only given modest weight therefore.
- The Inspector attached some weight to the benefits arising from the site's accessible location.
- No weight was given to the appellant's willingness to design the proposed dwelling(s) to accord with Level 5 Code for Sustainable Homes standards, limit carbon dioxide emission or accept a condition to this effect.
- It was not before the Inspector to consider whether the site should be identified as a potential development site by the Council or incorporated into the village envelope and these matters did not weigh in favour of the scheme.

- Weighing the above matters the Inspector concluded very special circumstances do not exist.
- Insufficient information was provided to objectively assess the scheme's impact on protected trees, or identify if such matters could be adequately mitigated by condition. The Inspector considered, as such, that the proposal was contrary to Policy N12 of the Local Plan which are broadly consistent with paragraph 118 of the Framework which states that planning permission should be refused for development resulting in the loss of deterioration of aged or veteran trees.

Recommendation

That the decision be noted

APPEAL BY MR D MORRIS AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A GARAGE TO FORM ADDITIONAL PARKING TO ROOSTERS DAY NURSERY AT REAR OF 6, BRASSINGTON TERRACE

<u>Application Number</u>	13/00761/FUL
<u>LPA's Decision</u>	Refused by delegated powers 27th November 2013
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	12th August 2014

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 13/00761/FUL) and the following is only a brief summary.

The Inspector considered the main issues to be whether the proposal is inappropriate development in the Green Belt, the effect of the proposal on the openness of the Green Belt and if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm to the Green Belt is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development. In dismissing the appeal, the Inspector made the following key comments:

- The proposed garage would provide secure cover for vehicles used in the transport service provided by the nursery and for additional cold storage.
- Paragraph 89 of the NPPF states that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The construction of a new garage building for use in connection with the day nursery does not fall under any of the listed exceptions and as such it would represent inappropriate development in the Green Belt which is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- The proposed development would also be contrary to Policy S3 of the Newcastle-under-Lyme Local Plan 2003.
- A temporary building had been stationed on the site. The introduction of a permanent, pitched roof detached double garage would inevitably reduce and harm the openness of the Green Belt to some degree by reason of its permanence and additional bulk and massing, however the loss of openness would be moderate.
- One of the core principles of the NPPF is to support thriving rural communities and it seeks to support a prosperous rural economy by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, and promote the retention and development of local services and community facilities in villages.
- It is evident that the children's day care nursery provides an important and valued community facility. The transport service it offers also reduces vehicle movements associated with the premises, provides flexibility for parents and encourages sustainable transport.
- Although the garage would offer cover for vehicles used in the transport service, reducing the time spent in the winter months preparing and de-icing vehicles ready for use, this would only provide a limited improvement to the service for a certain period of the year. The appellant also suggests that the garage would improve security on site by providing secure storage for vehicles and equipment but there is no evidence of any reported incidents.
- The appellant's argument that the garage would also provide additional cold storage facilities does not in isolation justify a building of the scale proposed and it has not been adequately demonstrated that such facilities could not be accommodated in an existing building. As such, only moderate weight is attached to any operational benefits derived from the provision of a secure garage.
- It is accepted that the garage would have limited visual impact on the surrounding countryside but such factors would only ensure that the scheme would not be harmful in this regard and do not weigh in favour of the development.

- The proposed garage is not required solely for purposes in connection with the transport service and therefore, the development would not fall under one of the listed exceptions in paragraph 90 of the NPPF.
- In conclusion, the proposed development would be inappropriate development and the NPPF establishes that substantial weight should be given to any harm to the Green Belt. The operational benefits of the proposed garage do not clearly outweigh the totality of harm to the Green Belt and therefore, very special circumstances do not exist. The appeal is therefore dismissed.

Recommendation

That the decision be noted

By virtue of paragraph(s) 2, 3, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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