

Public Document Pack

Date of meeting Tuesday, 22nd June, 2021
Time 7.00 pm
Venue Astley Room - Castle
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 6)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT TO ROWLEY HOUSE, MOSS LANE, MADELEY. PRIME DEVELOPERS (CREWE) LTD. 20/00143/FUL** (Pages 7 - 19)
- 5 **APPLICATION FOR MINOR DEVELOPMENT - 1-27 CROFT ROAD INDUSTRIAL ESTATE, CROFT ROAD. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 21/00439/DEEM3** (Pages 21 - 25)
- 6 **APPLICATION FOR MINOR DEVELOPMENT - 20 SIDMOUTH AVENUE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 21/00446/DEEM4** (Pages 27 - 33)
- 7 **QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED** (Pages 35 - 39)
- 8 **OPEN ENFORCEMENT CASES** (Pages 41 - 42)
- 9 **QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO** (Pages 43 - 45)

- 10 UPDATE ON BREACH OF PLANNING OBLIGATION ENTERED INTO IN ASSOCIATION WITH 11/00284/FUL FOR THE ERECTION OF TWENTY THREE HOUSES AT THE FORMER SITE OF SILVERDALE STATION AND GOOD SHED, STATION ROAD, SILVERDALE (Pages 47 - 48)
- 11 LAND AT DODDLEPOOL, BETLEY. 17/00186/207C2 (Pages 49 - 50)
- 12 APPEAL AND COSTS DECISION - 1 ORION COURT, NEWCASTLE. 20/00993/FUL (Pages 51 - 52)
- 13 DRAFT NEWCASTLE-UNDER-LYME STATEMENT OF COMMUNITY INVOLVEMENT 2021 CONSULTATION REPORT (Pages 53 - 119)
- 14 URGENT BUSINESS

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

Members: Councillors Andrew Fear (Chair), Marion Reddish (Vice-Chair), Silvia Burgess, Dave Jones, Sue Moffat, Gillian Williams, John Williams, Jennifer Cooper, Helena Maxfield, Paul Northcott, Mark Holland and Kenneth Owen

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.

SUBSTITUTE MEMBER SCHEME (Appendix 9, Section 4 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:	Simon Tagg Barry Panter Stephen Sweeney Bert Proctor	Sylvia Dymond Mike Stubbs June Walklate
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If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need to:

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place) NB Only 2 Substitutes per political group are allowed for each meeting and your Chairman will advise you on whether that number has been reached

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

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

PLANNING COMMITTEE

Thursday, 27th May, 2021
Time of Commencement: 7.00 pm

Present: Councillor Andrew Fear (Chair)

Councillors:	John Williams	Silvia Burgess	Kenneth Owen
	Paul Northcott	Helena Maxfield	Stephen Sweeney
	Gillian Williams	Mark Holland	

Officers:	Elaine Moulton	Development Management Team Manager
	Nick Bromley	Senior Planning Officer
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Shawn Fleet	Head of Planning and Development

1. APOLOGIES

Apologies were received from Councillors Jenny Cooper, Sue Moffatt and Marion Reddish.

2. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the Minutes of the meeting held on 27 April, 2021 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - LAND TO THE NORTH EAST OF ECCLESHALL ROAD, SOUTH EAST OF PINWOOD ROAD AND NORTH WEST OF LOWER ROAD, HOOK GATE. VERVE SHREWSBURY LTD. 21/00327/FUL

Concerns were raised by Councillor Holland who stated that the Committee had been told this evening that the wording of condition 18 of the original decision issued by the Local Planning Authority was unjustifiable and against national policy. Officers were asked for assurance that this Authority had changed its practices in some way such that this wouldn't occur again in the future. Elaine Moulton confirmed that the Policy changed following the issuing of that decision.

Resolved: That the variation of conditions 5, 6, 9, 17, 18 and 19 of 17/01001/FUL be permitted so that they read as follows:

5. Prior to commencement of above ground works full and

precise details of acoustic screening of a minimum height of 1.8 metres and a minimum mass of 20kg/m² to be installed in the locations indicated on the Proposed Barrier Plan received on 11th April 2018 shall be submitted to the Local Planning Authority for its prior approval in writing. Thereafter, the approved details shall be installed in full prior to the relevant plot becoming occupied and shall thereafter be permanently maintained.

6. Prior to installation, full and precise details of the window glazing systems and mechanical ventilation arrangements for plots 1, 2, 11, 19, 21 and 22 shall be submitted to the Local Planning Authority for prior approval. Mechanical ventilation shall enable background purge and summer time cooling with windows shut. Noise from the ventilation system when in operation shall not exceed NR30. It shall be demonstrated that the glazing and ventilation system will achieve a maximum of 35dB(A)Leq, 16 hour 7am to 11pm in living areas and 30dB(A)Leq 8 hour and a maximum of 45dB(A)LAMax between 11pm and 7am.
9. No dwelling shall be occupied until full details of the surfacing materials and the means of surface water drainage for the private driveway, parking and turning areas for that dwelling, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
17. Prior to first occupation, full and precise details of the recyclable materials and refuse storage, including designated areas to accommodate sufficient recyclable materials and refuse receptacles to service the development and the collection arrangements for the same have been forwarded to the Local Planning Authority for approval.

Thereafter, the storage arrangements shall be carried out in accordance with the approved scheme.
18. Prior to commencement of above ground works full and precise details of the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
19. Prior to commencement of above ground works full and precise details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

And subject to any other conditions attached to planning permission 17/01001/FUL that remain relevant at this time.

5. **APPLICATION FOR MINOR DEVELOPMENT - ASHES FARM, 103 HIGH STREET, HARRISEAHEAD. MR NIGEL PORTER. 21/00343/FUL**

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

- (i) Time limit condition
- (ii) Approved Plans
- (iii) Level 1 photographic survey of the buildings to be converted
- (iv) Materials
- (v) Window, door, timber cladding and guttering details
- (vi) Boundary treatments
- (vii) Hardstandings
- (viii) Soft landscaping
- (ix) Provision of parking and turning areas
- (x) Surfacing of access driveway
- (xi) Tree protection
- (xii) Bat and bird boxes
- (xiii) Land contamination
- (xiv) Construction hours
- (xv) Electric vehicle charging provision, and
- (xvi) Waste storage and collection arrangements

A note to the applicant to be included, that if the adjoining public footpath has to be closed in the interests of health and safety the closure should be for the minimum period possible and at no point should the footpath, when open to use, be obstructed by material or plant associated with the carrying out of this development

6. APPLICATION FOR OTHER DEVELOPMENT - LAND OFF LOWFIELD DRIVE, STOKE-ON-TRENT. EE LIMITED. 21/00377/TDET

- Resolved:**
- (i) That prior approval is required, and
 - (ii) That such prior approval be granted.

7. APPLICATION FOR OTHER DEVELOPMENT - LAND AT CHEMICAL LANE, STOKE-ON-TRENT. EE LIMITED. 21/00379/TDET

- Resolved:**
- (i) That prior approval is required, and
 - (ii) That such prior approval be granted.

Note: That the applicant's attention be drawn to Network Rail's comments.

8. 5 BOGGS COTTAGE, KEELE. 14/00036/207C3

- Resolved:**
- (i) That the information be received.
 - (ii) That a further report be brought back to the 20th July meeting.

9. TREE PRESERVATION ORDER - LAND AT 39 SANDY LANE, NEWCASTLE. TPO212

Resolved: That Tree Preservation Order number 212, Land at 39 Sandy Lane, Newcastle be confirmed as made and the owners of the property be informed accordingly.

10. **TREE PRESERVATION ORDER - LAND AT CROFT FARM, STONE ROAD, HILL CHORLTON - TPO 214**

Resolved: That Tree Preservation Order No 214 (2021), Land at Croft Farm, Stone Road, Hill Chorlton be confirmed as made and that the owners of the site be informed accordingly.

11. **URGENT BUSINESS**

There was no Urgent Business.

Chair

Meeting concluded at 7.55 pm

**LAND ADJACENT TO ROWLEY HOUSE, MOSS LANE, MADELEY
PRIME DEVELOPERS (CREWE) LTD**

20/00143/FUL

The application is for full planning permission for a residential development comprising 38 dwellings.

The application site lies on the western side of Moss Lane and, except for its access point onto Moss Lane, outside the village envelope of Madeley and within the open countryside and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site area is approximately 1.65 hectares. There are trees subject of a Tree Preservation Order (TPO) on and adjoining the site.

The 13 week period for the determination of this application expired on 25th May but the applicant has agreed an extension to the statutory period until 20th August 2020.

RECOMMENDATION

REFUSE on the following grounds:-

- 1. The development, without suitable flood risk mitigation measures and SuDS, would lead to the potential for flooding. The development would therefore not meet sustainable development objectives and would pose a risk to the adjoining railway line, contrary to policy CSP3 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the aims and objectives of the National Planning Policy Framework (2019).**
- 2. In the absence of a secured planning obligation there is not an appropriate mechanism to secure a financial contribution of £85,570 towards education places and a review mechanism to allow for the possibility of changed financial circumstances should the development not proceed promptly, and, in such circumstances, the potential provision of a policy compliant financial contribution towards public open space and education places is not achieved. The proposal would thus be contrary to Policies CSP5 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies C4 & IM1 of the Newcastle-under-Lyme Local Plan 2011, the Council's Open Space Strategy and the aims and objectives of the National Planning Policy Framework (2019).**
- 3. In the absence of a secured planning obligation, the development fails to provide 25% of the total number of proposed dwellings as affordable dwellings on-site which is required to provide a balanced and well-functioning housing market, as referred to in the Newcastle-under-Lyme Borough Council Affordable Housing Supplementary Planning Document (2009) and the Supplementary Planning Document on Developer Contributions (2007). The proposal would thus be contrary to Policies CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2018).**
- 4. Without an appropriate secured financial contribution relating to public open space the additional demands upon open space arising from the additional dwellinghouses as proposed would not be suitably addressed. As such the development would be contrary to policies on the provision of open space for residential development, contrary to Policies CSP5 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies C4 and IM1 of the Newcastle-under-Lyme Local Plan 2011, Newcastle under Lyme Borough Council Supplementary Planning Document on Development Contributions (2007), the Newcastle-under-Lyme Open Space Strategy (March 2017), and the aims and objectives of the National Planning Policy Framework 2019.**

Reason for Recommendation

Whilst the principle of new housing development on the site is considered acceptable and the design of the scheme, access and parking arrangements and the impact on residential amenity levels are also considered acceptable, the application has failed to address flood risk concerns and approval of it would be contrary to the NPPF

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

The application does not address flood risk concerns and as such this is an unsustainable form of development which is not in compliance with the provisions of the National Planning Policy Framework.

Key Issues

1.1 The application is for full planning permission for residential development for 38 dwellings on the site and has been amended during the application process, reducing the number of dwellings from that originally proposed, 42.

1.2 The application follows the granting of outline planning permission for 42 dwellings under reference 13/00990/OUT. The subsequent reserved matters application, 17/01004/REM, was refused for the following reason and subsequently dismissed on appeal.

“The proposed scale, size and massing within the northern corner of the development, particularly the inclusion of the house on plot 22, constitutes inappropriate overdevelopment which would not be in keeping with, and would be detrimental to, the character and appearance of the area. The proposed development is therefore contrary to policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, the guidance set out in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) and the requirements and policies of the revised National Planning Policy Framework 2018, in particular the criteria set out at points (a), (b) and (c) in paragraph 127.”

1.3 The outline planning permission has now lapsed and as such the current application seeks full planning permission for the development of the site. The layout of the site has been amended in light of the appeal decision by increasing some of the plot sizes and removing sections of adopted highways, especially to the north of the site, which has resulted in lower density development to the rear of the neighbouring properties.

1.4 Access to the site is proposed off Moss Lane. There are trees subject of a Tree Preservation Order (TPO) on and adjoining the site.

1.5 The key issues now for consideration are:-

- Principle of residential development on this site.
- Design and impact on the form and character of the area, including impact on trees within and adjoining the site
- Residential amenity
- Highway safety
- Drainage and flood risk
- Planning obligations
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

2.0 The principle of residential development

2.1 The site lies outside of the village envelope of Madeley, in the open countryside.

2.2 Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable

patterns of development and provides access to services and service centres by foot, public transport and cycling.

2.3 CSS Policy ASP6 states that in the Rural Area there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

2.4 Furthermore, Policy H1 of the Newcastle Local Plan (NLP) indicates that planning permission for residential development will only be given in certain circumstances – one of which is that the site is within one of the village envelopes.

2.5 Although the site is outside of the village development boundary it is immediately adjacent to it. Madeley is identified within the CSS as being one of the three largest rural service centres which are detailed as providing the most comprehensive provision of essential local services. Madeley has a primary school (Sir John Offley School) and a secondary school (Madeley High School, a specialist technology academy), with another primary school (the Meadows) in Madeley Heath, a village community centre (the Madeley Centre), public house, doctor's surgery, and a number of shops. It also has good road links to the conurbation, whilst also having links to cross border centres such as Crewe for employment and high level rail services.

2.6 Paragraph 11 of the revised NPPF states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

(Para 11(d))

2.7 The principle of residential development on this site was considered acceptable when outline planning permission was granted in 2015, reference 14/00930/OUT. However, the Council at that time was not able to demonstrate a five year supply of specific deliverable housing sites, whereas it now can with a supply of 5.2 years as at 31 March 2020 including the appropriate buffer of 20%.

2.8 The Inspector in the Gravel Bank appeal decision (17/00787/OUT) noted that the village envelopes referred to in both NLP Policy H1 and CSS Policy ASP6 were defined in the context of a Local Plan that was not intended to meet housing needs beyond 2011, and furthermore the limit of 900 dwellings in policy ASP6 is not based on any up to date assessment of housing needs and is at odds with the Framework that reflects the Government's objective of significantly boosting the supply of homes. He noted that a similar conclusion was reached in the appeal decision for Tadgedale Quarry (15/00015/OUT). Therefore policies H1 and ASP6 should only be afforded limited weight and paragraph 11(d) of the Framework should be engaged. Applying this to the case in hand planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole – the application of policies in the Framework that protect areas or assets of particular importance (and listed in a footnote) not providing a clear reason for refusal.

3.0 Design and impact on the form and character of the area, including impact on trees within and adjoining the site

3.1 Paragraph 124 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. At paragraph 130 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. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

3.2 Policy CSP1 of the Core Spatial Strategy (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.

3.3 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.

3.4 Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are

- a. *To respond to the unique character and setting of each settlement*
- b. *Development should celebrate what is distinct and positive in terms of rural characteristics and topography in each location*
- c. *Generally to locate new development within village envelopes where possible and to minimise the impact on the existing landscape character*

It goes on to state that new development in the rural area should respond to the typical forms of buildings in the village or locality.

3.5 RE2 of that document states that new development associated with existing villages should retain, enhance and incorporate some of the existing features and characteristics of the settlement pattern, wherever possible.

3.6 RE5 states that new development in the rural area should respond to the typical forms of buildings in the village or locality. RE6 states that elevations of new buildings must be well composed, well-proportioned and well detailed. At RE7 it states new buildings should respond to the materials, details and colours that may be distinctive to a locality.

3.7 The proposed layout comprises 10 two bedroom detached bungalows located along the shared boundary of the site and the Bridle Path. In addition there are 4 five bedroom detached houses; 7 three bedroom detached houses; 10 three bedroom semi-detached houses; and 7 two bedroom detached houses.

3.8 The dwellings are all two storeys, although the five bedroom dwellings have accommodation in the roof space served by roof lights. This differs from the reserved matters application which included a number of dwellings with three storey front elevations and two storey rear elevations.

3.9 All of the houses have pitched roofs with gable and canopy features. The bungalows are single storey with similar design details to the dwellings.

3.10 As with the reserved matters application the dwellings predominantly front onto a looped access route through the site with just two dwellings accessed off a very short private drive. The parking spaces are located at the front or the side of the dwellings.

3.11 The design and layout of the current proposal retains, in many respects, the elements of the design and layout of the reserved matters application 17/01004/REM which weren't highlighted as being unacceptable in the subsequent appeal. The density of development and its relationship with the adjoining railway line are similar to that application and the Inspector did not object to those elements of the proposal or to the design and layout of the dwellings at the centre of the site which is also similar to the reserved matters scheme. On this basis it is considered that there is no basis upon which an objection could be justified to such elements of the current proposal.

3.12 The amendments in the current proposal focus on the northern corner of the development and on the relationship of the development with the existing residential properties on the Bridle Path.

3.13 In dismissing the appeal the Inspector noted that a pair of 2 storey semi-detached dwellings in that corner would have had a height only around 1m less than the nearest dwelling on the Bridle Path

and would also have its side gable at its nearest point less than 1m from the rear boundary of that dwelling. The Inspector considered that, given the height, proximity, the extent of hardstanding to the front and the overall scale and massing of development in this area; the northern corner of the site would appear overly urban for this location.

3.14 The current proposal addresses this by siting 10 bungalows along the entire boundary with the Bridle Path, with the backs of these properties presented towards the backs of the Bridle Path properties. The concern of the Inspector with the previous proposal, that the dwellings appeared unsympathetically shoehorned into this corner of the site, does not apply to this layout and as such it is considered that the reason for refusal has been suitably addressed.

3.15 The mix of dwelling types proposed, which will utilise quality facing brick with contrasting colours and textures, will help to achieve a good quality development. The reduction in the density of housing on the site is also beneficial to the visual appearance of the development as will the soft landscaping which will supplement the existing mature trees and established hedgerows on the site boundaries. The proposed landscaping scheme also proposes soft landscaping to plot frontages and frontage car parking has been avoided where possible.

3.16 The Landscape Development Section (LDS) had raised some concerns about the impact of the development on trees. Following amendments and the receipt of further information the proposal now includes the retention of all visually significant and protected trees which the LDS supports subject to ensuring that all submitted plans are revised to show all the trees to be retained.

3.17 The LDS remain concerned about the siting of a land drain adjacent to plots E5 and E10 in the Root Protection Areas of the adjacent trees and request that the drain is moved outside of the RPAs. Further levels information has been requested to demonstrate that the RPAs of these trees will not be harmed by excavations. In addition confirmation that the RPAs have been calculated from actual tree measurements and not estimated has been requested. Subject to the receipt of this information and amendments, which is expected prior to the meeting, it can be concluded that the development will not result in the loss of, or harm to, visually significant trees.

3.18 Subject to conditions which secure appropriate facing materials, boundary treatments, finished ground levels and floors levels, along with soft landscaping, replacement tree planting and tree protection measures, it is considered that the design of the proposed development is acceptable. The development will not harm the character and amenity of the area in accordance with design principles set out in the Council's Urban Design Guidance SPD and the NPPF.

4.0 Residential amenity

4.1 The NPPF states within paragraph 127 that planning decisions should ensure that developments, amongst other things, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

4.2 Supplementary Planning Guidance (SPG) Space around Dwellings provides guidance on development including the need for privacy, daylight standards, and environmental considerations.

4.3 The site slopes in a southerly direction and the dwellings would be located over a gradient, varying in levels by around 4m over the site.

4.4 As discussed, the density of the scheme has been reduced since the previous refusal and the design of the scheme has been improved. The development now proposes 10 bungalows along the length of the northern/ north-eastern boundary and these would back onto the rear of properties on The Bridle Path.

4.5 The proposed bungalows would be set on a lower ground level than the existing properties on the Bridle Way and the proposed dwellings would achieve a reasonable garden length. This ensures that the separation distances between existing and proposed rear elevations would exceed the guidance set out in the SPG in all cases.

4.6 In all other respects the proposed development complies with the guidance set out in the SPG and it is considered that a good standard of amenity for all existing and future occupants of land and buildings can be achieved and maintained, as required by the NPPF.

5.0 Highway Safety

5.1 Paragraph 108 of the NPPF states that safe and suitable access to a site shall be achieved for all users and paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

5.2 The access arrangements and the layout of the scheme was considered acceptable during the consideration of the previous outline planning permission and reserved matters application. There have been no material changes to such arrangements which remain acceptable.

5.3 All the proposed dwellings will have at least two parking spaces and the level of parking is considered acceptable.

6.0 Drainage and Flood Risk

6.1 Paragraph 155 of the NPPF advises that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.” It also states in para.165 that “Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.”

6.2 Policy CSP3 of the CSS also requires all suitable flood mitigation measures to be investigated and where possible incorporated into the development, along with the use of Sustainable Urban Drainage Schemes (SUDS).

6.3 Objections have been raised by Network Rail and the Lead Local Flood Authority (LLFA) and discussions have been ongoing throughout the application process to address such objections.

6.4 Network Rail’s latest observations, following submission of further drainage information, indicate that some of their comments have been addressed. However, they remain concerned as follows:

6.5 The LLFA have also commented on the further drainage information indicating that their previously expressed concerns have not been addressed. Their position remains that the applicant has not demonstrated that the proposed development will meet the technical standards for SuDS and will not result in flood risk.

6.6 The NPPF does advise that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. In this instance, notwithstanding the length of time that the application has been valid, there are still flood risk concerns and there is still no certainty that these concerns can be addressed. Leaving such matters to be dealt with by conditions remains contrary to the precautionary approach advised in paragraph 163 of the NPPF and policy CSP3 of the Core Spatial Strategy particularly in light of the relationship of the site to the railway line.

7.0 Planning obligations

7.1 Certain contributions are required to make the development acceptable. These are, in no particular order, the provision of 25% affordable housing, a contribution of £85,570 towards education provision and a contribution of £212,002 towards public open space.

7.2 Staffordshire County Council advise that there are projected to be an insufficient number of school places in the local area to mitigate the impact of this development at both primary and secondary phases of education. The contribution required has been calculated to be £85,570.

7.3 The Council's Landscape Development Section have advised that the POS contribution will be spent on the nearby Madeley Pool which is owned by the Council but managed by the Parish Council. The programme of improvements that are envisaged include the introduction of nature noticeboards; improved paths around the pool; replacement and improved seating; and soft planting to deter Canadian Geese. This is considered to be acceptable and mitigate the impact of 38 new houses in this part of the village.

7.4 The application includes a plan which demonstrates that 25% (10) of the dwellings will be affordable and pepper potted throughout the site, which is considered acceptable.

7.5 The contributions are ones, which make the development policy compliant and 'sustainable'. They are considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

7.6 The requested obligations will be secured by a S106 agreement if planning permission is granted.

8.0 Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

8.1 The NPPF refers to three objectives of sustainable development – economic, social and environmental. It also seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of local communities.

8.2 The proposed development is for the provision of 38 new homes, 10 of which will be affordable, adjacent to the village development boundary of Madeley, which is considered to represent a sustainable location for new development. The site is within easy walking distance of the village centre of Madeley. Nearby bus stops offer good public transport links (no.85 bus) to Newcastle town centre, Hanley city centre, Crewe, Keele University and other rural locations.

8.3 Such benefits do not, however, significantly and demonstrably outweigh the harm arising from flood risk. On this basis planning permission should not be granted.

8.4 Notwithstanding the suitability of the offer regarding Section 106 contributions, the absence of a secured agreement at the time of determination of the application has resulted in the absence of a mechanism to secure payment of the agreed obligations. As a result, there is no certainty the policy requirements will be met which is a further reason for refusal of the application.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural Area Spatial Policy Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy N12:	Development and the Protection of Trees
Policy N17:	Landscape Character – General Considerations
Policy N20:	Areas of Landscape Enhancement
Policy C4:	Open Space in New Housing Areas

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework](#) (2019)

[Planning Practice Guidance](#) (March 2014, as updated)

[Community Infrastructure Levy Regulations](#) (2010) as amended and related statutory guidance

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD](#) (September 2007)

[Affordable Housing SPD](#) (2009)

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

[Space Around Dwellings SPG](#) (SAD) (July 2004)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

[Waste Management and Recycling Planning Practice Guidance Note](#) approved in 2003 and last updated in February 2016

[Relevant Planning History](#)

13/00990/OUT	Residential development of up to 42 dwellings including means of access – PERMITTED.
13/00990/NMA	Slight variation in the approved access for both horizontal alignment and method of construction to pass TPO trees – PERMITTED

Views of Consultees

Madeley Parish Council notes that the number of properties proposed has reduced but still considers that over intensification of properties and the density of the building works makes this proposed development unacceptable. The principle objections are summarised as follows:

- The roads around the proposed site are inadequate for another 38 properties.
- The facilities in the Village, in particular the Health Centre and schools are already fully utilised, and the Health Centre has limited car parking which is already over stretched.
- By virtue of the development now permitted at New Road it is inevitable that the infrastructure of the village will be severely affected and further development cannot be sustained.
- There appear to have been no measures taken to address significant drainage issues on the proposed site. It is historically a wet area, with surface water from Moss Lane draining onto the site. It is suggested that surface water from the site will be drained onto the adjacent Network Rail land which may result in land slip risk. Climate change has resulted in a greater amount of rainfall which means that the site is permanently wet and often flooded.
- Whilst it is noted that the development includes a number of affordable houses, the indicated size of some of those properties means that it is unlikely that young families will be able to afford them.
- The cumulative impact on facilities of this development and others recently permitted must be taken into consideration and would be detrimental to the village.

The **Highway Authority** has requested additional information and their further comments will be reported.

The **Environmental Health Division** has no objections to the application subject to the following conditions:

- Construction Environmental Management Plan
- Approval and implementation of design measures to ensure maximum noise levels
- Vibration Assessment
- Electric charging points.

The **Landscape Development Section** make the following comments:

- The paving and paths to the rear of plots E5-E10, and the retaining walls that will be necessary to enable them to be installed, should be amended to ensure that no part of them are within the Construction Exclusion Zones of the adjacent trees.
- The alignment of the access road appears to have been altered resulting in the root protection area of a TPO birch tree will be affected. If the access is to be adopted it is doubtful that a 'no-dig' construction for the footpaths will be permitted. The access should be realigned closer to the TPO sycamore which is likely to be more tolerant of road disturbance.
- Permission should be subject to submission of a dimensioned tree protection plan, a detailed arboricultural method statement and site monitoring schedule, and a schedule of works to retained trees.
- There are no objections to the submitted soft landscape proposals.

Network Rail initially put in a holding objection due to concerns regarding this development's drainage proposals. In response to the latest information provided they indicate that some of their comments have been addressed. However, they remain concerned as follows:

- The calculations undertaken do not appear to have considered the entire development size or flows from the site and as such the flood depths appear to be underestimated.
- The requirement for the development site to safely store water that is adequate for 100 year storm event and to reflect the discharge limitations has not been addressed.

- The design of the raised ground needs to consider the effect on the existing ground and how it will prevent the surface and sub-surface flow of water towards Network Rail Infrastructure as just raising the ground would not alleviate their concerns.

Staffordshire County Council as **Lead Local Flood Authority (LLFA)**, in response to the latest information, confirm that they still have a number of concerns. Their position therefore remains that the submitted information does not fully demonstrate that the proposed development will meet the technical standards for SuDS.

United Utilities confirm the proposals are acceptable in principle subject to a condition securing approval of the details of foul and surface water drainage. In addition they would wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact and as such recommend a condition regarding a management and maintenance regime the wording of which should be agreed with the LLFA.

The **Environment Agency** has no objections to the proposed development.

The **Housing Strategy Section** is satisfied that the development accords with the Affordable Housing SPD.

The **Education Authority** states that the proposed development falls within the catchments of Sir John Offley CE (VC) Primary School/The Meadows Primary School and Madeley High School. It has been calculated that 42 dwellings would require 9 primary school places and that 31 dwellings would require 5 secondary places. These are based on a pupil product ratio (PPR) 0.03 per dwelling per year group. Using 7 year groups for Primary, 5 for secondary and 1 for Post 16 places. Where appropriate all 1 bedroom dwellings have been deducted from the dwellings numbers and at secondary level only, all RSL dwellings have also been deducted in line with our Education Planning Obligations Policy.

There are projected to be an insufficient number of school places in the local area to mitigate the impact of this development at both primary and secondary phases of education.

The project to provide the additional places required has not yet been fully determined and therefore the contribution has been calculated utilising the latest cost multipliers.

The secondary school education contribution has been calculated as follows:
 $\pounds 17,114 \times 5 = \pounds 85,570$

Representations

23 letters of objection, including from **Cllr Simon White, Cllr Gary White** and **Madeley Conservation Group**, have been received raising concerns regarding the following:

- Overdevelopment of the site which is not in keeping with the area.
- The density of the development adjoining the Bridle Path is too great and the dwellings are too close.
- Careful consideration should be given to the design of the dwellings.
- The land is a water meadow subject to flooding and not suitable for development.
- Surface water run-off results in a possible risk of collapse of the Network Rail embankment. A recent landslip between Stafford and Crewe resulted in lines being blocked.
- The risk of failure of the proposed solution to deal with foul sewerage.
- Moss Lane is narrow and congested and further development would result in highway danger.
- The burden of the additional dwellings, in addition to those already permitted, will be detrimental to local facilities.
- The development adversely affects protected trees and the supporting information in respect of trees is not up to date.
- Removal of vegetation will have an unacceptable impact on wildlife.
- The development would affect bats and barn owls.
- Trees and hedgerows should be protected in accordance with fresh government legislation.

- The previous outline planning permission should not have been extended.

A further objection has been received from Cllr Gary and Simon White in respect of the latest drainage details as follows:

- The design for foul waste incorporates a pumping station which is believed to be situated between houses B30 and F31. No reference to this pumping station can be seen on any of the submitted plans and as such deem the current plans to not be valid.
- It is stated that no increase from the current litres per second outfall rate will be allowed and also the overflow pipe will be removed, what this has meant is that significant more storage of water is required on the main site. It is of great concern that the design requires all properties to be built some 450mm above normal ground height to avoid the flooding of properties during peak storm conditions. Furthermore it is stated that water to a depth of 139mm will be stored in these conditions on the main carriageway with kerb height of only 125mm - which is the standard height. This effectively means that under peak storm conditions residents and any person or vehicle accessing the site will be required to go through unto 139mm of water for a prolonged period of time. It is essential to note that because NR will not allow any increase in the outfall to their drain then the standing water will take much longer to dissipate.
- The concerns by the Arboricultural department on the root structure to the trees with TPOs on the site have not been addressed.

Applicant's/Agent's submission

The application is accompanied by:

- a Design and Access Statement,
- Statement of Community Involvement
- Arboricultural Report and Layout.
- Tree Protection Plan
- Drainage information
- Flood Risk Assessment
- Phase 1 Ecology Survey, Protected Species Report and Addendum
- Phase 1 and 2 Geo-Environmental Report

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00143/FUL>

Background papers

Planning files referred to

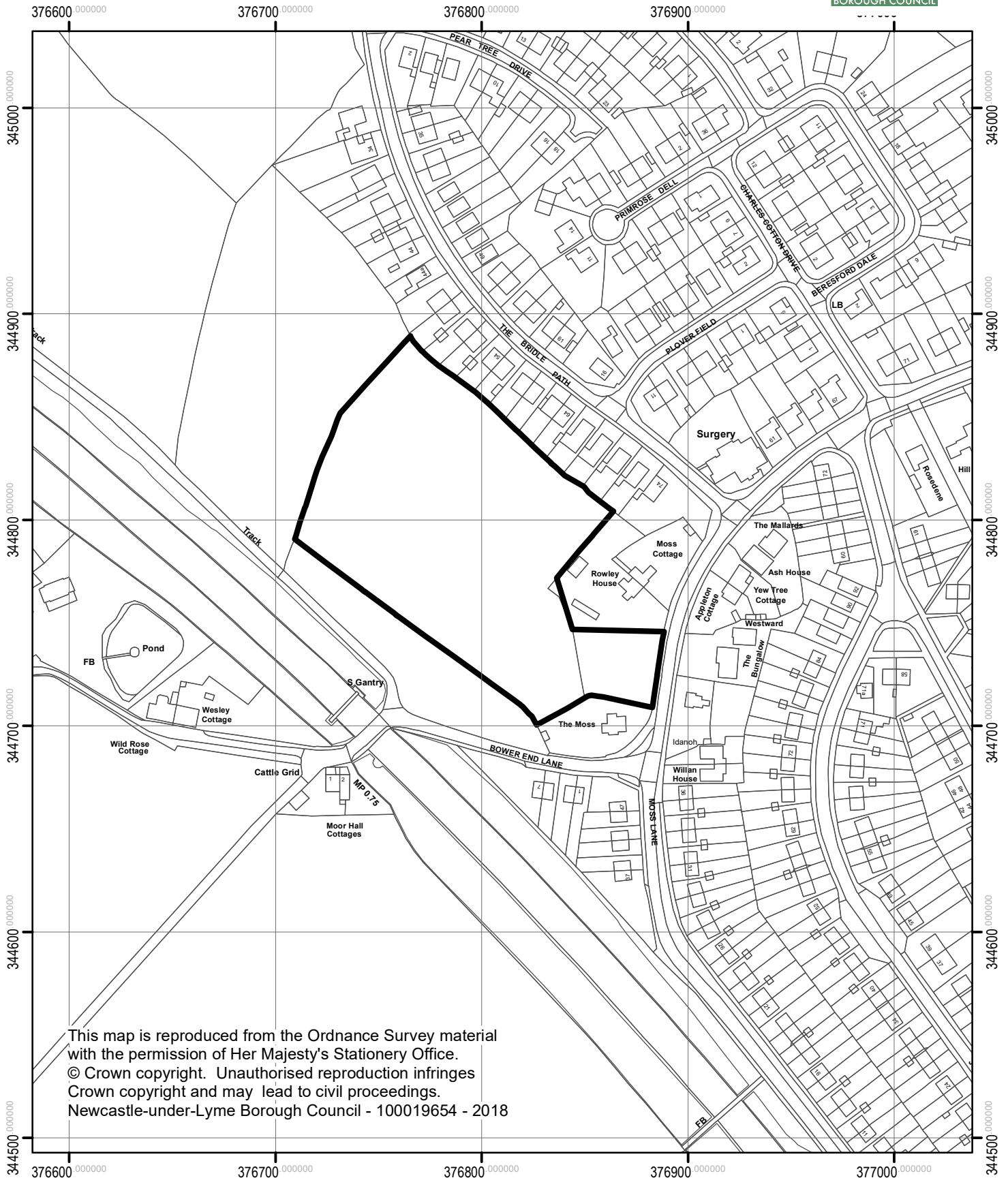
Planning Documents referred to

Date report prepared

8th June 2021

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Land adjacent to Rowley House, Moss Lane
Madeley, Crewe, CW3 9NQ



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1-27 CROFT ROAD INDUSTRIAL ESTATE, CROFT ROAD
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

21/00439/DEEM3

Planning permission is sought for the replacement of roof cladding to units 1-27 at Croft Road Industrial Estate.

The site is located within the Urban Area of Newcastle as defined on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expires on 23rd June 2021.

RECOMMENDATION

Permit, subject to conditions relating to;

- i. Time limit condition**
- ii. Approved plans**
- iii. Materials**

Reason for Recommendations

The proposal would have no adverse impact on the appearance of the street scene or the wider area and the proposals accord with provisions of the development plan and the NPPF.

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

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

Key Issues

The proposals involve replacement of roof cladding to units 1-27 Croft Road Industrial Estate. The re-cladding would increase the height of the roofs by approximately 190mm and would include the addition of a number of solar panels.

Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It goes on to say at paragraph 130, 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. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres.

The replacement of the cladding would not result in any significant visual change to the site given that the mono-pitched roof arrangement of the units would be retained and that the proposed materials would match those currently used on the units. The visual impact of the solar panels is considered to be negligible. Therefore, it is considered that the proposal

represents a sustainable form of development, which is in accordance with the Development Plan and the guidance and requirements of the NPPF.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy ASP5: Newcastle Town Centre Area Spatial Policy

Policy CSP1: Design Quality

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

None

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework](#) (2019)

[Planning Practice Guidance](#) (2014 as updated)

[Supplementary Planning Guidance/Documents](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

Relevant Planning History

N16041	Erection of workshops	Approved
N16511	Erection of workshops	Approved
N18392	Erection of 9 workshops - Phase 2	Approved

Views of Consultees

The **Environmental Health Division** has no objections.

Representations

None.

Applicant/agent's submission

All of the application documents can be viewed on the Council's website using the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00439/DEEM3>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

9th June 2021

1-27 Croft Road Industrial Estate
Croft Road
Newcastle



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20 SIDMOUTH AVENUE
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

21/00446/DEEM4

The application seeks to vary conditions 2 and 5 of permission 19/00708/DEEM4 for change of use of existing building from office to residential including part demolition of the existing building with external alterations, and erection of three new detached dwellings. Condition 2 lists the approved drawings and Condition 5 requires the front boundary wall to Unit 2 to be amended to enable the driveway to be widened to accommodate two parked vehicles. The variations sought are to allow changes to the front boundary wall and alterations to the access to units 2, 3 and 4.

The application site lies within the Brampton Conservation Area and the Urban Neighbourhood Area of Newcastle as specified on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expires on 24th June 2021.

RECOMMENDATION

PERMIT subject to conditions relating to:

- 1. Variation of condition 2 to list the revised plans**
- 2. Remove condition 5**
- 3. Any other conditions attached to planning permission 19/00708/DEEM4 that remain relevant at this time.**

Reason for Recommendation

The amendments proposed will not harm the character and appearance of the Conservation Area and it remains, overall, that the proposed development will enhance this heritage asset.

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

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

Key Issues

This application seeks to vary conditions 2 and 5 of permission 19/00708/DEEM4 for change of use of the existing building from office to residential including part demolition of the existing building with external alterations and erection of three new detached dwellings.

Condition 2 lists the approved drawings and the variations sought are to allow changes to the front boundary wall and alterations to the access to units 2, 3 and 4.

Condition 5 requires the amendment of the approved plans to enable the driveway to be widened to accommodate two parked vehicles in accordance with details that shall have been submitted to and approved by the Local Planning Authority.

In deciding an application under section 73 the local planning authority must only consider the condition/s that are the subject of the application, it is not a complete re-consideration of the application.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. In granting permission under section 73 the local planning authority may impose new conditions, provided the conditions do not materially alter the development that was subject to

the original permission and are conditions which could have been imposed on the earlier planning permission. For the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

The site lies within the Brampton Conservation Area.

The main issues to address are the impact of the amendment on the character and appearance of the Conservation Area and highway safety.

Impact on the character and appearance of the Conservation Area

The property is within the Brampton Conservation Area and as such there is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of its planning functions.

Paragraph 193 of the NPPF sets out that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The NPPF at paragraph 195 further states that “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”

At paragraph 196 of the NPPF it states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

At paragraphs 124 and 130 the NPPF indicates that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. 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, taking into account any local design standards or style guides in plans or supplementary planning documents.

Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

Front boundary walls are a key feature of this part of the Conservation Area and this development provides an opportunity to reinstate such a feature along Sidmouth Avenue, lost in connection with the former use of the site and the associated alterations to the building.

The proposed wider accesses will reduce the extent of the front boundary wall to be constructed. Nonetheless it is considered that such amendments will not harm the character and appearance of the Conservation Area. The removal of the piers, simplifying the appearance of the wall, will also be of benefit, visually.

The Conservation Officer has asked whether permitted development rights could be removed in line with the Article 4 Direction in place within the Brampton Conservation Area. The Article 4 Direction, amongst other things, removes the permitted development rights to

demolish or erect boundary walls. Whilst the reason for such a request is understood it is considered that this is an issue that relates to the principle of the development on this site and as such is not a matter that can be considered under this Section 73 application. It would not be reasonable or appropriate to remove permitted development rights at this stage of the planning process.

In conclusion, the amendments proposed will not harm the character and appearance of the Conservation Area and it remains, overall, that the proposed development will enhance this heritage asset.

Highway Safety

The proposed changes to the front boundary wall result in each new dwelling having a wider access which would allow two cars to park at the front of each of the new build properties. The amendments will reduce the likelihood of on street parking and will therefore improve highway safety. In light of the Highway Authority not raising any objections to the proposed amendments it is considered that there are no highway safety concerns.

The amended plan provides a widened access and enables two vehicles to park on plots 2-4. If planning permission is granted this plan will be listed as approved in condition 2 as revised, and it will be a requirement that the development is carried out in accordance with the approved plans. In light of this, condition 5 no longer serves a purpose and rather than vary it, as applied for, it is considered that the condition can be removed from the permission.

APPENDIX

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

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy CSP1 Design Quality
Policy CSP2 Historic Environment

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy T16 Development – General parking requirements
Policy B9 Prevention of Harm to Conservation Areas
Policy B10 The Requirement to Preserve or Enhance the Character or Appearance of Conservation Areas
Policy B13 Design and development in Conservation Areas
Policy B14 Development in or adjoining the boundary of Conservation Areas

Other Material Considerations

[National Planning Policy Framework](#) (February 2019)

[Planning Practice Guidance](#) (March 2014)

Supplementary Planning Documents/Guidance

[Affordable Housing SPD](#) (2009)

[Space Around Dwellings SPG](#) (SAD) (July 2004)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

Relevant Planning History

19/00708/DEEM4 for change of use of existing building from office to residential including part demolition of the existing building with external alterations, and erection of three new detached dwellings was permitted in 2019.

Views of Consultees

The **Highway Authority** has no objections

The Council's **Urban Design and Conservation Officer** (UDCO) comments that the original intention of the front boundary wall was to reflect the character of the street which has strong boundary features and to reinstate some loss when the site was a registry office. The single garages had a single parking space in front and the walls extended along the rest of the properties. There was also a bin store for each house at the front set behind a pair of piers and short section of wall.

The amended proposal looks to allow parking for two vehicles within each of the 3 new houses. This does lose some wall on the frontage but because the bins have been relocated to the side of the properties the wall can extend along each gable, retaining the section in front of the front doors open and two parking spaces. On reflection the piers in front of the bin stores were rather fussy and this is a simplification. It is felt that this is an acceptable compromise to get two parking spaces and achieve a sense of enclosure which is part of the character of this street.

The UDCO asks whether permitted development rights can be removed for boundary features so that it is in line with the Article 4 Direction for Brampton Conservation Area.

Representations

None received

Applicant/agent's submission

Application forms and plans have been submitted which can be viewed via the following link
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/21/00446/DEEM4>

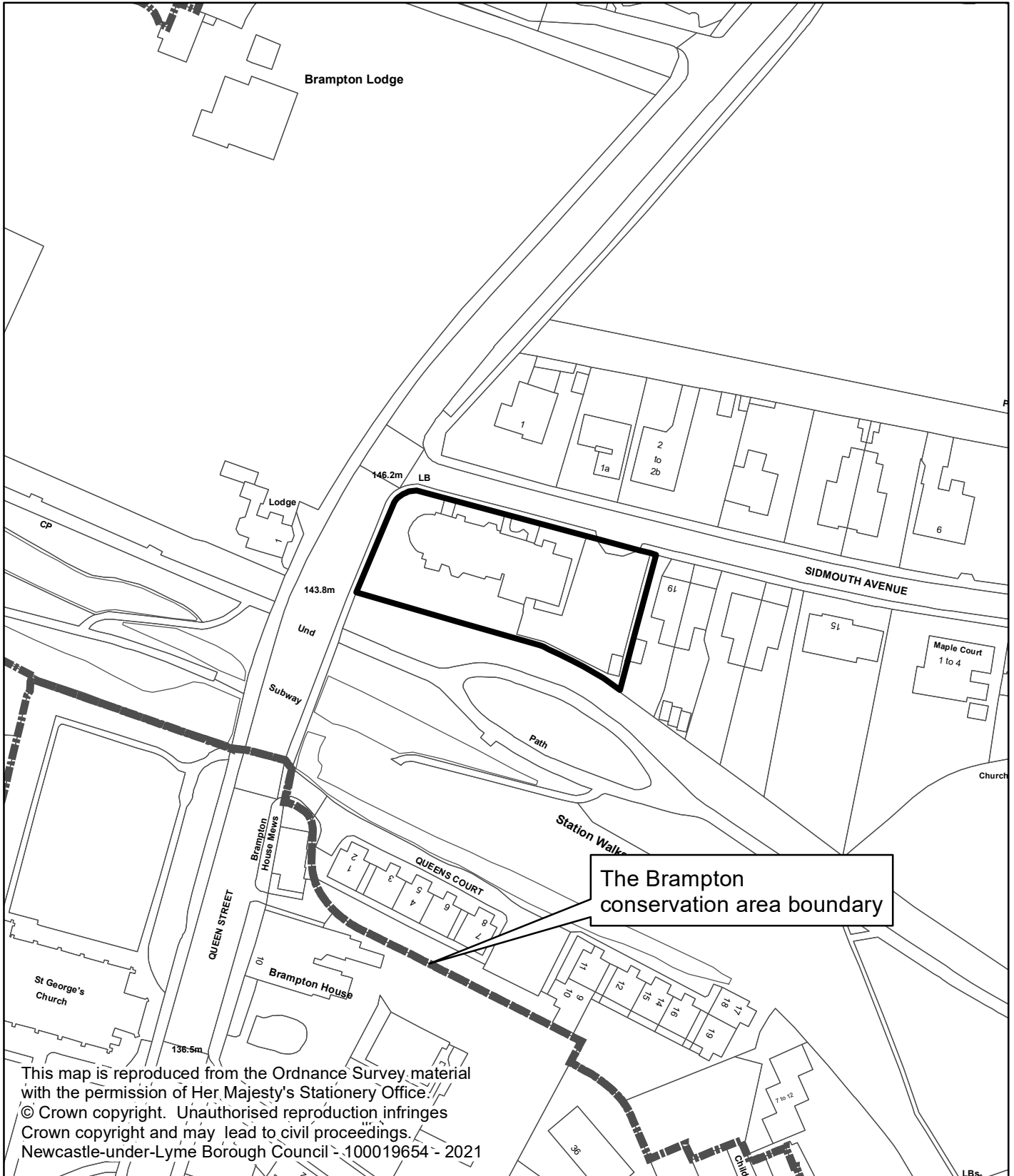
Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

8th June 2021

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QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED

The purpose of this report is to provide details of progress made on those cases where enforcement action has been authorised either by the Planning Committee or under delegated powers. Members should note that many breaches of planning control are resolved without recourse to the taking of formal enforcement action.

The last report was brought to the Planning Committee at its meeting on the 2nd February 2021. 4 cases are reported upon. Details of all the cases, the progress made within the last Quarter, and the targets for the next Quarter are contained within the attached Appendix.

RECOMMENDATION

That the information be received.

APPENDIX

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>5 Boggs Cottages, Keele Road, Keele</p> <p>Initially regarding unauthorised use of land for the siting of a mobile home.</p> <p>Now non-compliance with the occupancy condition attached to the mobile home</p> <p>14/00036/207C3</p>	<p>5.1.16 & 11.10.18</p>	<p>A personal planning permission (reference N14847) was granted for the siting of a mobile home on this Green Belt site due to the personal circumstances of the applicant at that time. The same restrictions were imposed on a subsequent planning permission (reference N21428) for a larger mobile home. Subsequent attempts by the original applicant to vary or remove the conditions were unsuccessful.</p> <p>It was established that the occupation of the mobile home as a dwellinghouse ceased and on 5th January 2016 Planning Committee resolved that enforcement action should be taken. An Enforcement Notice (EN) was subsequently served which, because no appeal was lodged, came into force on 13th July 2016.</p> <p>On 4th January 2017 Planning Committee refused an application (16/00969/FUL) to vary the condition on permission N21428 so that it could be occupied by others. A subsequent appeal was dismissed on 5th January 2018. Shortly afterwards the applicant/appellant took ownership of the site and it was later established that the mobile home was being occupied.</p> <p>A further EN was served on 9th November 2018 regarding the occupation of the mobile home in breach of condition 1 of planning permission N21248.</p> <p>An appeal has been lodged, a 'start letter' issued and the Council's statement of case was submitted by 22nd April 2020. More recently the Inspectorate has postponed the hearing that had been due to take place on 4th February until it can be held physically. A new date is awaited.</p>	<p>Continue to monitor activity at the site</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Barn 2, Moss House Farm, Eardleyend Road, Bignall End</p> <p>17/00062/207C2</p>	<p>18.6.19</p>	<p>Full planning permission was granted at appeal for the conversion of the barn to two residential market housing units (Ref. 13/00755/FUL). An application was subsequently submitted in 2017 to retain alterations to the approved scheme (Ref. 17/00326/FUL) but it was evident that a substantial proportion of the building had been demolished and rebuilt. Such extensive rebuilding was considered to amount to a replacement building and therefore that application was refused on the grounds that planning permission for the retention of buildings to form two dwellings the development comprised inappropriate development within the Green Belt and very special circumstances did not exist which would outweigh the harm to the Green Belt that would be caused by virtue of inappropriate development. An appeal against the Council's decision was subsequently dismissed with the Inspector also considering the development to comprise inappropriate development in the Green Belt.</p> <p>A subsequent application for the retention and alteration of the buildings to form two dwellings was refused by Planning Committee on 18th June 2019 on the grounds that it represented inappropriate development in the Green Belt and there were no very special circumstances that justified the granting of planning permission.</p> <p>On 18th June Committee also resolved that the Council's solicitor be authorised to issue enforcement action and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure removal of the building within 12 months.</p> <p>An application was received (19/00629/FUL) for the retention of the building for a use falling within Class B8 (storage and distribution). That application was refused on 6th March 2020.</p> <p>An Enforcement Notice (EN) was served on 3rd May 2021, however as an appeal has been lodged it has not taken effect. Confirmation has been received that the appeal is valid and we are awaiting the appeal 'start' letter which will out details of the timetable, procedure and event.</p>	<p>Await the Inspectorate's 'start' letter.</p>

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
Land to the West of Newcastle Road (A53), Blackbrook 20/00079/207C2	18.8.2020	<p>Following receipt of information in May 2020 that a breach of planning control had taken place, investigations were carried out which established that an unauthorised change of use of the land to a gypsy caravan site had been carried out.</p> <p>An injunction was served on the site to prevent any intensification of the use.</p> <p>At about the same time as the breach commenced a planning application was received for that use (20/00368/FUL) which was subsequently reported to Planning Committee on 18th August 2020. The application was refused and Committee resolved to take and institute all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of all caravans/mobile homes, structures/buildings, the domestic paraphernalia and hardcore deposited on the land in association with its use as a residential caravan site and restoration to a grassed paddock within 12 months.</p> <p>An appeal has been lodged against the refusal of planning permission. The Inspectorate have confirm that the appeal will be determined by the Inquiry procedure and an Inquiry date is to be scheduled by them. In accordance with the Inspectorate's timetable the Council has submitted a Statement of Case</p>	Await confirmation of the date of the Inquiry and timetable.

Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
<p>Hazeley Paddocks Keele Road Madeley Heath 20/00117/207C2</p>	<p>25.2.2021</p>	<p>Planning permission was granted in August 2017 under reference 17/00434/FUL for a replacement stable block and new ménage at Hazeley Paddocks.</p> <p>The stable and ménage were subsequently constructed but following complaints it was established that the stable was not constructed in accordance with the approved plans. Other works around the stable building had also been carried out including the construction of a timber pergola and concrete plinth.</p> <p>This resulted in a Section 73 planning application (20/00775/FUL) being submitted for the variation of conditions 2, 4, 6, 9, 12 and 13 of planning application 17/00434/FUL which was subsequently refused due to the pergola and plinth representing inappropriate development in the Green Belt and the absence of very special circumstances that justify the granting of planning permission.</p> <p>An Enforcement Notice (EN) was served on 19th May 2021 which will take effect on 21st June unless an appeal is lodged. The EN requires the removal of the timber pergola and concrete plinth within 6 months.</p> <p>At the date that this report was written no notification has been received that an appeal has been lodged.</p>	<p>Comply with appeal timetable should an appeal be lodged.</p>

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Report on Open Enforcement Cases

Purpose of the Report

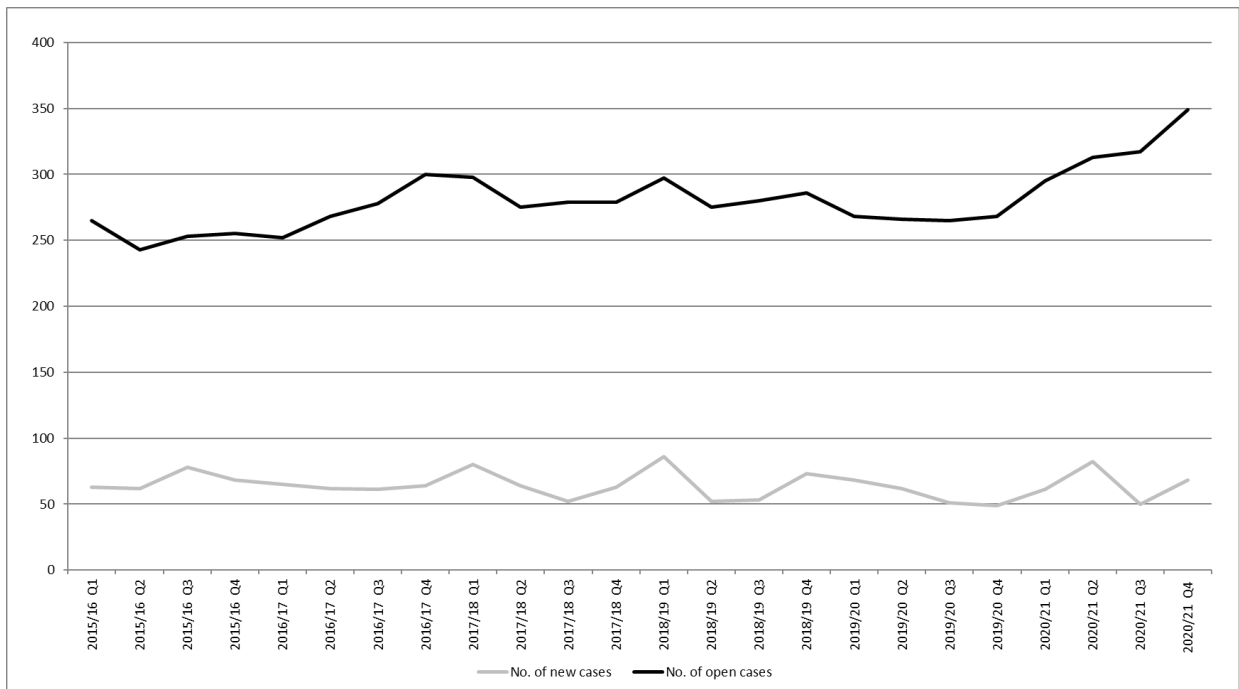
To inform members of the current situation regarding the enforcement caseload.

Recommendations

- That the report be received
- That a further update be provided alongside the next quarterly monitoring report on cases where enforcement action has been authorised.

This report will focus on of the numbers of new and open cases that have been received in the last quarter compared to the numbers in the previous quarter.

In the last quarter (January - March 2021) a further 68 new cases have been reported, more than the previous quarter (50). The number of open cases at the end of the last quarter was 349. The number of open cases increased in this quarter given that in the previous quarter it was 317. Such figures are illustrated in the graph below.



A number of the cases have associated pending planning applications that are awaiting determination (14 as at 08 June 2021).

Date report prepared

08 June 2021

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QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO

Purpose of the Report

To provide Members with a quarterly report on the exercise by the Head of Planning of the authority to extend periods within which planning obligations can be secured by (as an alternative to refusal of the related planning application).

Recommendations

a) That the report be noted

b) That the Head of Planning continue to report, on a quarterly basis, on the exercise of his authority to extend the period of time for an applicant to enter into Section 106 obligations.

Introduction

The Committee, when resolving to permit an application subject to the prior entering into of a planning obligation, usually also agree to authorise the Head of Planning to extend the agreed period of time for an applicant to enter into the Section 106 obligations, if he subsequently considers it appropriate (as an alternative to refusing the application or seeking such authority from the Committee).

When this practice was first established it was envisaged that such an extension might be agreed where the Head of Planning was satisfied that it would be unreasonable for the Council not to allow for additional time for an obligation to be secured. It was recognised that an application would need to be brought back to Committee for decision should there have been a change in planning policy in the interim. It was agreed that your officers would provide members with a regular quarterly report on the exercise of that authority insofar as applications that have come to the Committee are concerned. The report does not cover applications that are being determined under delegated powers where an obligation by unilateral undertaking is being sought. It also does not include those situations where obligations are secured "in time".

This report covers the period between 2nd March 2021 (when the Committee last received a similar report) and the date of the preparation of this report (10th June 2021).

In the period since the Committee's consideration of the last quarterly report, section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or in subsequent agreed extensions, and extensions have been agreed with respect to some 2 applications.

The Council needs to maintain a focus on delivery of these obligations – which can become over time just as important (to applicants) as achieving a prompt consideration of applications by Committee. In some cases applicants have however little immediate requirement to complete such obligations, being content to rest upon the resolution of the Committee. Indeed it can be in their interests to delay matters in some cases, particularly where the Council has agreed to accept less than policy compliant contributions on the basis of a viability appraisal. Expectations and requirements vary considerably. It is the issuing of the decision notice, rather than the consideration of the application by the Committee, which is the basis for the measurement of whether the decision has been made "in time" insofar as the speed of determination criterion for designation of poorly performing LPAs is concerned.

Furthermore Local Planning Authorities are required, as part of the Planning Guarantee, to refund any planning fee paid if after 26 weeks no decision has been made on an application, other than in certain limited exceptions, including where an applicant and the Local Planning Authority have agreed in writing that the application is to be determined within an extended

period. This provides yet another reason for the Planning Service maintaining a clear and continued focus on timeliness in decision making, instructing solicitors and providing clarification where sought.

As from the 1st June 2018 the Service has signed up to a Staffordshire wide initiative to promote the use of a standardised Section 106 template agreement, with template schedules, which is being publicised so applicants are clear what documentation is required of them to complete the application process – with the aim of reducing delays and costs for applicants and to simplify the planning process.

In cases where extensions of the period within which an obligation may be secured have been considered appropriate your Officer's agreement to that has normally been on the basis of that should he consider there to be a material change in planning circumstances at any time short of the engrossment of the final document he retains the right to bring the matter back to the Planning Committee. Milestones are now being set in some cases. Applicants are also requested to formally agree a parallel extension of the statutory period within which no appeal may be lodged by them against the non-determination of the application, and in most cases that agreement has been provided. An application determined within such an agreed extended period is defined by the government as one that has been determined as being determined "in time".

Details of the applications involved are provided below:-

(1) Land North of West Avenue, Kidsgrove 20/00501/FUL

This application for full planning permission for a residential development of 66 dwellings came before the Planning Committee at its meeting on the 2nd February (at around week 31). The resolution of the Committee required an obligation to secure a residential travel plan monitoring fee of £7,000, a management agreement for the long term maintenance for the open space on-site, the provision of affordable housing, and a review mechanism for financial viability. The resolution included the requirement that the agreement should be completed by the 10th March 2021.

The agreement was not completed by the 10th March due to delays by all parties but steady progress was made and the Obligation was eventually completed on the 27th May and the decision notice was issued on the 28th May 2021

The decision was issued 'in time' some 47 weeks after receipt of the application.

(2) Plot 3 Keele University Science and Innovation Park, Keele 20/01083/FUL

This application sought the variation of Condition 2 and removal of Condition 8 of permission 18/01011/FUL which granted consent for the construction of a new veterinary training school incorporating a specialist veterinary referral hospital, first opinion veterinary practice with associated access, parking, servicing and landscaping came before the Planning Committee at its meeting on the 2nd February (at around week 7). The resolution of the Committee required an obligation that preserves the Council's position in respect of obligations (£2,360 towards travel plan monitoring) secured prior to the grant of permission 18/01011/FUL. The resolution included the requirement that the agreement should be completed by the 2nd April 2021.

The agreement was not completed by the 2nd April due to delays on behalf of the applicant which is unfortunate but your officer has allowed an extension of time for the completion of the agreement to the 11th June 2021. An update on this case will be provided to the Committee.

Some 24 weeks have now passed since receipt of the application.

Date Report prepared

10th June 2021

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UPDATE ON BREACH OF PLANNING OBLIGATION ENTERED INTO IN ASSOCIATION WITH 11/00284/FUL FOR THE ERECTION OF TWENTY THREE HOUSES AT THE FORMER SITE OF SILVERDALE STATION AND GOOD SHED, STATION ROAD, SILVERDALE

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 23rd June 2020, of the progress in relation to the pursuance of breaches of planning obligation secured through planning permission reference 11/00284/FUL for the erection of twenty three houses at the Former Site of Silverdale Station and Goods Shed, Station Road, Silverdale.

RECOMMENDATION

That the information be received.

It has previously been reported that there is a breach of the planning obligation entered into in association with planning permission 11/00284/FUL as the following financial contributions have not been paid on or before commencement of development as required:

- £66, 689 (index linked to public open space,
- £55, 155 (index linked) towards primary school places and
- £26,244 (index linked) towards the Newcastle-under-Lyme Urban Transport Development Strategy (NTADS)

The final payment (which requires indexation and the addition of interest due to late payment) was calculated and a letter was sent to the developer on 10th December 2020 informing them what the due payments are and seeking confirmation as to when they will be paid to the relevant Council. A further email was sent on 22nd January.

As previously reported the developer retains an interest in the land and it remains the intention to pursue the developer for the full outstanding payment rather than seeking the payment from the property owners, although no decision has been made to rule out this course of action.

It is still the case that the developer has not responded to the correspondence and discussions continue with the Council's legal section about enforcing the terms of the planning obligation and seeking payment of the outstanding sums. A further update on progress of these discussions will be provided at the meeting.

Date report prepared: 9th June 2021

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LAND AT DODDLESPool, BETLEY reference 17/00186/207C2

The purpose of this report is to provide Members with an update on the progress of the works being undertaken at this site following the planning application for the retention and completion of a partially constructed agricultural track.

RECOMMENDATION

That the information be received.

Latest Information

Members will recall that a S73 variation of condition application, to vary condition 6 of the original planning permission, came before the planning committee at its meeting on the 27th April. Members resolved to permit the application to allow the applicant until the 1st November 2021 to complete the works. The application was subsequently permitted by decision notice on the 10th May 2021, reference 21/00286/FUL. The decision also varied condition 5 of the original permission so that no more than a further 6000 tonnes of appropriate and relevant inert material could be imported onto the site from 10th May 2021.

The works to complete the track have recommenced and your officers have recently carried out a site visit to check the progress of the works, along with compliance with the conditions.

Discussions with the Environment Agency are also necessary and a further update will be provided prior to the committee meeting.

Date Report Prepared – 10th June 2021

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Classification: NULBC UNCLASSIFIED

APPEAL BY MR MOHAMMED KHAN AGAINST THE DECISION OF THE COUNCIL TO REFUSE PERMISSION FOR A DORMER LOFT CONVERSION AT 1 ORION COURT, NEWCASTLE-UNDER-LYME

<u>Application Number</u>	20/00993/FUL
<u>LPA's Decision</u>	Refused under delegated powers on the 8th February 2021
<u>Appeal Decision</u>	Dismissed
<u>Costs Decision</u>	Refused
<u>Date of Decisions</u>	7th June 2021

Appeal Decision

The Inspector identified the main issue to be the effect of the proposal on the character and appearance of the area.

The Inspector concluded that the proposal fundamentally alters the design ethos of what was a two-storey dwelling and that due to its form and size, the proposed extension is not a subordinate addition to the dwelling and would cause significant harm to the character and appearance of the area.

Costs Decision

The Inspector concluded that despite the applicant incurring costs throughout the planning process, these have not been as a result of any unreasonable behaviour on the Council's part and that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

The planning decision setting out the reasons for refusal and the Appeal Decision and Costs Decision can be viewed in full via the following link:

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00993/FUL>

Your Officer's comments

That the decisions be noted.

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Draft Newcastle-under-Lyme Statement of Community Involvement 2021 Consultation Document

Report Title: Draft Newcastle-under-Lyme Statement of Community Involvement 2021 Consultation Document

Ward(s) affected: All Wards

Purpose of the Report

To inform Committee of the responses to the consultation on the Draft Newcastle-under-Lyme Statement of Community Involvement 2021. .

Recommendations

- 1. That it be requested that Planning Committee recommend the adoption of the Newcastle-under-Lyme Statement of Community Involvement 2021 and publish the document on the Council's website.**

Reasons

To enable the views of the Planning Committee to be taken into account by Cabinet. To ensure that the Borough Council has an up to date Statement of Community Involvement to maintain an efficient and effective planning service which supports meaningful engagement with the community and stakeholders in planning policy and development management matters.

1. Background

- 1.1.** The Statement of Community Involvement (SCI) is aimed at a wide range of stakeholders, individuals and groups with the intention of informing people how and when they will be consulted by the planning department. The planning process also impacts on the wider community, and not just residents. The wider community includes businesses, land owners and the development industry, as well as statutory agencies and local interest groups.
- 1.2.** Community involvement is encouraged for both planning policy and planning applications (development management), and consultation is a statutory requirement at key stages. Whilst the SCI is a statutory requirement, the Borough Council recognises that engagement is an essential part of the planning process.
- 1.3.** In September 2020 the Newcastle-under-Lyme Statement of Community Involvement was reviewed and updated to ensure consistency and compliance with legislation, and to reflect the circumstances the circumstances of Covid-19 which restrict some of the methods used to communicate with the public during the Local Plan Process, especially in regards to physically accessing planning policy documents and face to face community engagement.
- 1.4.** On 9 December 2020 Cabinet formally decided to review the suitability of continuing with the Joint Local Plan with Stoke-on-Trent City Council, or to undertake work on a new standalone Newcastle-under-Lyme Local Plan. The review was formed within a two stage process with Cabinet seeking a second report in January 2021. During this

process the Borough Council invited comments and opinions from those involved in the development plan process. The Borough Council also sought advice from an external consultant to explore a way forward.

- 1.5. On 13 December 2020 Cabinet made the decision to cease work on the Joint Local Plan, and begin work on the provision of a new Borough Local Plan. The Covid-19 outbreak and the UK's separation from the European Union in 2021 presents an uncertain economic and social climate. In these unprecedented times, departure from the production of the Joint Local Plan was considered appropriate to enable the Borough Council to be flexible and adaptable whilst planning for the future. Furthermore, a Borough Local Plan will be more aligned with the needs and growth aspirations of businesses and residents in the Borough of Newcastle-under-Lyme.
- 1.6. Whilst the Statement of Community Involvement has recently been reviewed and updated, the current adopted SCI was produced jointly with Stoke-on-Trent City Council reflecting the timetable of the Joint Local Plan, and the methods of community involvement as part of that process. In light of Cabinet's decision to start a new Local Plan for the Borough of Newcastle-under-Lyme, a new SCI is required that is aligned with the new timetable for the production of the Local Plan, and sets out proposals for community engagement as part of this process.
- 1.7. Officers will be seeking to present a report to Cabinet on the Draft SCI at its meeting on 7th July 2021, taking into account the views and recommendations of the Planning Committee before publishing the Draft Statement of Community Involvement 2021 for public consultation purposes. The Draft SCI was published on the Newcastle-under-Lyme Borough Council website along with guidance on how to make a representation. The consultation was open for 6 weeks, in accordance with legislation, and closed at 5pm on 31st May 2021.

2. Policy Context

- 2.1. Section 18 of the Planning and Compulsory Purchase Act 2004 requires all Local Planning Authorities to prepare a Statement of Community Involvement (SCI), setting out their policy for involving persons with an interest in the development of the area when preparing and revising their local plan. Furthermore, the Town and County Planning (Local Planning) (England) (Amendment) Regulations 2017 requires Local Planning Authorities to review their SCI's at least once every five years starting from the date of its adoption.
- 2.2. The National Planning Policy Framework states that plans should:

'be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees' (NPPF 2019, Paragraph 16a)
- 2.3. The Statement of Community Involvement is important to help a wide section of the community to express their views on draft proposals and to ensure Local Plans reflect a collected vision and priorities for the sustainable development of the Borough. Furthermore, the involvement of all sections of the community within local plan making and decision making is viewed as a way of creating healthy and safe places (NPPF 2019, Paragraph 91).

- 2.4. From a development management perspective, the National Planning Policy Framework states:

‘Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties’ (NPPF 2019, Paragraph 39)

- 2.5. The Statement of Community Involvement is important to help communities understand the planning application process, and how and when they can express their views to help achieve an improved or desired outcome at the decision making stage.

3. Key Issues

- 3.1. In January 2021 members of Cabinet formally made the decision to depart from the Joint Local Plan, and start production of a new standalone Local Plan for the Borough of Newcastle-under-Lyme.
- 3.2. The current adopted SCI reflects both Newcastle-under-Lyme Borough Council’s and Stoke-on-Trent City Council’s methods of community engagement for the Joint Local Plan. A new SCI is required because effectively, the Borough Council is starting the plan making process again through the production of a new Local Plan. It is important the SCI is up to date and reflects the Borough Council independently.
- 3.3. The Borough Council consulted on a new Draft SCI between 19th April and 31st May 2021 to provide local communities the opportunity to express their views on draft proposals for engagement, and to help shape how and when they are consulted on within planning policy and development management matters. This specifically related to the development of planning policy documents such as the new Local Plan, or the determination of planning applications. The Draft SCI consultation provided the public an opportunity to identify what they like and dislike about how the Borough Council proposes to involve them within planning matters. Representations were received from the following bodies:
- Natural England
 - Historic England
 - Staffordshire Police
 - The Coat Authority
 - Keele Parish Council
 - Audley Parish Council

Summarised comments from these bodies can be found in Appendix B.

- 3.4. The examination of the Local Plan by the Planning Inspectorate will consider whether the plan was carried out in accordance with the adopted Statement of Community Involvement. Therefore it is essential that the SCI is up to date and reflects the Borough Council’s aspirations for community engagement. The Borough Council aims to provide transparent, user friendly and accessible ways to encourage and maximise public participation.
- 3.5. Complex community involvement exercises can be costly and labour intensive in the preparation, attendance and follow up. The consultation proposals presented within the Draft SCI seeks to achieve a balance between giving confidence to the community

that their voice will be heard, and delivering a service that is cost efficient. Furthermore, the proposals seek to support the delivery of a planning service without overloading local communities with consultation exercises.

- 3.6. It is important to note that the Covid-19 outbreak has forced the Government to place restrictions on people's movements and social interactions in order to prevent the spread of the Coronavirus. These restrictions will impact on the scope and nature of community involvement within planning matters.
- 3.7. Temporarily, the Borough Council will be unable to fulfil some of its commitments as set out in the Draft SCI, and will compensate through maximising the use of virtual and electronic forms of communication. The Borough Council will continue to be guided by public health advice from the Government and other related bodies to protect the health and safety of all those involved in the planning process whilst ensuring effective community involvement. Temporary measures are presented within Appendix 8 of the Draft SCI on page 53.

4. Options

- 4.1. By law Local Planning Authorities are required to have an adopted Statement of Community Involvement (SCI), and to take responsibility to monitor and review the SCI accordingly. The current SCI was produced jointly with Stoke-on-Trent City Council and reflects methods of community involvement for the Joint Local Plan. A new SCI is required for Newcastle-under-Lyme to reflect the changes in the plan making process and forms of engagement with the public. A new SCI will demonstrate how and when the Borough Council will consult on key stages of the new Local Plan as set out within the agreed timetable.
- 4.2. There is no reasonable alternative option to creating a new SCI. A new SCI provides an opportunity for the Borough Council to develop an efficient and effective approach to consultation, and support the successful involvement of local communities in the development of the new Local Plan. Without a transparent and up to date SCI the Borough Council risks criticism and complaints from the public.

5. Proposal

- 5.1. The Draft Newcastle-under-Lyme Statement of Community Involvement 2021 (Draft SCI) provides a structured approach to engaging with local communities across the local authority area 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 with planning policy, neighbourhood planning and development management. Specifically, this refers to the preparation of planning policy documents and determining planning applications.
- 5.2. All representations made during the consultation have been considered by the Borough Council. It is considered that no further amendments to the SCI are required and therefore, it is requested that the SCI be formally adopted in its current form.
- 5.3. The Draft SCI was published in April 2021 as a consultation document to give the public, businesses, parish and town councils and interest groups an opportunity to express their views on how they want to be involved in guiding development with the

Borough of Newcastle-under-Lyme. It also gives the opportunity for people to tell us what they like and dislike within the proposals set out to involve them.

- 5.4. The Draft SCI is split into four main sections. Part one is an introduction to the planning system and explains the background to the Statement of Community Involvement, and why it is beneficial to engage with the local community at an early stage. Part two focuses on what planning policy documents are and the key stages in preparing Development Plan Documents and Supplementary Planning Documents (SPD's).
- 5.5. The Draft SCI shows who the key stakeholders are and explains when and how people are consulted during the preparation of planning policy documents. This section also shows the Borough Council's commitment towards fulfilling the Duty to Co-operate legal requirement. This is designed to provide the community with information to improve their understanding of planning policy processes and procedures rather than being a necessary part of producing an SCI.
- 5.6. Part three describes the key stages of neighbourhood plan development, where the majority of the workload is undertaken externally by the Qualifying Body (i.e. Neighbourhood Forum or Town or Parish Council). The Borough Council plays a more supporting role within neighbourhood plan development.
- 5.7. Part four focuses on the types of planning applications and explains who, when and how people are consulted on development proposals. The types of applications and forms of engagement with planning applications are presented within Appendix 2 to 7 of the Draft SCI. The Borough Council is committed to meeting the requirements when consulting with the local community in the process of determining planning applications.

6. Earlier Cabinet Committee Resolutions

- 6.1. 9 September 2020 Cabinet Report – Decision was made to review and recommend changes to the adopted SCI to ensure consistency with legislation, and reflect circumstances regarding Covid-19 and impacts on community engagement and public consultation for the Joint Local Plan.
- 6.2. 9 December 2020 Cabinet Report – Decision was made to undertake a Joint Local Plan review following the economic and social impact of Covid-19 and Brexit, and to explore the option of continuing, or to split from the Joint Local Plan.
- 6.3. 13 January 2021 Cabinet Report – Provided a consultation update for the continuation of the Joint Local Plan, taking into account the review as permitted from the previous Cabinet meeting. It was resolved to start production of a standalone Local Plan for the Borough of Newcastle-under-Lyme.
- 6.4. 17 March 2021 Cabinet Report – Decision was made that the Newcastle-under-Lyme Draft Statement of Community Involvement would be approved for public consultations.

7. List of Appendices

Appendix A: Draft Statement of Community Involvement 2021.

Appendix B: Summarised Comments from SCI Consultation



Newcastle-under-Lyme Statement of Community Involvement



June 2021

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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, parish and town councils 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.
- 1.2 The Borough Council is legally required to prepare an SCI under the Planning & Compulsory Purchase Act 2004, and once adopted it becomes a statutory part of the development plan, and the council will be required to implement the proposals within the document when undertaking consultation on planning matters.
- 1.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires the Statement of Community Involvement (SCI) to be reviewed every five years. It is important to review the SCI, and make necessary updates, where appropriate, to reflect revisions in national policy or legislation, and changes in circumstances internally within the council where certain practices or procedures may no longer apply.
- 1.4 The SCI establishes a minimum standard of consultation whilst promoting transparency and openness to ensure all sections of the public, including businesses, local groups and organisations have the opportunity to be pro-actively involved in decision making on planning policy documents and planning applications.

How can I comment on the Draft SCI?

- 1.5 A consultation was undertaken on the Draft SCI from the 12th April – 24th May 2021 prior to the first consultation on the Local Plan (regulation 18) to give residents, businesses, parish and town councils and other groups an opportunity to have their say in how they wanted to be involved in guiding development of the Borough of Newcastle-under-Lyme (the 'borough council'). Comments were reviewed prior to adopting the SCI to determine whether any changes were required.
- 1.6 Upon adoption, it is likely the SCI will not be amended until the completion of the new Local Plan or unless another significant change occurs which would trigger a review and therefore the consultation on the SCI has now closed. However, the policy team welcomes comments and feedback to improve our service, and there is a contact form available from the Councils website.

Why should the community get involved in the planning process?

- 1.7 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’.
- 1.8 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.
- 1.9 Getting involved at an early stage of the planning process means that you stand the best chance of influencing a decision, so this SCI is designed to tell you about the different stages when you can get involved and how. See Parts 2 and 3 to find out how to get involved in Planning Policy and Neighbourhood Planning, and Parts 3 and 4 to know more about the Development Management process.
- 1.10 Your local knowledge is 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. It is 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.
- 1.11 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

1.12 The Borough Council recognises that there can be barriers to effective public participation and will work hard to address and overcome these where possible.

1.13 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;
- **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 council. Where these are known, the Borough 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 recognises 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.

National Health Emergencies

1.14 The Government has issued advice on the importance of progressing local plan production and continuing development management services during the COVID-19 pandemic in order to support the country's economic recovery. The Borough Council will continue to carry out its planning role in accordance with Government advice on social distancing. However, there may be some circumstances which are beyond the Borough Council's control, such as a time of national lockdown which may impact on the way the Council carries out consultation, with greater reliance on virtual and electronic forms of communication. In such circumstances the Borough Council will remain committed to involving the community as much as practically possible. Appendix

8 sets out how the Borough Council will ensure effective community involvement will continue to take place during the pandemic.

Equal Opportunity

- 1.15 The way in which we consult on planning matters will aim to meet the specific local needs of the local authority area.
- 1.16 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 Equalities Act 2010.
 - 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.
- 1.17 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.

Equal Opportunity - Accessibility

- 1.18 Accessibility regulations came into force for public sector bodies on 23 September 2018. They indicate that websites or mobile apps need to be more accessible by making it 'perceivable, operable, understandable and robust'. Following the introduction of this new regulation all future and documents/ reports and information which have been used within up-to-date will be made accessible on the website to help people who have impaired vision, motor difficulties, cognitive impairments or learning disabilities, and deafness or impaired hearing.
- 1.19 Any significant changes to the way the community are involved will be subject to public consultation.
- 1.20 The Tables on pages 13 to 18 and in Appendices 5 to 7 set out how different groups and individuals can get involved.

The Planning System: Plan-Making and Decision-Taking

Plan-making:

- 1.21 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:

- 1.22 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.
- 1.23 This 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 acknowledges the importance of proactively engaging with a wide section of the community, so that the Local Plan 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 communities across the local authority area. Details of the methods of community involvement to be used at each stage of Local Plan preparation are set out in Tables 1, 2 and 3.
- 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 document is also known as the 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 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 is 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 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 the planning policy team by email: planningpolicy@newcastle-staffs.gov.uk, or by telephone: 01782 742467

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 Local Plan and to seek comments. Such notification is necessary to comply with section 18 of the Planning and Compulsory Purchase Act 2004.

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 covers only a limited area or topic, the Borough Council will engage those organisations with an interest in the area or topic and any others who have requested it.

Duty to Cooperate

2.11 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. The NPPF sets out that strategic policy-making authorities should prepare and maintain one or more statements of common ground.

2.12 The Borough of Newcastle-under-Lyme is located in the north of Staffordshire and share its boundaries with a total of six other local authorities:

- Cheshire East Council

- Shropshire Council
- Stafford Borough Council
- Staffordshire County Council
- Staffordshire Moorlands District Council
- Stoke-on-Trent City Council

2.13 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 forums such as the Staffordshire Development Officers Group.

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

The Newcastle-Under-Lyme Local Plan

2.15 The Newcastle-under-Lyme Local Plan will be comprised of a new overarching planning strategy which will capitalise on the advantages of the local authority area to create the environment for investment and economic growth over a 15 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 it will also be realistic in what it proposes. In this way the 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.

2.16 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.

2.17 A timetable for preparation of the Newcastle-under-Lyme Local Plan will be available on the Borough Council website: www.newcastle-staffs.gov.uk/all-services/planning/planning-policy. Furthermore, the development plan and its constituent parts can be viewed within the Local Development Scheme published on the Borough Council's website.

How will the Local Plan be prepared?

2.18 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.

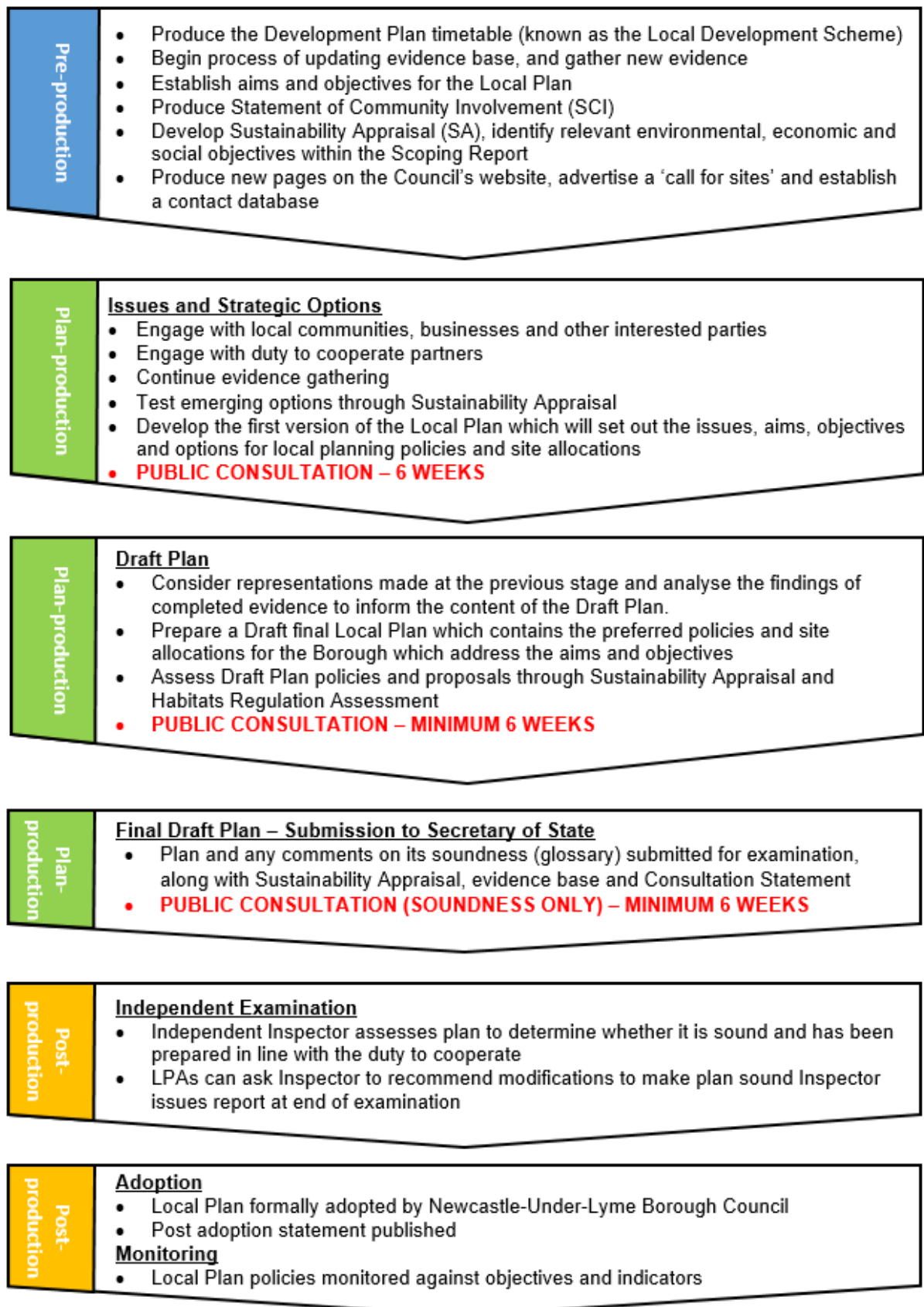
2.19 The key stages of plan preparation are prescribed within the Planning and Compulsory Purchase Act 2004 and Local Planning Regulations 2012. The

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.

2.20 To ensure all potential development land for housing, employment, retail, leisure and other uses are taken into account during the local plan making process, the Borough Council will invite site submissions through 'Call for Site' exercises. This will enable land owners, agents and developers to submit sites to the Borough Council for them to be considered for potential future development, and allocation within the Local Plan. More information can be found within the call for site section of the Borough Councils website: <http://www.newcastle-staffs.gov.uk/all-services/planning/planning-policy>

2.21 The 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 to reflect the Borough Councils position of departing from the Joint Local Plan process, and identifies the key stages when we will be consulting.

Diagram 1: Local Plan Production Process:



The Role of Elected Members in Local Plan Preparation:

Cabinet and Full Council

- 2.22 The responsibility for preparing the Local Plan will rest with the separate Executive Bodies, i.e. Cabinet. Development of the Borough Local Plan will be achieved under the stewardship of a member Steering Group chaired by the Leader of the Council or the relevant Portfolio Holder.
- 2.23 Significant Local Plan items will also be taken to the Strategic Planning Consultative Group to ensure cross party member engagement on the plan making process before reaching public forums such as Planning Committee and Cabinet.
- 2.24 The legal requirement for the Full Council of the local 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 at appropriate times to inform this process.

Local Plan – Methods of Communication

2.25 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 in preparing the 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: Local Plan Pre-Production Stage

	Duty to Cooperate Discussions and Liaison with Statutory Consultees & Partners ¹	Draft Versions of Documents Published Online	Reference Copies of Final Documents Made Available ²	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
Update Evidence / Production of New Evidence³	✓						✓	
Production of SCI	✓	✓	✓	✓	✓	✓	✓	✓
Production of Sustainability Appraisal Scoping Report	✓	✓			✓	✓	✓	

¹ Duty to Cooperate discussions will be held with relevant bodies when relevant cross boundary or strategic issues are identified

² 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).

³ 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: Local Plan Production Stage

	Duty to Cooperate Discussions. Liaison with Statutory Consultees & Partners ⁴ .	Publish Documents Online & Make Reference Copies Available ⁵	Publicise via Press Release and Social Media	Leaflets and Posters	Display Site Notices ⁶	Hold Exhibitions ⁷	Focus Groups & Workshops	Enable Public Responses to be Submitted ⁸	Publish and consider all comments received	Make appropriate changes to documents	Produce a Consultation Statement ⁹
Issues & Strategic Options	✓	✓	✓	✓		✓	✓	✓	✓	✓	
Draft Local Plan	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Final Draft Local Plan	✓	✓	✓	✓	✓	✓		✓	✓		✓

⁴ Duty to Cooperate discussions will be held with relevant bodies when relevant cross boundary or strategic issues are identified

⁵ 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).

⁶ 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.

⁷ Exhibitions will be held and will provide the opportunity for people to submit comments.

⁸ 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.

⁹ This will be submitted to the Planning Inspectorate along with all other supporting documents in advance of the Independent Examination.

Table 3: Local Plan Post Production Stage

	Publish Details on Council Websites ¹⁰	Publicise via Press Release and Social Media	Reference Copies Available ¹¹	Duty to Cooperate Discussions and Liaison with Statutory Consultees & Partners ¹²	Host Formal Examination Hearings	Enable Papers & Statements to be Submitted	Councils & Inspector to consider all comments received	Produce a Consultation Statement ¹³	Publish an Adoption Statement On Council Websites ¹⁴
Independent Examination	✓	✓	✓	✓	✓	✓	✓	✓	
Adoption	✓	✓	✓	✓					✓

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

¹⁰ 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.

¹¹ 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).

¹² Details of the Examination, publication of the Inspectors Report and adoption of the 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.

¹³ See Glossary

¹⁴ See Glossary

Supplementary Planning Documents (SPD's)

- 2.27 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.
- 2.28 The Borough Council is 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. ¹⁵	Publicise via Press Release	Publicise via Social Media	Leaflets and Posters	Enable Public Responses to be Submitted ¹⁶	Publish and consider all comments received	Make changes to documents, where considered appropriate	Produce a Consultation Statement ¹⁷ and consult on this	Publish Adoption Statement and send a copy to those who have requested it
Evidence Gathering and SPD Preparation Stage		✓	✓		✓	✓	✓	✓	✓		
Publication Stage¹⁸	✓	✓	✓	✓	✓					✓	✓

2.29 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 / webinars, 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.

2.30 Final versions of SPDs will be adopted by the 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.

¹⁵ 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

¹⁶ 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.

¹⁷ See Glossary

¹⁸ 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

2.31 The following table sets out how the community will be involved in the preparation and future review of this 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 the Councils website 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. ✓ The council will consult with neighbouring authorities and individuals, organisations and interest groups named on the Local plan database upon publication of the draft and final versions of the SCI. ✓ Publication of the SCI will be promoted using the 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 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 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 monitoring reports online to see how the Borough Council consider they are performing against the standards set out in the SCI

Part 3: Neighbourhood Planning

Neighbourhood planning was introduced by The Localism Act 2011. It gives local communities powers to help shape the areas in which they live. Unlike Development Plan Documents, Neighbourhood Development Plans (NDP) are produced by local communities themselves with the support of the Local Planning Authority. NDP can allocate land or establish policies for the development of land in a designated Neighbourhood Area if the majority of voters in that Area give their approval at a Neighbourhood Plan Referendum. These plans must be in general conformity with the strategic policies in the adopted Development Plan and have regard to national planning policy. NDP, once 'made' or adopted, are statutory plans which carry equal weight to any adopted Local Plan in making decisions on planning applications.

NDP must be prepared in accordance with the relevant Regulations which includes:

- [The Neighbourhood Planning \(General\) Regulations 2012 \(SI 2012 No. 617\)](#)
- [The Neighbourhood Planning \(General\) \(Amendment\) Regulations 2015 \(SI 2015 No. 20\)](#)
- [The Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2016 \(SI 2016 No. 873\)](#)
- [The Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2017 \(SI 2017 No. 1243\)](#)

In parished areas, only the town or parish council, or a group of parish councils can prepare a NDP. In non-parished areas, a Neighbourhood Forum must be formed and 'designated' to prepare a NDP. A designated group is known as the Qualifying Body (QB). To progress a NDP, a QB must apply to have a Neighbourhood Area designated.

Consultation on the early stages of the NDP preparation is carried out by the QB preparing it. A statement has to be submitted along with the draft plan indicating what consultation has been carried out and how it has informed the preparation of the draft plan.

The Borough Council, as a Local Planning Authority (and relevant bodies), have a duty to support the preparation of a NDP. The Council will consult and engage during the NDP process as set out below:

Stage:	Newcastle-under-Lyme Borough Council's consultation activities:
Designation	<ul style="list-style-type: none">• Applications to designate a Neighbourhood Area will be published on the Council's website. Designations of Neighbourhood Areas, and decisions to refuse the

	<p>application to designate, will also be published on the Council's website.</p> <ul style="list-style-type: none"> • In certain cases the Council will need to consult for a minimum of 6 weeks on the application to designate a Neighbourhood Area.
Preparation	<ul style="list-style-type: none"> • The Council will provide, following consultation with the Environment Agency, Natural England and Historic England, a Habitat Regulations Assessment and Strategic Environmental Assessment screening opinion of the draft plan on formal request from the Qualifying Body. • When the Qualifying Body carries out its six week consultation on the draft plan (Regulation 14) the Council will provide a link to the Qualifying Body's website on the Council's website. • The Council will make formal comments to the consultation on the draft plan (Regulation 14).
Publication	<ul style="list-style-type: none"> • Once the neighbourhood plan and the required supporting documents are formally submitted for examination by the Qualifying Body these will be made available for viewing on the Council's website as part of the Council undertaking a six week consultation on the plan (Regulation 16). • Consultation Bodies referred to in the submitted Consultation Statement will be notified of the publication of the neighbourhood plan by email or letter. • Details for how to make representations on the neighbourhood plan will be provided on the website. • Submitted representations on the neighbourhood plan will be published on the Council's website.
Examination and Referendum	<ul style="list-style-type: none"> • Correspondence from and to the Examiner during the examination will be, where requested by the Examiner, published on the Council's website. • The Examiner's Report and the Council's Decision Statement will be made available to view on the Council's website, the central library and a venue within the Neighbourhood Area. • The Council will send the decision statement to the Qualifying Body and any consultees that have made representations or requested to be kept informed of the plan's progress. • The Council will publish an information statement and notice of the referendum on their website.

	<ul style="list-style-type: none"> • The results of the referendum will be published on the Council's website.
'Making' of the Neighbourhood Plan	<ul style="list-style-type: none"> • The 'made' plan will be published for viewing on the Council's website and notifications via email or letter will be sent to consultees who have made representations or requested to be kept informed of the plan's progress.

Further details of how the Council will support Qualifying Bodies to prepare a Neighbourhood Development Plan can be found on the Borough Council's website on the ['Neighbourhood Planning Tools and Support'](#)¹⁹ page.

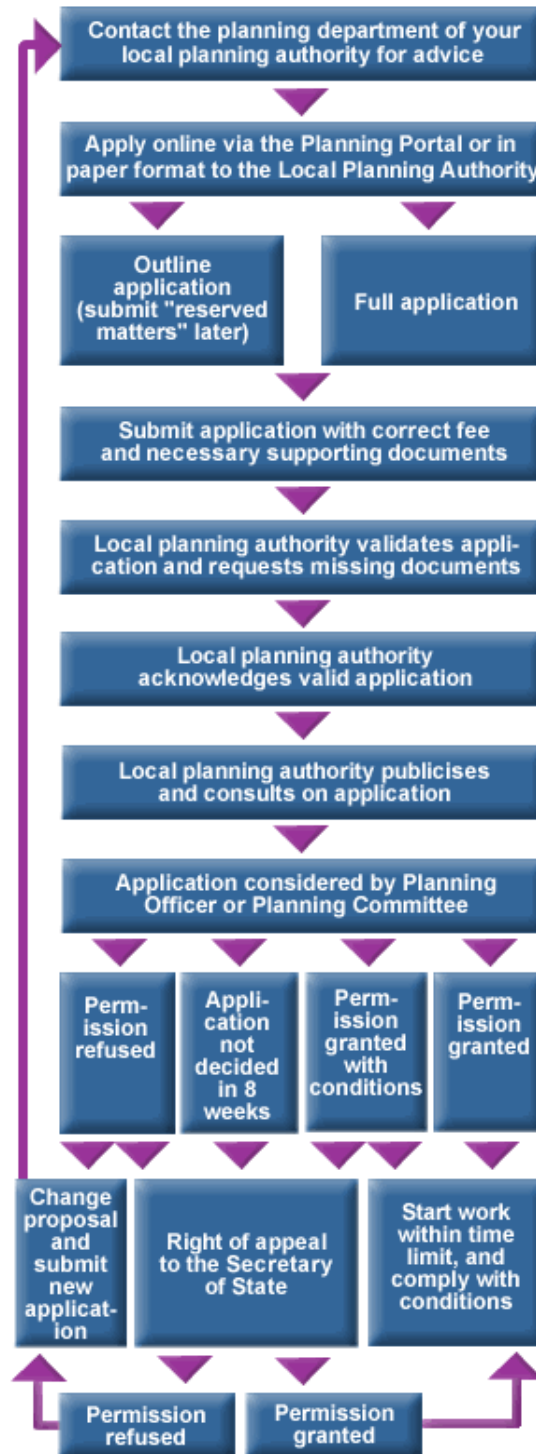
¹⁹ <https://www.newcastle-staffs.gov.uk/all-services/planning/planning-policy/neighbourhood-planning/neighbourhood-planning-tools-and>

Part 4: Development Management

The Development Management Process

- 3.1 Development Management includes the process by which the Borough 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 decides approximately 1000 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 The Borough Council is within a two-tier system (not unitary), 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 as the Local Planning Authority 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 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. For the Borough Council these applications are available for members of the public to view on its website. 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.
- 3.10 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.
- 3.11 Applicants for major projects will be encouraged to engage with communities prior to submission of any formal planning application.

Pre-Application Planning Advice

- 3.12 The Borough 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 Council 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.
- 3.13 *“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. 39, Feb 2019.
- 3.14 For all planning applications, the Borough 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 the Council 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.

Community Involvement in preparing planning applications

- 3.15 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.
- 3.16 Where a development is likely to have significant impacts on local communities or where the site is particularly sensitive, the Borough Council will actively encourage applicants to undertake early consultation with that local community. However, it is not compulsory.
- 3.17 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.
- 3.18 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.

- 3.19 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

- 3.20 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 Chair of the Council's Planning Committee).
- 3.21 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.

The Decision-Making Process

- 3.22 In dealing with applications for planning permission the Borough 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 Council will make should be in accordance with that plan unless material considerations indicate otherwise.
- 3.23 The Borough Council has 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

3.24 Once the Borough 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 take to involve members of the public on planning applications?

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

Who is eligible to respond to a consultation?

3.26 Anyone can respond to public consultation – they do not need to be directly notified of the application by the Borough 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 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?

3.27 Within certain legislative requirements the Borough Council has discretion about how they inform the public about planning applications. The Borough 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.

3.28 In the local authority area it is possible for users of the 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 the Borough Council with respect to that property or area.

What is the time period for making comments?

3.29 The publicity given by the Borough 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.

3.30 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, 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.

Will receipt of my comments be acknowledged?

3.31 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?

3.32 It is up to the Borough 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?

3.33 Where the Borough Council decides that re-publicity and re-consultation is necessary, it must 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

3.34 Before making a decision, we will review all relevant planning policies, any comments received during the consultation and any other material considerations.

3.35 Representations on a planning application can only be taken into account if they relate to material planning considerations.

3.36 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

3.37 **Delegated Decisions:** Around 90% of planning applications are decided by Planning Officers within the Borough Council. The Borough Council has an ‘Approved Scheme of Delegation’ which gives certain officers powers to take decisions on behalf of the Council, under ‘delegated powers’. A link is provided to the agreed report which has led to the decision.

3.38 **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. At the Borough Council the Committee is called the Planning Committee.

3.39 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.

- 3.40 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.
- 3.41 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.
- 3.42 At the Committee meeting itself the Borough Council permit public speaking subject to certain criteria being met. 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, or by contacting the Borough Council's Committee Services department.
- 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 the Borough Council. 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 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: Local Plan and Neighbourhood Plan Consultation Bodies

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

Specific Consultees:

- Adjoining Local Planning Authorities
- Adjoining Parish & Town Councils
- Neighbourhood Planning groups
- North Staffordshire Combined Healthcare NHS Trust
- Parish and Town Councils in plan area
- Relevant government agencies & departments (including those listed in the Regulations as “specific consultation bodies”)
- Staffordshire Police and Crime Commissioner
- Stoke-on-Trent and Staffordshire Local Enterprise Partnership
- Utility Companies
- North Staffordshire and Stoke-on-Trent Clinical Commissioning

General Consultees:

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

The below lists are the detailed list of consultees used as of 2021.

Specific Consultees:

Local Planning Authorities:

- Cheshire East Council
- Shropshire Council
- Stafford Borough Council
- Staffordshire County Council
- Staffordshire Moorlands District Council
- Stoke-on-Trent City Council

Parish Councils within the 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
- Cheswardine Parish Council
- Church Lawton Parish Council
- Doddington and District Parish Council
- Eccleshall 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
- Weston & Basford Parish Council
- Woore Parish Council

Other Organisations:

- Staffordshire & Stoke-on-Trent Partnership NHS Trust
- Staffordshire Police

- Utility Companies (Cadent, Seven Trent, United Utilities, Western Power)
- 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 development, can require specific operations to be carried out,

planning obligation	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
Permission in principle	An alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development.
Technical details consent following granting of permission in principle	Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. Technical details consent can be obtained following submission of a valid

	application to the local planning authority. An application for technical details consent must be in accordance with the permission in principle that is specified by the applicant.
Schedule 17 approval of certain matters relating to the design and construction of HS2	Schedule 17 to the Act requires that the nominated undertaker (HS2 Ltd) seeks approval for matters of construction and design from the appropriate planning authority.

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>

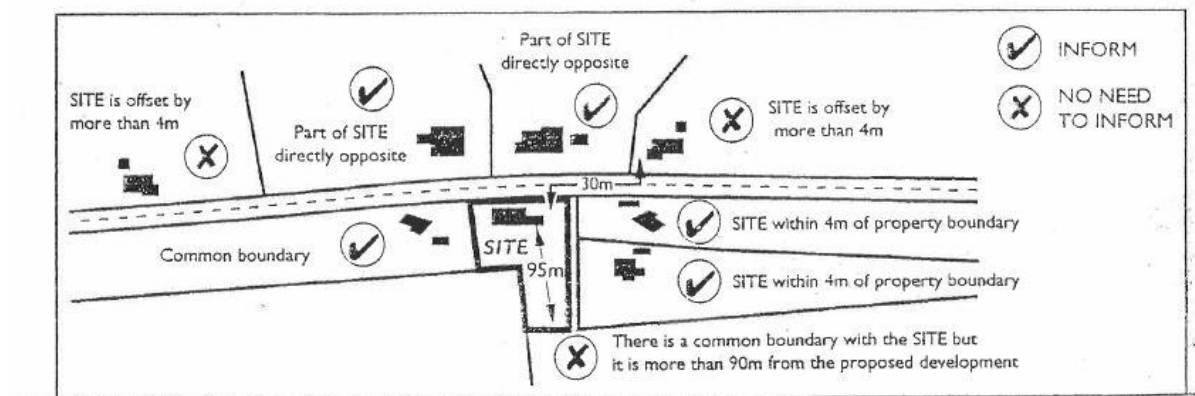
Appendix 4: Identification of adjoining land whose owners/occupiers are to be notified of an application (Newcastle)

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 =



Appendix 6: Publicity for planning applications made under planning legislation

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 accord with the	✓		✓	✓		✓	✓	✗	✗

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
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 = ◇

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

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 ²¹	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 or discharge of a	✓	◇	◇	✗	✗	✓	✗	✓	✗	✗	✗

²¹ 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 ²¹	Direct notice to other interested parties
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 by conditions of	✓	✗	✓	✓	✓	✓	✗	✓	✗	?	?

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 ²¹	Direct notice to other interested parties
a Listed Building consent											
Lawfulness of works to a Listed building	✓	✗	✗	✗	✗	✓	✗	✓	✗	✗	✗
Hazardous Substances Consent	✓	✗	✗	✗	✗	✗	✗	✓	✗	✗	✗
Permission in principle	✓	✗	✗	✓	✗	✗	✓	✗	✗	✗	✗
Technical details consent following granting of permission in principle	✓	✗	✗	✓	✗	✗	✓	✗	✗	✗	✗
Schedule 17 approval of certain matters relating to the	✓	✗	✗	✗	◇	✗	✓	✗	✗	✗	✗

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 ²¹	Direct notice to other interested parties
design and construction of HS2											
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	✓	x	x	x	x	✓	x	✓	x	✓	x

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 ²¹	Direct notice to other interested parties
condition of a planning permission											
Non Material Amendment	✓	✗	✗	✗	✗	✓	✗	✓	✗	✗	✗
Extension of time application	✓	◇	◇	◇	◇	✓	✗	✓	✗	✓	✗
Prior Approval	✓	✗	✗	✗	✓	✓	✗	✓	✗	✗	✗
Modification or discharge of a planning obligation	✓	◇	◇	✗	✗	✓	✗	✓	✗	✗	✗
Modification or discharge of affordable housing requirements	✓	◇	◇	✗	✗	✓	✗	✓	✗	✗	✗
Lawfulness of existing use or development	✓	✗	✗	✗	✗	✓	✗	✓		✗	✗
Lawfulness of proposed use	✓	✗	✗	✗	✗	✓	✗	✓		✗	✗

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 ²¹	Direct notice to other interested parties
or development											
Works to Protected Trees	✓	✗	✗	✗	✗	✗	✓	✓		✓	✗
Work to Trees in a Conservation Area	✓	✗	✗	✗	✗	✗	✓	✓		✓	✗
Advertisement	✓	✗	✗	✗	✗	✓	✗	✓		✗	✗
Listed Building	✓	✗	✓			✓	✗	✓		?	?
Approval of details required by conditions of a Listed Building consent	✓	✗	✓	✓	✓	✓	✗	✓		?	?
Lawfulness of works to a Listed building	✓	✗	✗	✗	✗	✓	✗	✓		✗	✗

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 ²¹	Direct notice to other interested parties
Hazardous Substances Consent	✓	✗	✗	✗	✗	✗	✗	✓		✗	✗

Key:

Method will be used = ✓

Method will not be used = ✗

Method might be used = ◇

Appendix 8: COVID-19 Statement

1. This Appendix presents how the Borough Council will continue to undertake effective community involvement within planning matters during the Covid-19 pandemic. The Covid-19 outbreak has forced the Government to place restrictions on people's movements and social interaction in order to prevent the spread of the coronavirus. These restrictions will impact on the scope and nature of community involvement. It will also impact on the Borough Council's ability to engage with the community.
2. Whilst the restrictions remain in place, the Borough Council will be unable to fulfil some of its commitments as set out within this document relating to how it consults on planning matters, such as the determination of planning applications and the production of planning policy documents. However, the Government has stressed the importance of progressing local plan production and continuing development management services during the Covid-19 pandemic in order to support the country's economic recovery.
3. [Government guidance from the Ministry of Housing Communities & Local Government \(MHCLG\)](#) recommends where necessary to review processes and procedures within local authorities SCIs to allow plan making and decision making to continue. This should be undertaken by making temporary amendments to community involvement processes.
4. The Borough Council will continue to be guided by public health advice from the Government and other relevant bodies to protect the health of council employees, community groups and other interested parties whilst ensuring effective community involvement.

Public Consultation Events on Planning Matters

5. The Covid-19 restrictions on people's movement and social interaction will have an impact on the ability to carry out public consultation events such as meetings or workshops. To support the Local Plan development process and decision making during the pandemic, the Government has recommended maximising existing methods of engagement where possible, and to use alternative methods that adhere to restrictions on social interaction.
6. Whilst social interaction is restricted and does not enable community events to take place, the Borough Council will seek to maximise the use of virtual and electronic forms of communication, and engage with the community through online

presentations, telephone meetings or appointments and video conferencing. The use of I.T tools such as Microsoft Teams or Zoom will help to facilitate this process. Furthermore, the Borough Council will liaise with relevant representatives of the public and community groups to ensure effective engagement and communication.

7. The Borough Council will temporarily suspend making hard copies of consultation material (such as planning policy documents or planning application information) available within the Newcastle Town Centre Library or at any other public venue to ensure safety and compliance with public health guidance.

Planning Committee and Cabinet

8. [The Local Authorities and Police Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings \(England and Wales\) Regulations 2020](#) came into force on 4th April 2020. During a time where social distancing and self-isolation measures are in place, the 2020 regulations enables local authorities and parishes to make provisions for holding remote meetings via video and telephone conferencing for a specified period until May 2021. This date could be bought forward if Government rules are relaxed. The regulations apply to local council meetings, committee meetings and parish meetings.
9. The Borough Council will undertake Planning Committee and Cabinet meetings through virtual (video) meetings online. For further information about access and taking part in the virtual meetings please contact planningpolicy@newcastle-staffs.gov.uk or planningapplications@newcastle-staffs.gov.uk.
10. All documents subject to Planning Committee and Cabinet can be viewed within the meetings and agendas section of the Borough Councils website: <https://moderngov.newcastle-staffs.gov.uk/ieListMeetings.aspx?CId=119&Year=0>.

Neighbourhood Plans

11. Neighbourhood planning groups are encouraged to continue the preparation of Neighbourhood plans, but must adhere to the restrictive measures on people's movements and social interaction as set out by the Government.
12. [The Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations](#)

[2020](#) states that no referendums can be undertaken until May 2021. The guidance and will be kept under review.

13. The Borough Council will continue to support Qualifying Bodies in preparing Neighbourhood Plans

Appendix 9: Glossary

Adoption Statement: A statement prepared when a local planning authority adopts a local plan, detailing the date at which a Local Plan has been adopted, any modifications made to the Local Plan and the grounds and time period within which aggrieved parties can apply to the High Court regarding the plan.

Business Forums: A group of businesses, investors, developers and other commercial organisations which has been formally designated as a body that can produce a neighbourhood plan for an area.

Consultation Statement: A statement produced describing how consultation has been undertaken and taken into account in preparing a planning scheme or policy document.

Development Management (Decision-taking): A function of the respective councils which considers and decides submitted planning applications against relevant planning policy and any other material considerations.

Development Plan/Development Plan Documents (DPDs): Planning strategies and policies to direct the future development of an area. They include Local Plans and neighbourhood plans (as defined in section 38 of the Planning and Compulsory Purchase Act 2004) and are prepared by the local planning authority or qualifying neighbourhood plan body in consultation with the community.

Duty to Cooperate: This is a legal requirement introduced by the Localism Act 2011. It requires that public bodies should engage constructively, actively and on an ongoing basis on strategic planning issues that cross administrative boundaries.

Enforcement Notice: A notice issued at the discretion of the local planning authority where a breach of planning control has occurred. The notice will contain information as to what the breach of planning control is and what steps will be required to correct this.

Environmental Impact Assessment: An assessment that establishes any likely significant effects a proposal is likely to have on the environment, so that these can be fully taken into account in the decision-making process. The types of development which require assessment are described in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Evidence Base: Up-to-date and relevant studies, data, information and analysis on the economic, social and environmental characteristics and prospects of the area to inform and support the preparation of the Local Plan.

Examination in Public: Before it can be adopted, a Local Plan must be examined by an independent inspector whose role is to assess whether the plan has been prepared

in accordance with legal and procedural requirements, and whether it is considered 'sound'. To be 'sound' a document must be positively prepared, justified, effective and consistent with national policy.

General Consultee: General categories of interest groups that by law the local planning authority is required to consult with under the Town and Country Planning (Local Planning) (England) Regulations 2012.

Local Development Scheme: The Local Development Scheme sets out the Council's timetable for the production and review of planning documents that form the Local Development Framework.

Local Development Framework: The collection of local Development Plan Documents and Supplementary Planning Documents adopted by a local planning authority.

Local Plan: The Local Plan is being prepared by the Borough Council to guide future development across the local authority area. The final, adopted version of this development plan document will detail the strategy for development across the area up to 2040 and will contain detailed policies which the Borough Council will use to manage future development.

Local Planning Authority: The public authority whose duty it is to carry out specific planning functions for a particular area, such as creating planning policies or deciding planning applications. Newcastle-under-Lyme Borough Council is the local planning authorities for its respective area.

Locality Action Partnership: Applies to Newcastle-under-Lyme only. Bodies that bring together elected members, residents, mainstream services (such as Police) and key local stakeholders (such as housing associations). These partnerships act as a mechanism to allow residents to set their own priorities for action in their neighbourhoods.

Material Consideration: A material consideration is a matter that should be taken into account in deciding a planning application or an appeal against a planning decision. Examples of material considerations include representations made by the public, comments made by statutory and non-statutory consultees, draft plans, design issues and development impacts. Some material considerations may be more significant than others.

Monitoring: Involves the collection and analysis of data and statistics to understand how patterns of development are changing. An example of this is the collection of housebuilding statistics. Monitoring data can show how effective planning policies are in influencing development. Such information is reported by local planning authorities in their Authority Monitoring Report (AMR).

National Planning Policy Framework (NPPF): The Government's planning policies for England, which provide a policy framework that sets the parameters in which Local Plans and Neighbourhood Plans can be prepared, and decisions on planning applications should be made.

National Planning Practice Guidance (NPPG/PPG): The Government's more detailed online guidance on national planning policies, which adds detail to the NPPF.

Neighbourhood Plans: Development plan documents which can be prepared by local communities, such as neighbourhood forums, business forums or parish and town councils. Neighbourhood Plans must conform to the strategic development priorities of the Local Plan but can shape and direct local development within their neighbourhood area.

Parish and Town Councils: Elected local authority bodies responsible for civil parishes. Parish and town councils have the ability to be designated as bodies to produce Neighbourhood Plans for their local areas.

Planning Inspectorate: A national body which acts on behalf of the Secretary of State. The Planning Inspectorate deals with appeals on planning applications, as well as independently examining any local plans a local authority wants to adopt as planning policy.

Planning Obligations: Legally binding agreements entered into under section 106 of the Town and Country Planning Act 1990 between local planning authorities and applicants for planning permission. These agreements are used to ensure developments provide schemes and infrastructure to mitigate any unacceptable impacts they might have on an area. This often includes measures such as affordable housing or open spaces to be provided as part of a development.

Planning Policy (plan-making): A function of local planning authorities that prepares planning policies and development plan documents to direct decisions on development proposals within the authority's area.

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

Specific Consultee: Organisations named in the Town and Country Planning (Local Planning) (England) Regulations 2012 that the local planning authority is required to consult.

Statement of Community Involvement: A document adopted by a local planning authority which describes how the public, business and interest groups within a local authority area can get involved in plan-making and the decision-taking.

Supplementary Planning Documents (SPDs): Documents which add further detail to policies contained within Development Plan Documents. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainability Appraisal: An assessment of the impacts of policies and proposals on economic, social and environmental issues, i.e. 'sustainable development'.

Sustainable Development: Development which contributes to meeting the long term economic and social needs of the community, whilst balancing this against the need to avoid creating an unacceptable long term impact on the environment.

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Body	Comment	Response	Changes Proposed (if applicable)
Natural England	<ul style="list-style-type: none"> - Supportive of meaningful and early engagement of the community, organisations and statutory bodies in local planning matters, both in policy and determining planning decisions. - Unable to comment in detail on individual SCIs. 	<ul style="list-style-type: none"> - Comments welcomed 	<ul style="list-style-type: none"> - No changes proposed
Historic England	<ul style="list-style-type: none"> - Satisfied that they are stated as being a specific consultation body. - Welcome the inclusion of HE as a consultee for Neighbourhood Plans, prior to the provision of a SEA screening opinion. - Would like to be notified of proposed neighbourhood plan areas as well as consultation on draft plans. - Under development management, HE suggests it may be helpful to add clarification of when they would be consulted on an application. - HE welcomes consultation at an informal level. 	<ul style="list-style-type: none"> - The Council will consult Historic England along with other Statutory Consultees on emerging Neighbourhood Plans when local groups are formed - With regard to consultation on planning applications, the Development Management service will consult Historic England and other consultees in line with the procedures prescribed in The Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended. - The Council will seek to include Historic England in pre-applications discussions as appropriate and encourage prospective applicants to engage with all consultees effectively 	<ul style="list-style-type: none"> - No changes proposed
Staffordshire Police	<ul style="list-style-type: none"> - Inclusion as a consultee is welcomed for the Local Plan, Neighbourhood Plans and planning applications. - Opportunities for pre-application advice with Staffordshire Police on major planning applications would be welcomed. - The SCI document is sufficiently clear, informative, well-structured and comprehensive. - No omissions, errors or unnecessary content were identified. 	<ul style="list-style-type: none"> - The Council will continue to work with the Police service on allocations, policy creation and applications - Along with other consultees, the Police will be included in pre-application discussions on relevant schemes. 	<ul style="list-style-type: none"> - No changes proposed

Keele Parish Council	<ul style="list-style-type: none"> - Pleased SCI recognises need for traditional methods of consultation alongside digital methods. “A naïve enthusiasm for e-communication can result in limited reach and a failure in transparency rather than improvement”. - Urge that the borough moves at pace to reinstate face to face consultations after restrictions end. - Agree that “early and meaningful engagement and collaboration” is essential. They note that their overtures about such engagement in the Local Plan have not borne fruit and remain unaware of developments with the University Growth Corridor. It is unclear what is meant by ‘early’ or ‘meaningful’ in this context. - Urge that NULBC take the same level of detail that the joint local plan did when consulting on site allocations. - Note that consultations take place over too short period of time or at inappropriate times of the year. “Can we request that sensitivity is shown when timetabling consultations?” - “The sooner consultees can be engaged in planning and have sight of critical documents, the more informed and useful the response will be”. 	<ul style="list-style-type: none"> - The absence of many in person meetings in 2020 and early 2021 has been a great regret to the Council and it is recognised that in person meetings allow for consultations to be undertaken in different formats than on-line only. - A move to just in-person events does though have the potential to disadvantage some sections of the community e.g. people with poor mobility, care responsibilities or work commitments that may preclude attendance at a traditional consultation event. - Both on-line and in person events have their own merits and the Council will look to utilise one or both methods to undertake consultation as appropriate. - Consultation events for the local plan could be extended but 6 weeks allows a balance between individuals and organisations to accommodate annual leave patters and independent consultation on potential comments to the emerging plans. - For planning applications, the 21 day consultation period, is prescribed in Part 3 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. Arbitrarily extending this time to allow consultees additional time to formulate their comments impacts on the time to process applications in a timely manner to meet Government expectations on performance and could result in decisions being challenged but applicants aggrieved at unfavourable decisions. - Regarding the timing of consultation events, it is not possible to defer consultation on planning applications that are submitted just in advance of events like Bank Holidays. For consultation on the 	<ul style="list-style-type: none"> - No changes proposed
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		development plan, the Council will always seek to avoid large parts of any consultation exercise being affected by holiday periods though at Easter and Christmas it may not prove possible to avoid all holiday events e.g. due to a requirement for the Council to meet statutory deadlines.	
The Coal Authority	- No specific comments to make on the SCI.	- Noted	- No changes required
Audley Parish Council	- Requests physical consultations (which are in line with Covid-19 measures only when there are new housing sites being proposed within the Local Plan.	- The Council will seek to consult with all Parish Councils in line with The Town and Country Planning (Development Management Procedure) (England) Order 2015. Where planning applications are submitted for major residential schemes, the Council will comply with the legislation on the use of site notices, press articles, neighbour letters and other forms of consultation. It is not proposed that the Council will host physical consultation events on planning applications for major housing development as this would require significant resourcing, add an additional process into the determination of an application with inevitable impact on the duration of the assessment process and most importantly, provide a developer with an effective route to legal challenge on the grounds that the Council went above and beyond its statutory duties to consult thus providing potential objectors with an enhanced opportunity to challenge an application beyond what is considered necessary.	- No changes required

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