

Public Document Pack

Date of meeting Tuesday, 28th October, 2014
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham

Planning Committee

SUPPLEMENTARY AGENDA

PART 1 – OPEN AGENDA

- | | | |
|-----|---|-----------------|
| 4a | Land at Doddlespool, Main Road, Betley - 14/00610/FUL | (Pages 3 - 6) |
| 6a | Land at Market Drayton Road Loggerheads 14/00705/FUL | (Pages 7 - 8) |
| 7a | 1 Lansdell Avenue, Porthill - 13/00833/FUL | (Pages 9 - 10) |
| 8a | Sandfield House, Bar Hill, Madeley - 14/00684/FUL | (Pages 11 - 12) |
| 9a | Planning Peer Review Action Plan | (Pages 13 - 30) |
| 10a | Half yearly S106 report | (Pages 31 - 32) |

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

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

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

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

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

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Classification: NULBC UNCLASSIFIED

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

28th October 2014

Agenda item 4

Application ref. 14/00610/FUL

Land at Doddlespool, Main Road, Betley

Since the preparation of the agenda report the comments of the Highway Authority, County Council and Natural England have been received.

The **Highway Authority** (HA) has advised that additional information is required from the applicant in relation to the quantity of soil to be removed and vehicle trips required; timescales and daily vehicle movements; clarification if the existing access will be widened; preventative measures to minimise mud and debris onto the highway; surfacing of the access track 10m rear of the carriageway edge and temporary signage.

The **County Council** have advised that the applicant has detailed to them that he intends to remove between 10,000 and 15,000 tonnes of soil from the site and any remaining soil will be spread evenly across the large field without severely affected the levels or visual appearance. They recommend conditions that no further material is imported onto the site; a restriction on hours of operation; restriction on the number of vehicle movements per day in an acceptable timescale; the soil screening and processing machinery is removed within one month and the completion works for the development be finished by 1st June 2015

Natural England indicate that the application site is in close proximity to Betley Mere which is a component site of the Midlands Meres and Mosses Phase 1 Ramsar site and also notified at a national level as Betley Mere Site of Special Scientific Interest (SSSI). The information submitted with the application does not include a Habitats Regulations Assessment and it cannot be determined whether the likelihood of significant affects can be ruled out. An objection is therefore raised to the application due to the potential impact that the development has on the SSSI. NE detail that if the authority is minded to give approval regard should be given to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon the authority, requiring that notice is given to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Councillor Becket has provided a submission which details that there is no issue with the retention of a water reservoir, formation of hard standing and repairs to a track and the reservoir has improved the drainage on the lower area of the farm and adjacent farms. The issue arises with the disposal of soil and peat from the site. The number of vehicles has exceeded EA exemptions and poor visibility complicates the case. It is not known how much surplus material is on site and how much (if any) has been imported. Nor is it known how much has already been exported. Councillor Beckett summaries HA and County Council comments and acknowledges that the County Council is the planning authority for waste, and has a greater understanding than Borough Council planners as to what is reasonable. It should therefore be accepted that the shorter time scale should be advised. The six months (26 weeks) appears reasonable, with 15000 tonnes to be removed (max) in 20 ton vehicles gives 29 vehicles per week, or 6 vehicles per day. (NB one tonne, a metric measurement, and one ton, an imperial measurement, are close but not identical). It maybe for operational reasons a more flexible period is required, and the start date for this period could be varied, or even have the period split. Natural England has expressed considerable concern that there is insufficient information, particularly in respect of the effect on Betley Mere, and a lack of information on protected species. Three options are proposed;

1. Approve subject to a combination of conditions with the tightest restrictions possible,

2. Approve the engineering works in principal, but defer conditions until a later meeting, and
3. If the exportation of peat is prohibited then either this application should be refused, or have a condition attached that there must be no exportation of material from the site.

Three further letters of **objection** have been received raising similar concerns to those detailed within the main agenda report but the following additional objections have been raised;

- Mud and debris on the highway causes safety implications and existing road sweeping is ineffective,
- There is an absence of signage,
- An independent assessment is required to the amount and nature of material still to be exported from the site,
- Accurately establish what work is still to be completed to the site,
- The planning authority should explore the transportation and working of peat requiring separate consent.
- The necessary habitat assessment should be carried out,
- No further works should be carried out until the issues have been addressed,
- An open-ended situation or a 2 year period are completely unacceptable,
- Conditions restricting hours of operation, mud, dust and noise, no further material to be imported.
- The application as a whole is vague and many questions on the Application Form have not been answered,
- There is no professional technical evidence as to how this proposal assists drainage,
- It is clear that government policy seeks to phase out peat extraction and rely on more sustainable alternatives to supply the horticultural industry,
- The application should be refused on balance due to the amount of peat being removed,
- The site is essentially a peat and soil supply, waste transfer station and tipping facility,
- Object to the use of the land for a leisure fishing facility in what would be an unsustainable location,
- Fires and burning should be forbidden,
- The applicant has provided no evidence to prove that the works carried out have not had a negative effect on the SSSIs,
- No work on bank holidays should be allowed,
- Lorry activity should be restricted to a maximum of 10 vehicle visits per day (which equates to 20 in/out vehicle movements),
- The soil processing equipment should be removed from the site within 1 month of the date of approval and not be returned to the site at any time.

One further letter of **support** has been received indicating that Mr Oulton should be allowed to carry on the good work he is doing. However, mud is a concern but flooding is a bigger concern but not caused by the applicant. The volume of lorries does not cause highway safety implications. The owner is trying to do the work with minimal disturbance.

The applicant has provided a further submission detailing that the track has always been watered to prevent dust, a road sweeper has been deployed when necessary, soil tests have been carried out, there is 10-15,000 tonnes of top soil going out of the gate over the next two years the remaining is going to be used for landscaping, the only material imported has been for the hardstandings, the machinery is on site so no further machinery needs to be brought onto the site, peat is not being exported, drainage does not affect Betley Mere, two Saturdays have been worked for drainage operations, signage will be erected, EA have no objections, the County Council are quite happy with the works, the hours of operation are being complied with,

Your officer's comments

The applicant has indicated that the amount of soil to be removed is approximately 10,000-15,000 tonnes. The site however still has peat and railway ballast which makes it difficult to assess whether this is an accurate figure. Comments have been received from Natural England and objectors regarding peat extraction. However, the NPPF refers to new policies regarding peat extraction. The peat has already been extracted but the applicant has detailed that none will be exported from the site. In the circumstances this is considered acceptable but the County Council will be made aware of this. A condition regarding only top soil to be removed from site is considered necessary.

In terms of restricting vehicle movements per day or week representations have suggested 10 per day are acceptable and in the absence of any evidence that demonstrates that more vehicular movements would not be harmful to residential amenity such a restriction is recommended. The restriction on the timescale for the works to be completed and the soil to be exported is a difficult assessment to make with no evidence provided to demonstrate why the timescale recommended would be unacceptable. Therefore the two years previously advised is still recommended as appropriate and would allow the owner to remove it in an appropriate manner whilst not harming the character and appearance of the countryside and landscape designation. The additional conditions advised by HA and County Council to minimise the impact on highways safety and residential amenity levels are considered acceptable with the additional condition that there shall be no more than 10 lorry movements per day.

The impact on Betley Mere is a concern raised by NE and the NPPF details in paragraph 118 that when determining planning applications local planning authorities should aim to conserve and enhance biodiversity. In terms of SSSI's it indicates that where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at the site, clearly outweigh the impacts.

The works have been carried out and there is no evidence to suggest that the works have had an adverse impact on the SSSI. The comments of Natural England have been considered and it is suggested that assessments are carried out to determine the impact of the works on the SSSI. A condition requiring the applicant to explore whether the works have had an adverse impact is therefore considered necessary and information should be submitted to the LPA for approval.

In conclusion the impact of the development and agricultural justification has been considered in the main agenda report and no evidence has been provided which indicates that a different recommendation should be expressed but additional conditions would mitigate the impact on highway safety, residential amenity levels and the impact on the SSSI.

The RECOMMENDATION remains to permit the application subject to the following conditions;

- i) Development to be completed in accordance with approved plans.**
- ii) Restriction on hours of operation to 8am to 4pm on weekdays only.**
- iii) All activity associated with the engineering works, i.e. the vehicle movements, the removal of soil from the site, and the re-contouring of the site areas to cease after a period of no more than 2 years from the date of the decision,**
- iv) Any material deposited in the area hatched blue on the attached plan shall be moved to an appropriate location within the site. The appropriate area shall be agreed in writing with the LPA within one month from the date of the decision and the material moved to that location within one month of that approval.**
- v) Submission of dust mitigation measures within one month from the date of the decision and implementation for the duration of the development.**

- vi) **Submission of appropriate signage, speed restriction, resurfacing and maintenance details for 10 metres rear of the carriageway edge, road cleaning and access widening details within one month from the date of the decision and full implementation within one month of that approval.**
- vii) **Removal of portcabin and screening/ processing machinery within one month from the date of the decision**
- viii) **No industrial skips or fuel tanks shall be brought onto the site unless agreed with the LPA**
- ix) **Lorries entering and leaving the site shall not exceed 10 per day (10 lorries in and 10 lorries out)**
- x) **Submission of information on the impact of the development on Betley Mere and implementation of any identified mitigation measures**
- xi) **Submission of details for approval regarding the amount of peat and top soil to be integrate into the existing unit and locations.**
- xii) **No peat to be exported**

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
28th October 2014

Agenda item 6

Application ref. 14/00705/FUL

Land adjacent to Market Drayton Road, Loggerheads

Further comments of the **Environmental Health Division** have been received. It indicates that further information concerning the proposed design of the acoustic screen around the substation and the noise levels associated with the transformer have been taken into consideration and it is now satisfied that the acoustic performance of the planted bund will not be compromised and that the noise levels associated with the transformer substation and associated enclosure will comply with condition 10 of the outline planning permission

Your Officer's comments

The holding objection of the Environmental Health Division has now been withdrawn and as such **the RECOMMENDATION is to permit subject to the conditions set out in the recommendation section of the main agenda report.**

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
28th October 2014

Item 7 – 1 Lansdell Avenue, Porthill 13/00833/FUL

Since the preparation of the committee report, 2 further representations have been received, which raise concerns of a similar nature to those that have already been received and referred to in the agenda report.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
28th October 2014

Agenda item 8

Application ref. 14/00684/FUL

Sandfield House, Bar Hill, Madeley

Since the preparation of the agenda report, additional comments have been received from the **Highway Authority** stating as follows:

The existing access serving Sandfield House is substandard because it has restricted visibility. The design of the proposed access provides betterment in relation to highway safety as visibility splays are being provided in accordance with recorded traffic speeds on the A525 Bar Hill. In addition a turning head is proposed which will allow delivery vehicles and visitors to enter and exit the site in a forward gear.

Further advice has been received from the **Landscape Development Section** regarding the matter of Hedgerow Regulations. It is confirmed that in this case, permission under the hedgerow regulations is not needed on the grounds that the reason for the works is "to get access in place of an existing opening" and that the developer "intends to plant a new stretch of hedgerow to fill the original entrance". A landscaping condition is recommended to secure replacement planting.

In addition a further 3 letters of representation have been received. The comments raised are as follows:

- In pre-application correspondence between the agent and the LPA, the agent stated that "The owner has previously stated that the leftover strip currently has no agricultural use, and has no intention for the land to be used as agricultural land". It is asked whether if members of the public decided to acquire parcels of agricultural land randomly with no intention for the land to be used as agricultural land and used this as justification to convert agricultural land to residential land, what would the open countryside look like?
- The Landscape Officer's comments stated that no objection would be raised to the proposal should the affected section of hedgerow be entirely within or on a domestic boundary. None of the affected hedgerow is on a domestic boundary.
- The Highway Authority has stated that the existing access is substandard but in 2010 the Highway Authority gave full support for the access subject to conditions which have been met. Since that decision was made, there has been no change to the size of the property, the number of residents or the number of vehicles using it. Many things in the countryside would be considered to be 'substandard' by modern standards, but that was the situation when the applicants chose to develop the site.
- The Highway Authority does not state that the relocation of the access is essential or necessary.
- The application states that for ten years, the applicant has explored ways to improve the entrance but nothing has been done except to allow the hedge to grow very high making visibility worse.
- It would be possible to relocate the access to the east within the existing garden and give better visibility in both directions.
- No proper assessment has been made as to how this change would benefit other residents and road users. Recently, there was a collision between two vehicles passing where there is on-road parking and this occurred at the spot where the new entrance is proposed. There have been no such accidents at the current entrance where the road is free of parked vehicles.

Your Officer's comments

The issue of highway safety is addressed fully in the agenda report. In relation to the matter of hedgerow removal, the Landscape Development Section has now confirmed that permission under the Hedgerow Regulation is not needed. In any event, the agenda report already concludes that given the highway safety benefits, and subject to conditions, it is not considered that an objection could be sustained on the grounds of impact on the hedgerow.

The RECOMMENDATION therefore remains as set out within the main agenda report.

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
28th October 2014

Agenda item 9

Planning Peer Review

Since the report was prepared a number of further submissions have been received from external stakeholders. Accordingly a revised Appendix 4a is being provided indicating, without any comment, all of the responses received from some 7 Parish Councils, Councillor Loades as Chairman of the Newcastle Rural Locality Action Partnership, and the clerk to Keele and Audley Rural Parish Councils. Members are reminded that a response was also received from Keele University, which members already have.

The Action Plan is brought to the Planning Committee for its comments, and the intention is that these comments will be reported to Cabinet on the 12th November, and that Cabinet will decide what should be in the Action Plan. The Action Plan was prepared before some of the Parish Council comments were received, and the timescale and detail of some of the indicated actions will require revision to reflect current workload priorities of those identified as responsible for the proposed actions. Accordingly it is anticipated that further changes may be made to the document before it is considered by Cabinet, and there will be an opportunity in making those changes to take into account any comments of the Planning Committee.

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Appendix to Advance Supplementary report to 28th October Planning Committee

Revised Appendix 4a

Comments from Parish Councils, Chair of Newcastle Rural LAP and Clerk to Keele and Audley Rural Parish Councils

Keele Parish Council

I think it's very important that the planning section web area should be easy to use (by very ordinary and prob rather basic computers!) and this has to be TESTED in the realisphere . There were many examples of repeated additions of comments in a recent operation..this is inefficient and suggests lack of understanding of their OWN methods at the Council and creates lack of confidence...the actual process of getting at comment was poor and deterring of all but the most dogged !

A very interesting report and containing some useful recommendations most of which I would support. I particularly welcomed the recommendation for closer liaison with parish councils. I did notice the absence of any comment on the very "clunky" planning web-site and the apparent lack of consideration by either officers or councillors of reasoned and detailed public objections and how they should be incorporated into the planning process.

Disappointment at the short notice given to Parish Councils bearing in mind their monthly meeting cycles.

The Parish Council however do feel that this review dodges the issue of demonstrating the competence of planning officers and environmental health officers. There is evidence of a bias towards applicants. In particular there have been cases of expert professional advice (through objections) rejected by planning officers which have later been accepted when submitted by the applicants. The Parish Council is concerned that the Peers carrying out the review quickly dismissed the opportunity to look at factual evidence that was available to support the above statement – their reasoning being that they only had an hour.

The Parish Council also feels that as there is specific reference to the appeals that are ongoing in the report, this could undermine the council's defence on undecided appeals and should be removed from the report.

Clerk to Keele and Audley Rural Parish Councils

Accessing planning applications online prior to and at meetings – it would help if training (even at a cost) was available in this respect. I find it easy enough, but as you can appreciate some do not. I understand this is a national planning website format, but it is a very antiquated system compared to other public sector websites. Comments, plans, reports etc could be better organised and filtered eg date order or name order – for ease of use and to avoid repetition. The maps do not seem to work – and I would find it helpful to overlay the applicable policies and constraints. Similarly with the broadband inconsistencies across the Borough (mostly in rural areas), it is difficult to view live planning applications at remote meetings where there is no wifi/internet access other than mobile data – hence why the papers are still so valuable. Also some people just find it easier (me included) to have paper in front of them and view plans side by side.

Personally I do feel that as much as Planning Committee members and officers need training, Parish Councils and Clerks could also benefit from similar training to understand current and emerging Policy, constraints, the “bigger” North Staffs picture, the decision making process, NPPF and how much influence they can/cant have on planning decisions. Currently SPCA only provide basic training around planning, and nothing to do with policy or NPPF. Maybe Chairs and Clerks should be given the opportunity to spend a half a day at the Planning Office to get a feel for things.

I think a lot of frustration comes from feeling that community views (those who will be affected most) are not taken into consideration and count for nothing. The production of a pilot neighbourhood plan in the borough may be beneficial to demonstrate how community led planning can work where there is a clear evidenced need for development - however the funding and expertise required to do this is very off putting. The other issue is understanding the hierarchy of developable and priority sites and their relationship in the bigger picture....where are all the brownfield developable sites, greenfield, etc etc in the borough and what evidence is there is to demonstrate there is a need for such development – I guess this will come through the Joint Local Plan?

With regards to the Joint Local Plan – a fully inclusive consultation exercise will be vital from a Parish Council point of view in terms of ownership and understanding, and I would say people get more out of a hands on approach when looking at potential development sites – maybe through planning for real type exercises..... which will also be open to all to have their say in each area (even if the majority tend not to).

Audley Rural Parish Council

Parish Councillors feel it is difficult to access a planning officer for advice over the telephone (with calls not returned), and building control due to their location being at Stoke

Silverdale Parish Council

We would wholeheartedly endorse the findings of the report entitled 'Improvement Planning Peer Challenge'.

In particular we would like to emphasise the following points:

1. A 3 week NULBC planning committee cycle, while commendable from a perspective of expediting applications, does not correlate at all with interested parties such as parish councils that meet only monthly. I am sure that this is not a problem confined to Silverdale Parish Council. This compressed time scale is exacerbated by the difficulty in communicating with knowledgeable planning officers that is mentioned in the report and which is, in our experience, typical.
2. The concept of a proactive planning policy, driven by a local plan or interim local plan, is far more preferable than a reactive planning policy dictated by developers. In fact it is absolutely essential.
3. The timescales indicated of the joint local plan completion means that an interim plan that would give a firm steer to everyone involved in Borough planning is a matter of some urgency. Even a broad general first draft document adapted from an exemplar of good practice by another authority in similar circumstances would be better than nothing at all.
4. This parish council would welcome the opportunity to contribute to the formulation of that plan. However, like you we would need some education and training on the subject. It would be greatly appreciated if we could be invited to participate in any training or workshops that you arrange.
5. Members of this parish council have received some training from NULBC planning officers. However, this was devoted entirely to navigating the online documentation with the presumption that we simply object or not object to applications. There must be a more constructive way of participating.

In summary, we feel that there is an enormous amount of local knowledge and sentiments that we could share and contribute to a vibrant and progressive vision of our environment. That should be largely shaped by enlightened planning policies. We would emphasise; however, that it must be a real joint effort and not a cursory letter of invitation to make comments on planning topics that are already well advanced in their conception.

Newcastle Rural LAP Chairman (Councillor Loades)

The Local Parish Councils who are part of the Newcastle Rural LAP have requested that the LAP document their main concerns in detail and jointly with their colleagues as the current leadership of the council are supporting LAP's to become more involved with local concerns. The Parish Councils and residents feel this would hopefully give more support to their views as they feel in general the Councils Planning authority totally ignore the input from local Parish Councils when approaching them for any local concerns over any planning application.

The Parish councils as you will see from the attached have also imputed their own words to this review of services by the planning authority and you will note that the main core of the concerns are over the following

- 1) The use of plain English is totally ignored and would be welcomed.
- 2) Communication is very poor and uninformative when a reply is received.
- 3) Communication is very bias to the applicant and the residents input for any application is in their opinion generally ignored.
- 4) Communication format is limited and it would appear made difficult on purpose to mislead local people, as the planning department feels that any concerns are unjustified and only stem from what is seen as local people will always complain attitude.
- 5) Supply of detail information being stopped, to cut costs at the Council has resulted in even more communication problems and is generally felt this was a bad move on behalf of the council when they have a responsibility to inform residents as part of the Councils duty .
- 6) The general feeling is that an open communication support service with professional staff with skills in communication and planning outcomes and council policy is required.
- 7) They are very concerned about the lack of consistency in decision making and the conflict through council policy and planning outcomes.
- 8) There is a general feeling that the planning department would rather argue against or ignore resident input rather than any impact on the overall borough design.
- 9) The borough is currently development led due to the lack of a 5 year housing plan, but the information over this and the impact of other policies appears to lead to confusion in the planning department and residents have had feedback from developers that they are being informed that your applications will be approved as there is no 5 year housing supply so just submit them.
- 10) The residents and the Parish Councils would like to know if the lack of a five year housing plan was to be challenged, in that one could be in place, would it stand up against any legal challenge.
- 11) Poor impact and result based enforcement over planning concerns and enforcement in general

12) Reserved matters being altered in favour of the applicant when put in place to stop such outcomes in the first place. Recent example being the Fire Station Development in Loggerheads over the changing of the sound control buffers due to poor planning design in the application which is not the fault of the local people who will suffer from the change. Again ignored by the planning authority and approved. This is now subject to a call in from local Councillors, a concern the planning department have, as they feel this is being abused by local councillors, but again lack of consistency is being demonstrated by the planning department forcing such actions being taken, rather than the council just staying to the original requirements.

You will see from the attached detail there are many more points of concern and the above is a summary of the main concerns over knowledge and communication from the planning department.

We would now request that these points are taken note of including the attached input from each PC and then followed up by a detailed reply and a detailed action plan for further comment by the people involved, that being the residents of the Newcastle Rural area in this case.

As the Chairman of the LAP I am also requesting this correspondence is submitted as a supplementary report for the next meetings of the planning department and the Cabinet, to ensure that all the input is considered, as my members fail to see or understand the need for this review to be rushed through. We would prefer to see a positive outcome and not a review that is rushed through and could leave important points of concern by the users of the service, left out and as a result, failing to achieve its objective to deliver an improved service for all users.

We look forward to your reply”

Whitmore Parish Quality Council

WPQC wishes to register comment with respect to several comments / conclusions contained in the above Peer review Summary: -

1) Local Plan timetable:

"..decision in 2013 to suspend work on the site allocations and policies document and instead proceed with the preparation of a new joint local plan with adjoining stoke-on-Trent means that a clear spatial policy base that is in accordance with the NPPF remains at least 4 years off"

WPQC comment: Speculative Planning Applications are flooding in around the country on the basis that "in the absence of a 5 year housing development site list the local plan must be considered to be out-of-date and there must therefore be a presumption in favour of any sustainable development". This is causing enormous concern and wide ranging problems and distress to those affected, who have to put in a great deal of work in order to prepare arguments to defend against such PAs. Locally, in Whitmore Parish, the case of PA 13/00426/OUT for up to 113 dwellings on land at the end of Gateway Avenue in Baldwins Gate, currently pending appeal after the Borough Council's Planning Committee rejected it vociferously and unanimously, is very much a case in point.

WPQC believes that if this appeal is allowed, the door will be left wide open for a flood of such speculative developments, not just in Whitmore Parish but across the whole Borough. Certainly, in Baldwins Gate, WPQC is aware of several landowners who are awaiting the result of the pending Appeal with great interest – if the Appeal is accepted, it is clear that other such PAs will follow quickly behind. WPQC fails to understand how the Planning Officers could possibly have allowed this situation to arise. Even more so now that an analysis by a local resident shows, based upon official statistics, that projected population growth and thereby projected housing development requirements, have been very greatly overestimated. This suggests that by using a more representative projection, a viable 5 year list could indeed have been drawn up, thereby avoiding this situation ever arising in the first place. WPQC is absolutely horrified at the idea that this "door" is to be left wide open for at least 4 years. If the Gateway Appeal is allowed, in such a time frame there will be absolute mayhem in the Rural Area (subject to (2) below). Serious questions need to be asked as to how the Borough arrived in this disastrous situation.....

2) Interim local plan policy statement

"... we recommend that the Council develops an interim local plan policy statement..."

WPQC believes that, if this would enable the Council to "shut the aforesaid door" it should be carried out as quickly as humanly possible but fear that numerous speculative PAs will have been forced through well before it can be put in place.....

3) Summary of Feedback – Planning Committee arrangements

"..Public engagement in decision making is high.....the Planning Committee's decisions seem largely sound.This concern amongst councillors, across the political spectrum, was focused on the lack of an up-to-date plan, lack of a five year housing land

supply and the clarity and appropriateness of officer advice.... Growing tensions contributed to the recent overturns of officer recommendations on large housing applications”

WPQC entirely agree with these observations. On those occasions where a PA affecting a site within Whitmore Parish has had to be placed before the Planning Committee, any concerns raised by the parishioners and by the Parish Council, were clearly presented to the Committee by the Borough Coucillors representing the Parish, were listened to and were treated realistically by the Committee members, whether agreed or rejected. In the case of the afore mentioned Gateway Avenue PA the Committee, at their initial hearing, insisted on making a site visit before taking position. This turned out to be a critical decision which led, at the subsequent hearing, to them expressing dismay and disbelief that the development in question had ever been recommended for approval (!?!?) and rejecting it by vociferous and unanimous vote. A day to remember, when realism and common sense were at the fore front..!

4) Summary of feedback – Resources

“..planning enforcement..... the backlog of unresolved cases has grown to over 200 with some of these reaching back over 10 years...”

WPQC recognises this situation only too well and considers it to be absolutely unsustainable. It believes that anyone with any experience in carrying out development work cannot be other than completely aware of this situation and no doubt feel free to push the boundaries as far and as often as they want to, with little fear of action being taken. This is a truly dire situation and requires serious remedial action to be taken as a matter of immediate urgency (resources...).

5) Summary of feedback – Communication

“ We recommend that the Council re-examines its engagement with parishes in relation to developing a joint understanding of planning policy and the role it will play in delivering the

WPQC could not be more in agreement with this.

On the positive side, WPQC recognises that the planning officers always respond when contacted and advise / comment actively, although regrettably they rarely, if indeed ever, instigate contact to better understand representations that we have made re a PA.

Central Government have frequently waxed lyrical about “Localism” but we see very little evidence of it in Whitmore . At present WPQC believes that the Council Planning Officers take very little , and frequently no, notice of the representations that it makes about PAs unless it goes before the Committee:-

a) Whitmore Parish Plan 2005: This was produced by a working party of parishioners, supported by WPC. It involved a great deal of time and effort on their part: Three Public Meetings and an 85% return on a comprehensive questionnaire hand delivered, and hand retrieved, from every dwelling in the Parish. Since 2005 WPQC has frequently made representations with reference to the Parish Plan, without ever any rebuttal from the Planners. However, the CPO now dismisses this as “not adopted (we recognise that this is true) and therefore serves as an interesting indication of local opinion BUT carries no more

weight than that in planning matters”(!?!). We are also told that it is not the responsibility of the planners either to verify the veracity of whatever is presented to them in a PA (!?!) nor to inform the Parish Council if the documents that they rely on carry no weight with the planners.(!?!)

b) Whitmore Village Design Statement 2002: an adopted document, which has status as supplementary planning guidance and thus is a material consideration. However, experience shows that representations made, based upon this, are rarely given any weight.

c) WPQC is routinely and systematically informed by the planning department of any PA involving Whitmore Parish, with an invitation to comment if appropriate. However, the CPO has told WPQC that he is not actually obliged to do this (!?! :WPQC recognises that it is not a Statutory Consultee but wonders how does this approach square with the Council’s standing order relating to consultation..?). The very fact of making this remark, on more than one occasion, is extremely disappointing. It gives a very negative message and hardly helps to reassure Parish Councillors that any representations that they might make re PAs will be given any significant weight. And yet: Certainly, in the Rural area, Parish Councils are the representatives of local government which are the closest to the day to day lives of those affected by PAs involving their parish and very much the best placed to be fully aware of local issues and concerns that may need to be raised. Indeed, in the case of really contentious PAs which have wide implications for the parish, WPQC routinely calls a Public Meeting to ensure that the facts are placed before the parishioners and a consensus sought as to the reaction that needs to be registered (support / accept / resist / ..). Recent examples in Whitmore Parish are:-

c1) the afore mentioned Gateway Development (now up for Appeal)

c2) the redevelopment of the Sheet Anchor Public House site in Baldwins Gate (13/00145/OUT)

c3) HS2 proposals

d) The Council failed to notify the WPQC Clerk of the requirement for comment about the Peer review by 2nd October. The CPO has apologised and explained that this was due to the use of an incorrect e-mail address. The Council also failed to send a copy of the Peer review to WPQC Clerk until yesterday 14th October (fortunately we had obtained a copy at the LAP last week). The CPO has apologised for this oversight / error. As a result, WPQC comment contained in this note has not been able to be collated in time for consideration within the report that the CPO is preparing for the 15th October.

Whatever the reasons for these omissions, WPQC is more than a little disappointed – especially since it is well known by Council to take a great interest in the treatment of PAs, systematically registers comment on every single one (even if in most cases this is simply to register “no objection”) and is heavily involved in the Gateway situation. Surprising that no one checked why we had not responded this time... Our “absence was evidently not noticed...(!?!).

WPQC hastens to state that fortunately, when it has serious issues with a PA, it is able to call upon the Borough Councillors representing Whitmore, for advice and if necessary to press home their concerns – and is lucky enough to have councillors who systematically

support and advise us extremely well in these instances and, where appropriate, seek to have the PA heard by the Planning Committee.

6) IN SUMMARY

WPQC is extremely disappointed with the current level of performance of the Council's Planning dept,

- Lack of 5 year housing site development "plan" / list = open door to speculative exploitation = chaos in the Rural Area. The current situation is intolerable

- Minimal enforcement activity = open door to savvy developers to push the limits much further than they should be able to, with little chance of redress. The current situation is totally unacceptable

- Poor appreciation of Parish Councils's worth and capability = frustration for the Parish Council(s) + missed opportunity for the Plannil(s) to demonstrate a better awareness of needs "on the ground" in the Rural Area. Contrast this with the vastly different approach of the elected members of the Planning Committee and the elected Councillors who.

The current situation is very disappointing

Loggerheads Parish Council

General feedback on the process– The attendees from LPC attended the Peer Review challenge session for town and parish councils on July 16th with enthusiasm for the process as the position statement that was distributed in advance was viewed as a comprehensive and open appraisal of the current position. Unfortunately they were disappointed by the Peer review session itself; it was badly organised, started late, people were shown to 3 different rooms, it finished early and Borough Councillors attended who took up most of the time available so Parish Councillors left feeling that they had not had the opportunity to put forward their views. Most disappointing was the attitude of the persons who led the session who appeared to be very dismissive of the concerns expressed and finished the session earlier than planned (as another meeting was booked to use the room) and declined to accept any feedback in writing as he said that they had heard it all before at the previous sessions. The assertion in the report that “we met with a large number of Parish Councillors some of whom sit on Local Area Partnerships” may be factually correct but implies a substance that was not the case in practice.

Feedback on the Summary Peer Review Report sent to Parish Councils by Guy Benson -

Planning Policy Local Plan – LPC fully support the recommendation for an interim local plan policy statement. The PC has serious concerns about the vulnerability of Loggerheads to inappropriate housing development by developers who are grasping the opportunity they see because the Planning Department of NuLBC is apparently saying that the Borough does not have a 5 year housing supply. The planning decision at Baldwin’s Gate was welcomed by LPC and the outcome of the appeal is being awaited with interest. LPC has written to and discussed this with officers and leader of the Council on numerous occasions.

Planning Committee Arrangements – LPC fully support the proposal that in situations where councillors wish to overturn officer’s recommendations, the application cannot be decided at that meeting but that a decision is deferred to a further meeting and accompanied by an amended report.

Development Management processes - Section 106 – LPC fully support the expectation that independent viability assessments and Heads of Terms on Section 106 agreements be required at validation of a major application. LPC strongly support that NuLBC undertake urgent work towards use of the Community Infrastructure Levy as this provides the opportunity for substantial funds from development to provide improved local infrastructure to mitigate development as promised by representatives from NuLBC Planning Department a public meeting held at Ashley Memorial Hall on 12 August 2012. LPC have been requesting section 106 agreements for certain applications but in past 2 years none have been applied. It is imperative that CIL is implemented and correct use of S106 for matters other than financial use is implemented before any further development is allowed in Loggerheads.

Resources - Enforcement - the backlog of unresolved cases has grown to over 200 with some of these reaching back over 10 years and this is considered to be totally unacceptable. LPC has several examples where enforcement has not been actioned e.g. Tadgedale Quarry, car wash. One related issue that the PC did not get the opportunity to raise at the Peer Review challenge session was the use of retrospective planning approval granted

under delegated powers that has been used when changes have been made without planning approval and against public and parish council objections the developments are allowed to apply for retrospective planning approval rather than enforcement being pursued. All retrospective planning applications should be referred to the Planning Committee so that Members are fully aware of procedures that appear to be seen by some as a means of circumventing enforcement.

Communication – LPC agree with this part of the report and strongly support stronger partnership working with parish councils as long as the views of the parish councils are not ignored, which is the current perception. The Parish Council suggest this starts with a simple response to any requests for information/clarification that the parish council makes of the Planning Department (and this applies to other departments in the Borough Council who can either take weeks to respond to emails or do not respond at all which results in frustration and more work as follow up e-mails have to be sent and then phone calls made and not always returned on first occasion of calling.) In the recent past there have been increasing examples of planning applications being accepted by the planning department, apparently without any quality assurance, which creates additional work for parish clerks who spend time checking applications, then contacting planning department (and not clear who case officer is) to understand what status the application has. This is not an effective use of borough or parish staff time. All planning application documentation should be rigorously checked and certified before being published and circulated to consultees.

LPC support the following: Parish Councillors “expressed support for the aims and direction of the planning service but considered that communication and engagement could be improved”. LPC believe that communication must be improved substantially. LPC agree that it is “clear to us that parishes were uncertain of the NPPF’s requirements and its relationship to the Council’s plan-making and development management functions” but consider it is the NuLBC’s interpretation of the NPPF’s requirements that is causing some of the concerns.

LPC support the statement that “Developing stronger capacity with parish councils offers clear potential to help sustain village life through improved understanding and openness in the use of the planning process. We recommend that the Council re-examines its engagement with parishes in relation to developing a joint understanding of planning policy and the role it will play in delivering the Council’s wider objectives for the borough as a whole. The development of the interim planning position statement offers an opportunity to do this, subject to suitable resources being available. Improving the opportunities for even stronger partnership working with parishes, other service delivery partners and consultees will support the borough in meeting its challenging housing growth target. The development of new homes and other facilities in suitable locations across the borough will help provide some affordable housing and can assist in sustaining or enhancing local services. Parish councillors would also be supportive of some of the changes we suggest earlier in our letter in relation to easier access to officers and making planning officer reports easier to understand”. LPC would wish to see the housing growth target confirmed by a Planning Inspector following full public consultation and public enquiry.

Maer and Aston Parish Council

Firstly, we assume that this is not the complete reply from the Planning Advisory Service as there does not appear to be a signed conclusion; we do not even know who wrote the letter/report. Obviously this does raise concern about the content.

We would also like it on record that we felt that the Planning Peer Review consultation meeting where Parish representatives were invited to give their views was extremely poorly arranged. Representatives were sent to the wrong rooms which resulted in a late start and a full Council meeting was arranged in the room allocated resulting in an early finish. Representatives had little or no opportunity to say what was wanted.

Whilst we of course represent parishioners in the rural area, we remain mindful of the need for housing development in the area overall that leads to jobs and income. However we continue to be disappointed that the absence of a 5yr housing land supply plan at the Borough continues to leave the door wide open to speculative developers. The fact that the 'Plan' is further delayed as consultations are yet to take place with representatives from Stoke-on-Trent City Council leaves us even more concerned about the ramifications. This makes the need for an Interim Plan to be prepared and put in place as soon as possible essential for us to have any control over speculative development. Therefore Maer & Aston Parish Council agree with the recommendation that the Council develops an Interim Local Plan Policy Statement as a matter of urgency.

Communications with the Planning Department have long been a problem and the Parish Council would welcome any moves to improve the situation. Although the Parish Council receives notice of planning applications (most of the time) and the Parish responds with any objections, we do not often feel that our views are taken seriously. The Head of Planning publically stated when questioned at a recent meeting, that parish councils were always invited to site visits along with other consultees however this has never been the case with Maer & Aston. In addition Parish Councils have repeatedly requested further training on planning matters but nothing has materialised.

We understand that due to budget restrictions resources are further stretched, however the Council must provide an effective service if it is to retain any credibility. Enforcement is not being addressed with, we understand a considerable backlog. What is the point in having a Planning Policy when it is so easily abused due to lack of resources?

The Parish Council is further disappointed that Parish Councils were only mentioned at the end of the document on page 11. If we are to take seriously the Prime Minister's assurance that Localism is high on the agenda, then isn't it about time local people's views are taken into account on a serious basis. Parish Councils have spent a considerable amount of time and effort in seeking the views of all their residents about a wide range of issues, including planning and development, that have formed the basis of our Parish Plans/Design Statements etc. These seem to be totally disregarded.

We have written to the LAP to forward our comments as part of a co-ordinated response on behalf of the four Parishes in our local area who are all facing the same challenges regarding planning and development. Maer & Aston Parish Council, as a member of the Newcastle Rural LAP would hope that our views will be taken seriously.

Chapel and Hill Chorlton Parish Council

Our observations of the document draw us to the conclusion that the rural areas of the council are being put in grave danger from developers due to the lack of 5 year plan from the council.

The report does not seem to be entire, as there is no signature, or details of the writer from the planning advisory service. These omissions raise the question what other omissions have been made to the report.

A bone of contention with the planning department is that parish councils are asked to report on planning applications but time after time their recommendations are totally ignored. Surely the Locality Act requires local input into the planning process. The other point that is causing great disappointment is the total lack of enforcement. No information is ever requested from, or given to parish councils regarding enforcement items, which leaves the parish council uninformed as to what action is being taken, if any.

As a parish council we are not against development in our parish, but we believe this should be relative to demand for housing in our parish, and not on the scale proposed in our adjoining parish of Whitmore. We are not a service area, and do not have a school, shop, pub or any other services. Without visibility of a 5 year housing land supply plan we are left feeling vulnerable to developers due to present council policy.

We trust that our concerns and views, alongside the concerns of our adjoining Parish Councils forming the local LAP, will be taken into account when the Borough Council formulate their Local Plan Policy statement, this being a matter of urgency.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
28th October 2014

Agenda item 10

Half Yearly Report on Planning Obligations

With respect to Table 4 the legal advice referred to in the report on the last item on that Table has now been obtained on the sum due in relation to the development of land off Keele Road (there being a number of different agreements), and further contact with the developer will now be made. The developer has already indicated a willingness to pay any sum that is required.

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