

# Public Document Pack

**Date of meeting** Tuesday, 29th March, 2016  
**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 Application for Major Development - Hamptons and Land (Pages 3 - 6)  
adjacent to Hamptons, off Keele Road, Thistleberry,  
Newcastle. Mr JN and NW Hampton. 15/01085/OUT
- 5a Application for Major Development - Land at end of Gateway (Pages 7 - 8)  
Avenue, Baldwins Gate. Kier Living Ltd. 15/01106/REM
- 9a Application for Minor Development - Lock up garage site off (Pages 9 - 10)  
Sussex Drive, Kidsgrove. Waverley Reality Ltd.  
16/00174/OUT
- 14a Technical consultation on implementation of planning (Pages 11 - 16)  
changes.
- 16 Tree Preservation Order 25 Walton Way, Talke. TPO174 (Pages 17 - 20)

**Members:** Councillors Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey,  
Northcott, Owen, Pickup, Reddish (Vice-Chair), Simpson, Snell (Chair),  
Welsh, Williams, Williams and Winfield

**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.

**FIELD\_TITLE**

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

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**29<sup>th</sup> March 2016**

**Agenda item 4**

**Application ref. 15/001085/OUT**

**Hamptons Metal Merchants and Land Adjoining Keele Road, Newcastle**

Since the main agenda report was published, **two further representations** have been received.

A letter in **support** has been received indicating that there is little or no odour from the landfill site due to the processes which were implemented some time ago. The scrap yard has a noise problem, the vehicles entering the site cause traffic problems, and it is unsightly.

A further letter of **objection** has been received from the Thistleberry Residents Association reiterating concerns previously expressed regarding odour and indicating that there have recently been very strong odours coming from the site.

The **applicant** has submitted a letter from Permission Homes North West indicating that they would be interested in pursuing the purchase of the site. The letter further indicates that as lead developer on the adjoining site there were no issues with the attractiveness of the site. They received a steady sales pace, even through recession years. Notwithstanding the proximity of the landfill they consider the site would be very attractive and they would not anticipate having any selling issues. The development is accordingly deliverable.

In addition to the final report of the District Valuer (DV) has been received following consideration of additional information provided on behalf of the applicant. There remains disagreement between the DV and the applicant on matters summarised below:

- The DV does not agree with the applicant that incentives to the eventual developer should be included within the assessment of the Gross Development Value of the proposal. A lower GDV would be achieved were such incentives to be included, thus reducing the viability of the scheme
- The DV does not agree that a developer profit of 20% is in line with market allowances at this date. The DV considers that the allowance made for developers profit should be 17.5% for the open market housing and 6% for the affordable housing. The applicant submits that the site will only appeal to volume housebuilders who are currently assuming as standard rates of 20% profit on GDV and there are furthermore site specific reasons for considering this is very conservative return including
  - High abnormal costs (and thus a significant risk that the developer will need to allow for
  - The location, in comparison with other larger urban areas, is in a slower selling area and will therefore suffer from slower sale rates
  - The distance of the site from the offices of the volume housebuilders
  - other environmental issues “given the adjoining land uses”
- The applicant fundamentally disagrees with the DVs approach to site value indicating that allowance needs to be made for the residential potential that the site offers. Their view is that the value adopted by the DV (£890,000 rather than the much greater figure which the applicant maintains) is substantially below what represents the market value of the site and falls far short of what would be considered to be a competitive market return for the landowner. The applicant consider their approach to site value assessment to be more appropriate than what they describe as the singular approach adopted by the DV. In support of this position they refer to the national Planning Practice Guidance and the RICS Guidance Financial Viability in Planning.

The DV remains of the opinion that the development is marginally unviable, which is the conclusion of the applicant. The applicant's position is, however, that the development could not support the level of contributions and affordable housing that the DV considers could be supported without resulting in the development becoming unviable.

As indicated within the main agenda report (paragraph 5.6) the DV was asked to undertake some sensitivity testing.

The *first Scenario* that the DV was asked to advise on is, taking the Travel Plan monitoring contribution (£6.3k) as given, if the full 25% affordable housing provision is made what is the level of education contribution that could be secured before the scheme becomes unviable. The DV has advised that with the full 25% affordable housing provision, and the Travel Plan Monitoring contribution, an education contribution of £180,000 can be provided.

The *second Scenario* he was asked to advise on is, taking the Travel Plan Monitoring Contribution, and the full education contribution as given, what is the level of affordable housing that could be provided before the scheme becomes unviable. The DV advises that with the full Education Contribution of £319,899 and the Travel Plan Monitoring Contribution, affordable housing reduced to 20% provision (28 units of which 17 would be social rented and 11 shared ownership) could be achieved before the scheme becomes unviable.

The *third Scenario* the DV assessed was, again taking the Travel Plan Monitoring Contribution as given, what could be secured before the development became unviable if the Education Contribution and affordable housing provision are reduced equally. The advice received is that an Education Contribution of £271,914 (which is 85% of the policy compliant amount) and 22% affordable housing provision (also 85% of the policy compliant 25% provision) could be secured, together with the Travel Plan Monitoring Contribution, without rendering the scheme unviable.

#### Officers' Views

Having sought independent and expert advice on the applicant's viability appraisal, provided by the DV and having considered the submission made on behalf of the applicant, which the DV has taken into account, it is considered that the appraisal provided by the DV should be relied upon. Your Officer notes that Persimmon "*as the lead developer of Milliners Green, the development immediately adjacent to the site*" have confirmed that there were "*no issues with the attractiveness of the site. Indeed, we received a steady sales pace, even through the recession years. Notwithstanding the proximity of the landfill to the rear of the site, we consider the site would be very attractive and we would not anticipate having any selling issues*". Although the applicant is referring to slower selling rates than "other large urban areas" Persimmon's local and fairly recent experience suggests this particular concern (advanced to support a higher profit level in the appraisal) may well be being overstated. That properties may sell well, with house purchasers unable to properly assess odour conditions on the basis of occasional visits, does not undermine the concern that your officers have of the odour conditions which occupiers will experience.

Your officers' opinion remains as set out in the main agenda report at paragraph 5.7 that the education contribution is secured in full for the reasons provided. The outcome of the sensitivity testing done in respect of the Second Scenario indicates that 20% affordable housing can be secured in addition to the Travel Plan sum before the development becomes unviable.

In the absence of any planning obligations being "on the table" that secures the above, further reasons for refusal are required.

Given the impending Public Inquiry regarding the refusal of the previous planning application on this site it would be appropriate for the Planning Committee to provide the authority for your Officers to enter into a Section 106, through the appeal process, that secures the above obligations and one relating to the long term maintenance and management of the public open space on the site, in the event that the appeal is allowed.

In light of this the recommendation is amended as follows:

- (a) **REFUSE** the application for the following reasons:-
- (i) **Odour arising from the adjoining landfill site is highly likely to adversely affect the living conditions of the occupiers of the proposed development and it is not considered that this can be addressed through appropriate mitigation.**
  - (ii) **In the absence of a planning obligation, and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution, which can be supported by the development without rendering it unviable, towards primary school provision, contrary to policy.**
  - (iii) **In the absence of a planning obligation the development fails to provide 20% of the total number of proposed dwellings as affordable dwellings which can be supported by the development without rendering it unviable and which are required to provide a balanced and well-functioning housing market.**
  - (iv) **In the absence of a planning obligation towards Travel Plan monitoring costs, the required contribution to sustainable transport measures, which can be supported by the development without rendering it unviable, would not be secured in accordance with policy.**
  - (v) **In the absence of a planning obligation securing the long term maintenance and management of public open space on the site, the development would not be acceptable**
  - (vi) **In the absence of a planning obligation which provides an appropriate future reappraisal mechanism to secure further affordable housing provision (to a maximum 25% provision in accordance with policy) to allow for changed financial circumstances in the event that the development does not immediately proceed, the development may not provide what it could and should (to comply with policy).**
- (b) **That the Committee resolve that the Council no longer intends to argue, at the appeal against the decision on application 14/00948/OUT, that the development would unduly restrict or constrain the activities permitted or allocated to be carried out at any waste management facility and the implementation of the Waste Strategy, contrary to local and national policy.**
- (c) **That the Committee resolve that the Council no longer intends to argue, at the appeal against the decision on application 14/00948/OUT, that a contribution toward off site public open space improvement and maintenance is required**
- (d) **That the Committee resolve that the Council should submit, at the appeal against the decision on application 14/00948/OUT, that an appropriate contribution towards Travel Plan Monitoring Costs is justified**
- (e) **That the Committee resolve to give authority for the Council to enter into a S106 obligation to secure the following:**
- (i) **An education contribution of of £319,899 towards Proimary School provision within Friarswood Primary School/ Hassell Community Primary School / St Giles' and St George's CofE Academy.**
  - (ii) **20% affordable housing provision**
  - (iii) **Travel Plan monitoring fee of £6,300**
  - (iv) **Appropriate arrangements for the long term management and maintenance of the Public Open Space on the site**
  - (v) **An appropriate reappraisal mechanism to secure further affordable housing provision (to a maximum 25% provision in accordance with policy) to allow for changed financial circumstances.**

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**29<sup>th</sup> March 2016**

Agenda item 5

Application ref. 15/01106/REM

**Land at end of Gateway Avenue, Baldwin's Gate**

Since the preparation of the agenda report the **applicant's agent** has submitted the following comments received from their drainage engineer:

- They have spoken to Network Rail and explained how the drainage system would work and he confirmed that from a technical point of view, Network Rail has no objections to the proposal.
- They have spoken to United Utilities (UU) and been to their offices twice to discuss the drainage proposals and they have never expressed any concern. UU are currently undertaking a review of the proposals to enable Section 104 adoption. Had there been any likelihood that UU would be objecting to the development from a drainage point of view they would most certainly have expressed their concerns by now and would not be looking at the Section 104 submission.
- Severn Trent Water (STW) would not be at all interested in the actual on site drainage system as it will be adopted by United Utilities. The only interest STW would have is that the foul sewer connects into the STW sewer further down Gateway Avenue. They have spoken to STW (Asset Protection) regarding this and STW have confirmed that they are aware of the additional flows and will allow for the necessary increase in capacity as part of future asset works.
- It is assumed that the reason that neither UU nor STW have commented on the application is that they have no concerns.

**Baldwin's Gate Action Group (BGAG)** has sent a letter and a number of documents to all members of the Planning Committee. The documents have already been submitted as part of the joint representation received from Whitmore Parish Council and BGAG regarding this application and have been summarised in the agenda report. A summary of the letter is as follows:

- The Inspector stated in the appeal decision that the reserved matters detail should accord with the principles of the Design and Access Statement submitted with the outline application. The Officer's report summaries a number of objections made in respect of this application but dismisses them by contending that the application does meet the principles of the Design and Access Statement.
- The documents demonstrate the ways in which the reserved matters application fails to comply with those principles.
- All parties agreed to the conditions imposed by the Inspector and many of those conditions protected the interests of the local community. Now the applicant is attempting to make changes which are to the further detriment of existing residents.
- The original application was unanimously rejected by the Planning Committee but was granted following the appeal due to a technicality i.e. the lack of a five-year housing land supply. Had this not been the case, the village would not have faced this unnecessary and unwanted development.
- The Committee is asked to ensure that all the safeguards incorporated in the Inspector's decision are implemented.

**Baldwin's Gate Action Group and Whitmore Parish Council** have submitted a document that compares the property densities shown on the illustrative masterplan submitted with the outline application and those proposed in the reserved matters application. They have divided the layout into eight areas and calculated the density of each area. They comment as follows:

- It can be seen clearly that the proposal is to increase the density significantly in the northern part of the site, to the detriment of existing residents and new occupants.
- Overall density is irrelevant; it is actual density that matters and it is proposed to increase the actual density in the two north-easterly blocks by over 50%.
- This makes it impossible for the developers to comply with several principles in the original Design & Access Statement which says they intend to:
  - Extend existing building lines and complete housing blocks so that streetscapes appear contiguous and are easy to read
  - Carefully position new blocks so that generous building separation distances are achieved to respect adjacent houses
  - Create new linear streets which retain and safeguard views across the site towards Madeley Park Wood

A letter has been received from **Sir William Cash M.P.** A summary of the comments made is as follows:

- The application should not have been validated and is detrimental to the interests of residents.
- The Local Planning Authority has responsibility for ensuring that any development is in accordance with the conditions set by the Inspector and despite a number of constituents writing to the Council pointing out that conditions have not been adhered to, this still requires explanation.
- Although further plans have been submitted, very little has changed and residents feel strongly that this application should not have been validated.
- The changes from the Design and Access Statement submitted with the outline application are to the detriment of local residents.
- The Committee report was due out on 17<sup>th</sup> March but the closing date for comments is 25<sup>th</sup> March. It is understood that a supplementary report will be prepared on 29<sup>th</sup> March – the day of the planning meeting. The Easter break has also complicated residents' participation in the procedure because they will not have access to any new information on this application because the Council Offices will be closed from the 25<sup>th</sup> to the 28<sup>th</sup> March, only re-opening again on the day of the meeting.

Since the preparation of the agenda report further comments have been received from **Network Rail**. They state that they have reviewed the drainage comments and documentation from the developer and are removing their objection. They have no further comments regarding drainage to add but all other asset protection comments still apply. A Basic Asset Protection agreement will need to be agreed between the developer and Network Rail.

One further **representation** has been received expressing concern that the revised application has not made any relevant amendments and that Officers do not believe that the application is contrary to Condition 4 of the outline consent.

#### Your Officer's comments

The majority of the issues raised above are considered fully in the agenda report and it is not thought necessary to consider them again now. The only new matter is that raised by Sir William Cash MP that the Easter closing of the Council Offices has complicated his constituents' participation in the process of the Planning Committee. For reasons which your officer could elaborate upon if called upon, such a concern is not a basis for a deferral of a decision on this application

**The RECOMMENDATION remains as per the main agenda report.**



## ADVANCE SUPPLEMENTARY REPORT

### TO THE PLANNING COMMITTEE

29<sup>th</sup> March 2016

**Agenda item 9**

**Application ref. 16/00174/OUT**

#### **LOCK UP GARAGE SITE OFF SUSSEX DRIVE, KIDSGROVE**

Since the preparation of the agenda report, the following consultation responses have been received:

The **Coal Authority** has no objections to the proposed development, and is satisfied with the broad conclusions of the Coal Mining Risk Assessment Report, informed by the site investigation works, that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development.

The **Highway Authority** has no objections to the development subject to conditions requiring submission and approval of details clarifying the level of garages currently occupied and to whom they are assigned to, details of alternative/ replacement parking provision, parking, turning and servicing within the site curtilage, means of surface water drainage and surfacing materials. The applicant is requested to also consider providing pedestrian visibility splays of 1.5(m) x 1.5(m) at either side of the current access onto Sussex Drive in order to improve pedestrian visibility. The ownership of the current boundary fences is unknown at this time.

They comment that the current access to the site is approximately 2.9(m) wide and therefore can only accommodate one vehicle accessing or egressing the site at any one time. The proposal to build up to 7no. 2 bedrooomed residential units would result in less vehicular movement in and out of the site based on the site currently having 21no. garages along with additional hardstanding areas.

**United Utilities** have no objections to the proposed development provided that conditions are included on any approval to require foul and surface water to be drained on separate systems and for a surface water drainage scheme to be submitted to and approved in writing by the Local Planning Authority prior to development commencing. They would also require a prior commencement condition for submission of a sustainable drainage management and maintenance plan for the lifetime of the development.

They also state that public sewers cross the site and they may not be able to permit building over them as an access strip width of six metres, three metres either side of the centre line of the sewer. Therefore, a modification of the site layout or a diversion of the affected public sewer at the applicant's expense may be necessary, and that deep rooted shrubs and trees shall not be planted within the canopy width of the public sewer and overflow systems.

Since the preparation of the agenda report, **one representation (objection)** has been received. This is summarised below:

- The construction process will impose on the privacy of existing residents
- Japanese Knotweed is present on the site

#### **Your Officer's comments**

The issue of privacy during the construction phase is not a material planning consideration in the determination of an application, and the removal of Japanese Knotweed would be a matter for the site owner to resolve.

Notwithstanding the recommendation of the Highway Authority, some limited details of the level of occupation of the garages have been provided and it has been accepted, within the report, that there would be no issues arising as a result of their loss.

The **RECOMMENDATION** remains as per the main agenda report.

## REPORT TO 29<sup>TH</sup> MARCH 2016 PLANNING COMMITTEE

### TECHNICAL CONSULTATION ON IMPLEMENTATION OF PLANNING CHANGES

#### **Purpose of the Report**

**To advise members of a consultation by the Government on the implementation of planning changes associated with the Housing and Planning Bill and to provide the Committee with an opportunity to indicate to the Chair and Vice Chair how they consider the Council might respond to this consultation**

#### **RECOMMENDATION**

**That the Head of Planning and Development and the Head of Finance in consultation with the Chairman and Vice Chairman draws up and submits responses to each of the questions posed by the Government taking into account any comments made by the Committee**

#### **Summary**

1. The Department of Communities and Local Government is conducting a consultation on the proposed approach to implementation of measures in the Planning and Housing Bill, and some other planning measures. Response to the consultation will inform the detail of the secondary legislation which will be prepared once the Bill gains Royal Assent.
2. The Consultation paper is available via the following link  
<https://www.gov.uk/government/consultations/implementation-of-planning-changes-technical-consultation>

The document by its very nature does not include a summary of its proposals, given their detailed nature. Members are invited to view the document on the web prior to the meeting of the Planning Committee.

3. The Paper sets out proposals in the following areas in the following areas:  
Chapter 1: Changes to planning application fees;

Chapter 2: Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or identified on brownfield registers, and allowing small builders to apply directly for permission in principle for minor development;

Chapter 3: Introducing a statutory register of brownfield land suitable for housing development;

Chapter 4: Creating a small sites register to support custom build homes;

Chapter 5: Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums;

Chapter 6: Introducing criteria to inform decisions on intervention to deliver our commitment to get local plans in place;

Chapter 7: Extending the existing designation approach to include applications for non-major development;

Chapter 8: Testing competition in the processing of planning applications;

Chapter 9: Information about financial benefits;

Chapter 10: Introducing a Section 106 dispute resolution service;

Chapter 11: Facilitating delivery of new state-funded school places, including free schools, through expanded permitted development rights; and,

Chapter 12: Improving the performance of all statutory consultees

4. To assist members, set out below the Government's broad proposals, together with the commentary that is provided within the Consultation document. There is considerable further detail to be found within the Consultation document itself.
5. With respect to **Changes to Planning application fees** the Government are proposing that national fees are increased by a proportionate amount, in a way which is linked to both inflation **and** performance. The national fee schedule would be revised in line with the rate of inflation since the last adjustment in 2012, with the exact level of increase reflecting when the change comes into effect. They also propose to make future adjustments on an annual basis, if required, to maintain fee levels relative to inflation.

They are clear that any changes in fees should go hand-in-hand with the provision of an effective service. Consequently, they are proposing that any increase in national fees would apply only to those authorities that are performing well. One approach would be to not apply an increase where an authority is designated as under-performing in its handling of applications for major development (or, in future, applications for non-major development). However they are interested in views on other approaches that could be employed, such as limiting increases to those authorities that are in the top 75% of performance for both the speed and quality of their decisions. Whatever approach is taken, they also wish to consider whether this change should be implemented as quickly as possible – so that under-performing authorities do not receive the next available increase – or whether authorities should be given a period of grace before the policy applies, so that there is further time to improve before any fee increases are withheld.

Where an authority is not eligible for a particular national increase, the pre-existing fee would continue to apply until the authority's performance improves to the point at which it becomes eligible for increases again, and the fees regulations are next revised (they expect that this would be on an annual basis, to implement any inflation-related adjustments in national fees). At that time the most recently-revised national fee would apply in that area.

6. With respect to **Permission in Principle** the Consultation document refers to the introduction of a new "permission in principle" route for obtaining planning permission designed to separate decision making on "in principle" issues (such as land use, location and amount of development) from matters of technical detail (such as what the buildings will look like) – the Government's view being that the current system can often require too much information to be produced upfront before there is reliable certainty that the a development can go ahead in principle.
7. With respect to **Brownfield Registers** the Consultation document refers to the Government's commitment to introduce a statutory brownfield register and ensure that 90% of suitable brownfield sites have planning permission for housing by 2020. It is indicated that through Brownfield Registers, a standard set of information will be kept up to date and made publically available to help provide certainty for developers and communities and encourage investment in local areas. The expectation is that brownfield registers should be what is termed a qualifying document to grant planning permission in principle. This consultation seeks views on proposals for preparing brownfield registers and keeping them up to date. This consultation document sets out their proposals for identifying suitable sites, publicity and consultation, the proposed content of the registers and their intended requirements for publishing and updating the data. Brownfield registers will comprise a comprehensive list of brownfield sites that are suitable for housing, including housing led schemes where housing is the predominant use with a subsidiary element of mixed use.

8. With respect to **Small Sites Register** they consider that a published list of small sites will make it easier for developers and individuals interested in self-build and custom housebuilding to identify suitable sites for development, and will also encourage more land owners to come forward and offer their land for development. A small sites register has, they say, particular utility in areas of high demand for self-build and custom housebuilding, as councils will be required to permission sufficient serviced land to match demand. A small sites register will also have a wider utility and support development on small sites more generally. Sites on the register will not necessarily have been subject to an assessment of their suitability for development therefore anyone wishing to develop a site on the register will need to apply for planning permission in the usual way. This will ensure that inappropriate development, for example in back gardens, does not occur. The Housing and Planning Bill contains a power to make regulations requiring local planning authorities in England to keep and publish a register of particular types of land in the authority's area. They are proposing to use this power to require local planning authorities to have a part of their register dedicated to "small sites". They believe that the definition of small sites for this purpose should be sites which are between one and four plots in size.
9. With respect to **Neighbourhood Planning** they are proposing to set the various time periods for local planning authority decisions on neighbourhood planning; to set the procedure to be followed where the Secretary of State chooses to intervene in sending a plan or Order to a referendum; and to introduce a new way for neighbourhood forums to better engage in local planning.
10. With respect to **Local Plans** the Government are proposing to prioritise intervention where:
  - the least progress in plan-making has been made;
  - policies in plans have not been kept up-to-date;
  - there is higher housing pressure;
  - intervention will have the greatest impact in accelerating local plan production.

They propose that decisions will also be informed by the wider planning context of an area. They propose to publish information on each authority which shows the age of the existing local plan, and measures of local plan-making progress, on a six monthly basis.

11. With respect to **Expanding the approach to Planning Performance** through the Housing and Planning Bill, they are extending this approach to include applications for non-major development, to ensure that all applicants can have certainty in the level of service to be provided. The assessment of applications for non-major development would run alongside the existing performance approach to assessing applications for major development. The Autumn Statement published on 25 November also set out a proposal to reduce the threshold for assessing the quality of local planning authorities' decisions to 10 per cent of applications for major development overturned at appeal, subject to considering an authority's appeal decisions prior to confirming designation on the basis of this measure.

They are now consulting on:

- revised thresholds for assessing the quality of performance on applications for major development and new thresholds for non-major development for both speed and quality;
- the approach to designation and de-designation for non-major development; and,
- which applications may be submitted to the Secretary of State in areas that are designated for their handling of non-major development.

They consider 'non-major development' to constitute applications for minor developments, changes of use (where the site area is less than one hectare) and householder developments. This is consistent with the data they have been publishing since March 2015 on the speed and quality of decisions on non-major development.

12. With respect to **Testing competition in the processing of planning applications** the Housing and Planning Bill contains powers to enable the testing of competition in the processing of planning applications. They are proposing that in a number of specific geographic areas across the country, for a limited period of time, a planning applicant would be able to apply to either the local planning authority for the area or an 'approved provider' (a

person who is considered to have the expertise to manage the processing of a planning application) to have their planning application processed. This does not prevent local planning authorities from continuing to process planning applications nor does it force them to outsource their development management service – it means that other approved providers will be able to compete to process planning applications in their area. A number of companies already provide outsourced processing services for local planning authorities. Local planning authorities, in addition to processing planning applications in relation to land in their area, would also be able to apply to process planning applications in other local authorities' areas.

They say that the democratic determination of planning applications by local planning authorities is a fundamental pillar of the planning system. This will remain the case - decisions on applications would remain with the local planning authority. However, an approved provider would be able to process the application, having regard to the relevant statutory requirements for notification, consultation and decision making, and make a recommendation to the local planning authority giving their view on how the application should be decided. But, it would be for the local planning authority to consider the recommendation and make the final decision, ensuring no loss of democratic oversight of local planning decisions.

They are consulting now on the broad principles for how this would operate.

13. With respect to **Information about financial benefits** it is indicated that the Housing and Planning Bill proposes to place a duty on local planning authorities to ensure that planning reports, setting out a recommendation on how an application should be decided, record details of financial benefits that are likely to accrue to the area as a result of the proposed development. It also explicitly requires that planning reports list those benefits that are "local finance considerations"<sup>69</sup> (sums payable under Community Infrastructure Levy and grants from central government, such as the New Homes Bonus).

The Bill also provides for the Secretary of State to prescribe, through regulations:

- other financial benefits beyond "local finance considerations", that must be listed in planning reports if they are likely to be obtained as a result of the proposed development;
- information about a financial benefit that must be recorded in a planning report; and,
- A financial benefit to be listed in the planning report where it is payable to another person or body other than to the authority making the planning decision.

The Bill proposes a requirement for "local finance considerations" to be listed in planning reports. However, new development can bring a number of other financial benefits beyond "local finance consideration". New homes will be chargeable for council tax and therefore bring additional revenue to the relevant local authority. New business development will be subject to business rates and similarly bring additional revenue to the relevant local authority. Also section 106 agreements can require a sum or sums to be paid to mitigate the impact of development.

They are therefore proposing that, alongside "local finance considerations" as defined in section 70 of the Town and Country Planning Act, the following benefits should be listed in planning reports where it is considered likely they will be payable if development proceeds:

- Council tax revenue;
- Business rate revenue;
- Section 106 payments.

14. With respect to **Section 106 dispute Resolution** the Government are introducing a dispute resolution mechanism for section 106 agreements through the Housing and Planning Bill. The dispute resolution process is intended to be provided by a body on behalf of the Secretary of State, concluded within prescribed timescales, and to provide a binding report setting out appropriate terms where these had not previously been agreed by the local planning authority and the developer.
15. With respect to **Permitted Development Rights for state-funded schools** they are proposing to build on existing permitted development rights. They seek to ensure that where there is an identified need for school places, schools can open quickly on temporary sites and

in temporary buildings while permanent sites are secured and developed. It is also the intention to allow larger extensions to be made to school buildings in certain cases without the need for a planning application.

16. Finally with respect to **Changes to statutory consultation on planning applications** statutory consultees are required to report their performance in terms of responding to consultation requests about planning applications each year. The most recent performance data, provided by statutory consultees that respond to the majority of planning application consultee requests, indicates that for between 5 and 12% of cases they requested and received additional time from the local planning authority to respond beyond the 21 day statutory period.

The Government considers that requests for extension of time may affect the ability of local planning authorities to reach timely decisions on applications and that there is scope to reduce them.

To address this issue, the Government is interested in hearing views on the benefits and risks of setting a maximum period that a statutory consultee can request when seeking an extension of time. The performance data indicates that the average extension period is between 7 and 14 days and therefore a period of 14 days may be an appropriate maximum period to set for any extension sought.

17. The closing date for responses to this consultation is 15<sup>th</sup> April 2016.
18. The consultation seeks in total responses to some 77 questions. It is suggested that the officers should consult with the Chair and Vice Chair of the Planning Committee concerning the Council's response to this consultation.

Date report prepared 24<sup>th</sup> March 2016

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## **Confirmation of Tree Preservation Order**

**Land at 25 Walton Way, Talke.**

### **Tree Preservation Order No.174 (2015)**

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

**The Provisional Order** protects 4 beech trees in the rear garden of 25 Walton Way. The Order was made to safeguard the longer term visual amenity that the trees provide after a tree status enquiry was received which gave rise to concern that they could be felled to remove them as an obstacle to the development of the site.

The Order was made using delegated powers on 29<sup>th</sup> October 2015. Approval is sought for the Order to be confirmed as made.

**The 6 month period for this Order expires on 29<sup>th</sup> April 2016**

## **RECOMMENDATION**

That Tree Preservation Order No 174 (2015), 25 Walton Way, Talke, be confirmed as made and that the owners of the site be informed accordingly.

## **Reasons for Recommendation**

Your officers are of the opinion that the longer-term visual amenity of the trees are best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and of sufficient amenity value to merit the making of a Tree Preservation Order. They are clearly visible from Walton Way, Coppice Road and Linley Road (A5011). They are a prominent and important feature, are considered to be an appropriate species for the locality and provide high public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees and it will give the Council the opportunity to control works to them and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

## **Representations**

No representations have been received.

## **Issues**

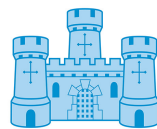
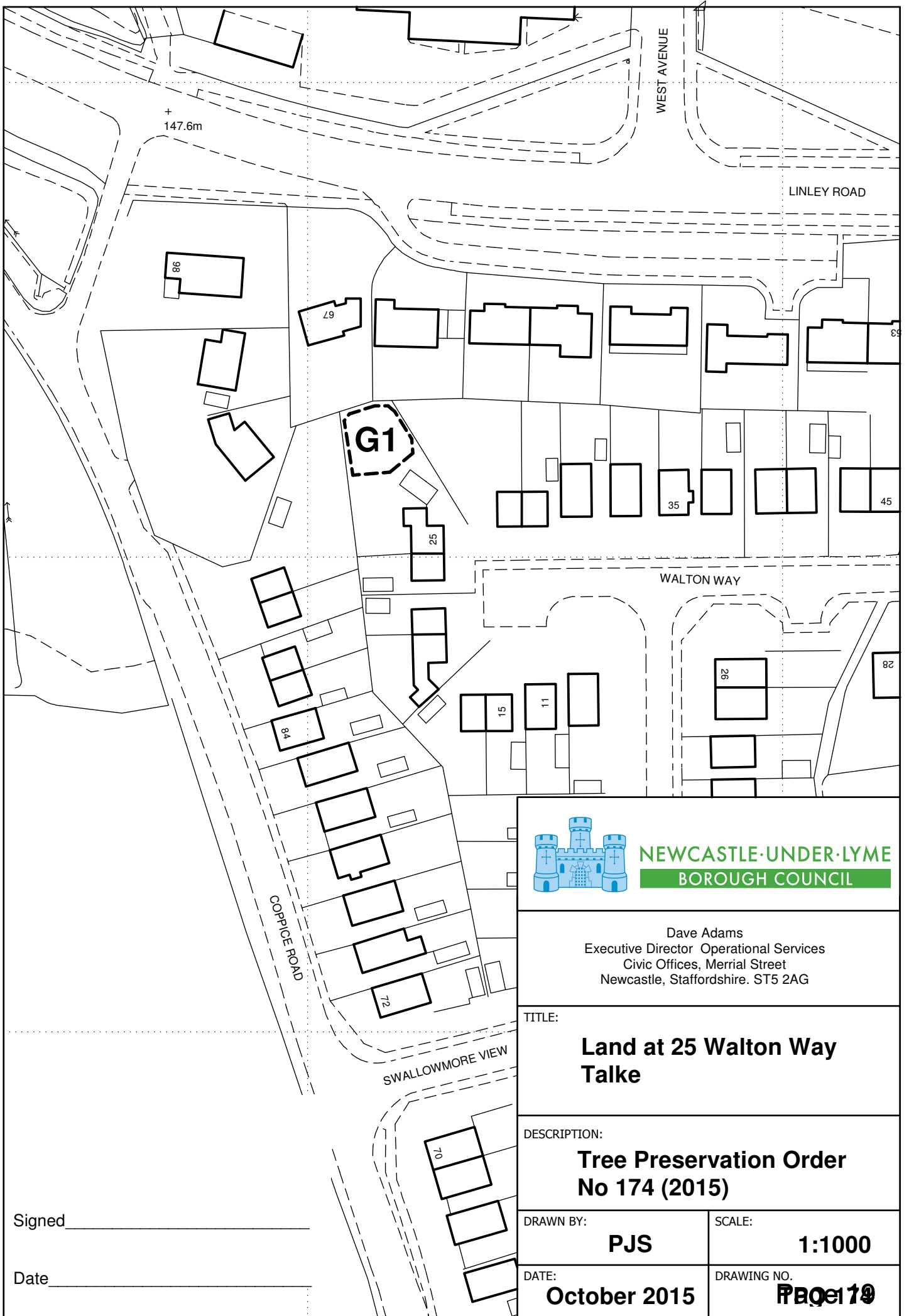
The 4 trees are situated in the rear garden of 25 Walton Way adjoining the neighbouring rear gardens of 27 Walton Way, 65 and 67 Linley Road and 92 Coppice Road. They are large single stemmed mature beech trees which are clearly visible from the surrounding areas. They are a significant feature to the locality and provide an important contribution to the area. Their loss would have a detrimental effect on the visual amenity, not only of the property but also to the locality.

A tree status enquiry was received by the council on 16<sup>th</sup> October 2015 from a prospective buyer of the property which listed potential issues in relation to the presence of the trees. This gave rise to concerns that the trees might be unnecessarily lopped or felled.

Your officers inspected the trees and carried out a TPO assessment and the trees were considered worthy of an Order. They are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 29<sup>th</sup> October 2015 in order to protect the long term well-being of the tree.

Date report prepared

26<sup>th</sup> February 2016



**NEWCASTLE-UNDER-LYME**  
**BOROUGH COUNCIL**

Dave Adams  
 Executive Director Operational Services  
 Civic Offices, Merrial Street  
 Newcastle, Staffordshire. ST5 2AG

TITLE:

**Land at 25 Walton Way  
 Talke**

DESCRIPTION:

**Tree Preservation Order  
 No 174 (2015)**

DRAWN BY:

**PJS**

SCALE:

**1:1000**

DATE:

**October 2015**

DRAWING NO.

**Page 19**

Signed \_\_\_\_\_

Date \_\_\_\_\_

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