

14 Application for Financial Assistance (HBG) from the Conservation and Heritage Fund - Keele War Memorial (Pages 117 - 118)

15 URGENT BUSINESS

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

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

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

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

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

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

PLANNING COMMITTEE

Tuesday, 7th October, 2014

Present:- Cllr Proctor – in the Chair

Councillors Mrs Bates, Mrs Braithwaite, Cooper, Mrs Hambleton,
Mrs Heesom, Northcott, Miss Reddish, Mrs Simpson, Waring,
Welsh and Williams

26. DECLARATIONS OF INTEREST

Cllr Simpson declared an interest in items 7 and 8.

27. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the previous meeting be agreed as a correct record

28. APPLICATION FOR MAJOR DEVELOPMENT - HOMESTEAD/MAY PLACE DAY CENTRE; WREKIN HOUSING & WILKINSON ARCHITECTS; 14/00476/FUL

Resolved:

A) Subject to:

- i) A contribution of no more than £45,899 towards public open space provision and maintenance (to take into account the pro rata maintenance figure) and
- ii) A contribution of £2,200 towards travel plan monitoring costs being secured by planning obligation by the 18th November, and
- iii) The Head of Planning being satisfied that an appropriate and acceptable solution has been secured with respect to the arboricultural impacts with respect to the area between No. 9 May Place and the development and the access off Sandy Lane,

That the application be permitted subject to conditions concerning the following matters:-

- 1. Commencement of development
- 2. Approved plans
- 3. Approval of Finished ground and floor levels
- 4. Approval of all External Materials
- 5. Approval of all hard standing and access materials
- 6. Approval of Landscaping scheme
- 7. Tree protection measures
- 8. Approval of drainage and surface water regulation
- 9. Approval of waste collection arrangements
- 10. Prior approval of a construction method statement
- 11. Full suite of contaminated land conditions
- 12. Prior approval of any external lighting

13. Prior approval of any noise mitigation measures
14. Prior approval of kitchen grease trap
15. Prior approval of kitchen ventilation system
16. Restriction on construction hours
17. Prior approval of details showing the widening of the pedestrian footway to 2 metres
18. Prior approval of surface water drainage for the parking, servicing and turning areas
19. Prior approval of details to show how the emergency access use will be controlled
20. Implementation of the travel plan in accordance with the timetable within that plan, and provision of progress reports on the promotion of sustainable transport measures to the LPA for a period of five years
21. Provision of the cycle parking prior to first occupation
22. Prior approval of design measures regarding noise from heating, ventilation and air conditioning systems
23. Dimensioned tree protection plan
24. Detailed Arboricultural Method Statement
25. Details of the position of utility apparatus and method statement as to how to be achieved with the RPAs of retained trees
26. Details of facilitation of pruning works

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

C) Should the Head of Planning not be satisfied that an appropriate and acceptable solution has been achieved with respect to the items referred to in iii) above, the matter be brought back to the Planning Committee for reconsideration

29. **APPLICATION FOR MAJOR DEVELOPMENT -LAND WEST OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND NORTH OF LINLEY ROAD, BUTT LANE; TAYLOR WIMPEY; 14/00562/REM**

Cllr Robinson spoke against the application.

Resolved:

That the application be permitted subject to conditions relating to the following:

- Link to outline planning permission and conditions
- Approved plans
- Provision of access, parking, servicing and turning areas in accordance with the approved plans
- Materials (facing, roofing and surfacing)
- Submission/approval/implementation of details of a link through to the adjacent site
- Removal of permitted development rights restricting the formation of hardstandings on the front gardens
- Details of the play equipment
- Details of signage for the play area

- Details of planting within the play area
- Details of shrub/hedge species
- Recommendations of arboricultural survey report
- Retained trees to be replaced if removed within 5 years
- Revised landscaping scheme to include some replacement planting to rear of Congleton Road properties
- That any tree related conditions be amended to address any unjustified removals/minor amendments to improve the scheme.

Advisory note requesting that the developer looks into the removal of the dilapidated fence along the footpath.

30. APPLICATION FOR MAJOR DEVELOPMENT - ST.QUENTIN, SANDY LANE, NEWCASTLE UNDER LYME; ST. QUENTIN'S NURSING HOME LTD; 14/00543/FUL

Resolved:

That the application be refused for the following reasons:

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

31. APPLICATION FOR MAJOR DEVELOPMENT - LAND TO THE EAST OF HASSALL ROAD, ALSAGER, CHESHIRE; 348/214 (CHESHIRE EAST REF.14/4010C)

Resolved:

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

32. APPLICATION FOR MINOR DEVELOPMENT - 51 LONDON ROAD, CHESTERTON; NOTEMACHINE; 14/00575/FUL;

Cllr Mrs Johnson Spoke against the application.

Resolved: a) That the ATM shall only be operational between 7am and 10pm.

b) That the lighting levels shall not exceed 800 cd/m²

33. APPLICATION FOR MINOR DEVELOPMENT - 51 LONDON ROAD. CHESTERTON; NOTEMACHINE; 14/00576/ADV;

Cllr Mrs Johnson spoke against the application.

Resolved: a) That the lighting of the adverts will only be operational between 7am and 10pm only.

b) The lighting levels shall not exceed 800 cd/m²

34. STOKE ON TRENT AND STAFFORDSHIRE LOCAL ENTERPRISE PARTNERSHIP PLANNING CONCORDAT

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

35. DRAFT NEWCASTLE UNDER LYME AND STOKE ON TRENT STATEMENT OF COMMUNITY INVOLVEMENT 2014 CONSULTATION

A report was submitted requesting the Committee to consider the Draft Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement 2014 for public consultation purposes.

Resolved:

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

2) That a further report be submitted to a subsequent meeting of the Committee on the outcome of the first phase of public consultation and to approve the next steps.

36. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) -4 HIGHWAY LANE, KEELE; 14/15004/HBG

Resolved:

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

37. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - NEWCASTLE METHODIST CHURCH, MERRIAL STREET; 14/15002/HBG

Resolved:

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

38. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - ST THOMAS CHURCH, BUTTERTON; 14/15003/HBG

Resolved:

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

39. APPEAL DECISION - XJK ENFORCEMENT NOTICE; 09/00230/207C3

Resolved: That the appeal and costs decisions be noted.

40. APPEAL DECISION - BOON HILL ROAD, BIGNALL END; 13/00662/OUT

Resolved: That the decision be noted

41. APPEAL DECISION - ROOSTERS DAY NURSERY, BRASSINGTON TERRACE, DEN LANE, WRINEHILL; 13/00761/FUL

Resolved: That the decision be noted.

42. DISCLOSURE OF EXEMPT INFORMATION

Resolved: That the public be excluded

43. 1300056207C2 LAND AT DODDLESPOOL, MAIN ROAD, BETLEY

Resolved:

That no action be taken until the submitted planning application is determined by the Council

44. URGENT BUSINESS

45. KEELE CONFIDENTIAL URGENT ITEM

Resolved:

That the Council should no longer defend reason for refusal No.6 and should offer no evidence in support of that reason for refusal at the inquiry.

46. GATEWAY AVENUE

Resolved:

That the information provided be noted.

Chair

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TESCO LIVERPOOL ROAD, KIDSGROVE
TESCO STORES LTD

14/00637/FUL

The application is to vary condition 10 of permission 96/00178/FUL - so as to allow two deliveries to be made to the front of the store between midnight and 6 a.m.. (This condition currently reads: There shall be no deliveries to the store or the petrol station between 12 midnight and 6.00 am). The reason given for the condition is "in the interests of amenity and in particular to minimise the potential for nuisance/disturbance being caused to local residents".

The site is within urban area of Kidsgrove as defined on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on 20th November 2014.

RECOMMENDATION

Approval subject to the following conditions:-

1. Description of terms of consent being granted and confirmation that other conditions of 96/00178/FUL are not amended by the consent
2. List of plans and document referred to in decision
3. No use of service yard for deliveries between midnight and 6 a.m. the next day
4. Recommendations within the Environmental Noise Assessment to be implemented.
5. Refrigerated motors to be turned off prior to vehicles entering the site and back on once they have left the site
6. Vehicle delivery route option involving no reversing movements to be used
7. Submission and approval of management plan to ensure pedestrian safety maintained

Reason for Recommendation

Although the proposal could result in significant adverse impact on residential amenity as a result of the extended hours of delivery, and could reduce public safety due to vehicle and pedestrian movement conflict, it is considered that these concerns can be addressed through appropriate conditions and accordingly planning permission can be granted.

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

The Local Planning Authority has worked in a positive and proactive manner in dealing with this and the previous withdrawn application, advising of issues of concern and the need to provide additional supporting information.

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

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

Strategic Aim 5:	To foster and diversify the employment base
Strategic Aim 7:	To secure a network of accessible and complementary, vital, vibrant and distinctive North Staffordshire Town Centres
Strategic Aim 16:	To eliminate poor quality development
Policy CSP1:	Design Quality.
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy T18	Development – Servicing requirements
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Other material considerations include:

National Planning Policy Framework (NPPF) (March 2012)

National Planning Practice Guidance (March 2014)

Relevant Planning History

96/00178/FUL	Permitted	09.10.1996	Demolition of existing houses and erection of Retail store (Class A1).
97/00863/FUL	Permitted	02.02.1998	Variation of condition 9 of planning permission 96/178/FUL to allow opening 07.00 to 22.00 Monday to Saturday, and no more than 6 hours between 09.00 to 18:00 on Sundays.
12/00395/FUL	Permitted	31.08.2012	Variation of condition 9 of permission 96/00178/FUL and condition 1 of permission 97/00863/FUL to allow Sunday trading between the hours 09:00 and 20:00 during the London Olympic Games.
13/00952/ELD	Granted	10.02.2014	Lawful development certificate of non-compliance with condition limiting the store's opening/trading hours. (The Applicant was able to demonstrate that it had been trading over a 24 hour day for over 10 years).
14/00095/FUL	Withdrawn	10.04.14	Variation of condition 10 of planning permission 96/00178/FUL to allow two deliveries to be made to the front entrance of the store between midnight and 0600 hrs

Views of Consultees

Kidsgrove Town Council

No comments have been received, and with the period for comments having expired it must be assumed that the Town Council has no observations to make. With respect to the previous application the Town Council indicated that they had no objections

Environmental Health Division

The **Environmental Health Division** indicates that peak noise level arising from the proposed vehicle manoeuvring activities will be likely to exceed the value recommended by the World Health Organisation. However the measurements of the existing noise climate indicate that peak noise levels are (already) higher than this recommended value throughout the night-time period and therefore the degree of additional disturbance that is likely to be caused by the proposed activities is unlikely to be great if care is taken to mitigate noise generated during the deliveries. Recommends that a condition is applied to any consent to require the recommendations within the Environmental Noise Assessment are implemented as well as an additional condition requiring refrigerated motors to be turned off prior to vehicles entering the site and back on once they have left the site.

Highways Authority

There are no objections on Highway grounds to this proposal.

Police Architectural Liaison Officer - no objection, presuming that the applicants have given due consideration to any impact upon store security that could conceivably arise from the proposal

Representations

None received.

Applicant/agent's submission

An Acoustic Report has been submitted. The objective of the assessment is to establish if a proposal to extend delivery hours could be implemented without adversely affecting nearby residents. The service yard is overlooked by the dwellings in Whitehall Avenue; there is no realistic prospect of being able to screen these dwellings from delivery actively within the service yard. This assessment accordingly considers deliveries being made not to the Service Yard but to the front elevation of the store between Midnight and 6 a.m.

Methodology, reading and possible noise reduction methods are set out.

It is concluded that in the context of nationally recognised standards and planning guidance that predicted noise levels from up to two deliveries made to the an entrance on the front elevation of the store between midnight and 6 a.m. will not adversely affect residential amenity.

The agent indicates that the previous application was withdrawn for the Tesco team to consider how the deliveries would be made to the front door. As such Tesco are proposing two options for the Council to consider

This document is available to view at the Kidsgrove Service Centre and on www.newcastle-staffs.gov.uk/planning/1400637FUL

KEY ISSUES

This is an application to vary a condition of planning permission 97/00863/FUL which restricts the hours of deliveries to the store to between 6 a.m. and midnight on all days. The specific variation of the condition applied for is to allow two deliveries made to the front entrance of the store between midnight and 6 a.m. – the service yard lying relatively close to residential properties.

Within the superstore curtilage delivery vehicles are normally restricted to the service yard and the access way which connects the car parking areas and service yard to the A50 Liverpool Road. As such reversing movements by delivery vehicles is separated from pedestrians and private motorists. Delivery to the front elevation of the store would necessitate delivery vehicles either reversing across the mini roundabout from the store's petrol filling station, or driving through the parking area of the store. Plans showing the 'tracking' of vehicles undertaking such movements have been provided as part of this application.

The Key Issues to be considered by the Committee are:-

- Residential Amenity;
- Safety.

Residential Amenity

The National Planning Policy Framework paragraph 9 states that pursuing sustainable development involves seeking positive improvements in people's quality of life, including improving the conditions in which people live work, travel and take leisure. Paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The impact on the amenity of surrounding residents has to be taken into considered.

Deliveries between midnight and 6 a.m. have the potential to cause a loss of amenity to the occupiers of nearby dwellings. The Environmental Health Division, as the Council's technical advisers, following the receipt of additional information, are satisfied that, subject to certain conditions being attached, the degree of additional disturbance that is likely to be caused by the proposed activities is unlikely to be material. They do in particular wish to see the route

used for deliveries to avoid reversing movements in closer proximity to the houses than the mini roundabout, and this is reflected in the recommended condition No.6.

Safety

NLP policy T18 indicates that developments should provide satisfactory arrangements for service deliveries to stand, manoeuvre, load and unload within their sites and to enter and leave in a forward gear. CSS Strategic Aim 16 refers to the importance of achieving good, safe design as a universal baseline.

The Highways Authority has not objected to the proposal but this is not necessarily indicative that the proposal is safe; rather that the servicing point is so remote from the public highway that the proposed servicing arrangement presents no danger to the users of the highway – that being the matter of interest to the Highways Authority.

The planning system is required to consider issues of public rather than private interest. In assessing this application it is appropriate to consider safety within the site.

The store site is entered from Liverpool Road by a road link to a mini roundabout which gives access to the petrol filling station, the service yard, and the car park. The door that it is proposed to use is set a short distance from the roundabout with a two way road to and from the more westerly parking bays crossing in front of it. There is a setting down point to the east of the door (i.e. towards to petrol filling station), that is most commonly used by drivers making use of the cash machine, and it would appear that it is Tesco's intention to make use of this if clear of parked vehicles. An inspection of the site late at night suggests that they will in all likelihood be able to turn within the car parking area to the more westerly parking area (which is far less likely to be used at this time being remote from the front door of the store), and the tracking drawing confirms this. Whilst the internal roadway within the site might be partially obstructed by the vehicles when they make their deliveries, the consequences of this are not considered to be severe, in the context of the likely number of customers visiting the store by car between midnight and 6 a.m. The store can be expected to make their own arrangements to warn customers of the presence of delivery vehicles at this time and the submission and approval of a management plan can address any residual concern on this point.

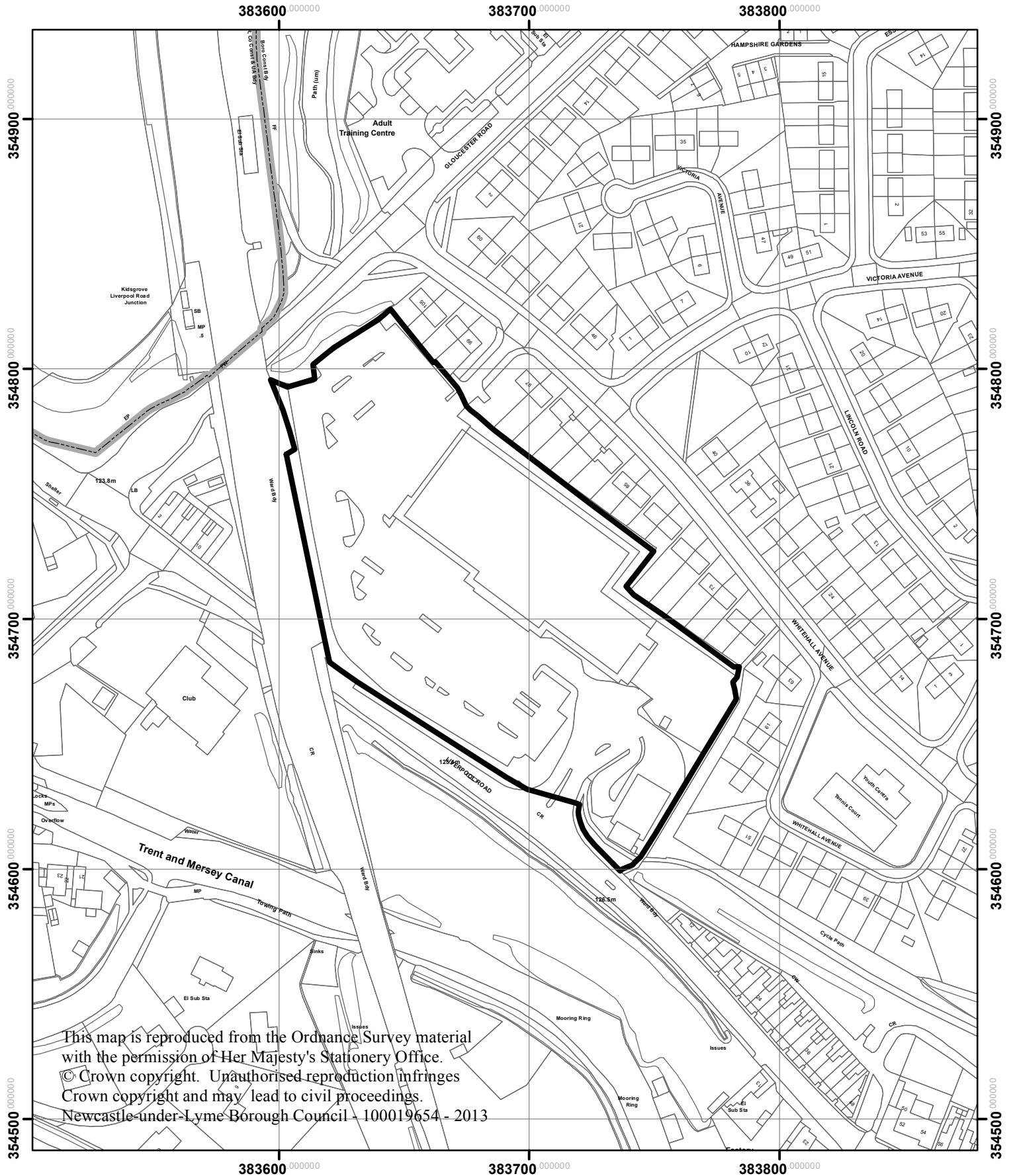
In conclusion there is no reason to consider that any material harm to safety will arise from the proposed delivery arrangement during these times.

Background Papers

Planning File
Development Plan
National Planning guidance/statements

Date report prepared

15th October 2014



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DODDLESPOOL HALL FARM, MAIN ROAD, BETLEY

14/00610/FUL

The Application is for full planning permission for the retention of a water reservoir, formation of hardstandings and repairs to an existing track.

The site lies within the North Staffordshire Green Belt, within the Rural Area, and within an Area of Active Landscape Conservation, as indicated on the Local Development Framework Proposals Map.

The application is classed as Major Development but has also been called in by two councillors due to the history of the site and public concern regarding the works and activities at the site.

The 13 week period for the determination of this application expires on 19th December 2014.

RECOMMENDATION

Permit 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 and road cleaning within one month from the date of the decision and full implementation within one month of that approval.**
- vii) **Removal of portcabin 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**

Reason for Recommendation

The engineering operations, in the form of the excavation of the water reservoir, the formation of hardstandings and repairs to the existing track, are considered to represent appropriate development within the Green Belt that do not harm the openness of the Green Belt and help to conserve and enhance the appearance of the landscape. The resultant soil mounds excavated to form the water reservoir also do not have an adverse impact on the character and quality of the landscape but the associated lorry movements are uncontrolled and the frequency of the movements are having an adverse impact on the residential amenity of neighbouring residential properties. Suitable conditions would mitigate this impact to an appropriate level. The development therefore accords with Policies ASP6, CSP1 and CSP4 of the Core Spatial Strategy, Policies S3 and N18 of the Local Plan and the guidance and requirements of the NPPF, subject to conditions.

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

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

Policy ASP6: Rural area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt
Policy T16: Development – General Parking Requirements
Policy N17: Landscape Character – General Considerations
Policy N18: Areas of Active Landscape Conservation

Other Material Considerations include:

National Planning Policy

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

Supplementary Planning Guidance/Documents

Planning for Landscape Change: Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011

Relevant Planning History

10/00704/AGR Erection of a building for storage of machinery Deemed Permitted

Views of Consultees

The **Environmental Health Division** have recommended conditions to restrict hours of operation, dust mitigation measures, noise mitigation measures and protection measures to prevent mud and debris onto the highway.

Betley, Balterley and Wrinehill Parish Council raise no objections to the principle of the development but a significant tonnage of material in particular peat remains on site and is likely to be moved off-site. Therefore the LPA should take steps to minimise any adverse impact on the amenity of local residents during the removal of such materials, and to minimise any adverse impact on highway safety through the deposit of mud on the highway. Investigations regarding peat extraction should be considered as a potential waste management operation.

Environment Agency has raised no objections to the application but they have detailed that part of this site is shown on indicative flood maps to be located within Flood Zone 3. Flood Zone 3 is an area of land with a 'high' probability of flooding as defined in Table 1 of the Technical Guide to the National Planning Policy Framework (NPPF). The construction of a water reservoir would have required the excavation of significant amounts of material. However it is not clear from the application forms where this material has been deposited. Therefore to ensure that there is no loss of floodplain capacity and that the risk of flooding off site is not increased, this material must **not** be placed on land within Flood Zone 3.

National Grid has detailed that due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure their apparatus is not affected by any of the proposed works.

County Council Planning has expressed a wish to comment on the application and their views will be reported prior to the planning committee if they are received in time.

The **Highways Authority, County Council Footpaths** and **Natural England** have not responded within the deadline for comments which expired on the 14.10.2014 and it has to be assumed at this stage that they have no comments to make upon the application

Representations

Seven letters of objection and five letters of support have been received. The letters of **objection** raise the following concerns;

- Large amounts of soil are being imported on a daily basis,
- Soil grading is taking place on the site,
- Soil exportation needs to be controlled,
- The volume of traffic causes noise, dust and vibration,
- Hours of operation needs to be controlled,
- Large volumes of soil from the works carried out will need to be strictly controlled,
- There are no traffic controls or safety signage in place,
- The activities cause a loss of residential amenity,
- A speed restriction should be enforced for lorries,
- What work is there still to be carried out?
- How long will it take?
- How much more materials are to be imported and of what do they consist?
- The current exemption certificate has exceeded the approved tonnage by probably 100.000 tons
- This project has already been going on for 7 months now.
- A 6 month timeframe should be imposed on the operation which is based on 15000 tonnes. This would equate to 134 lorries a month or approximately 7 lorries a day (14 in/out) and not 70 (140 in/out) as there have been on some days. 2 years is not acceptable.

The letters of **support** make the following comments;

- Mr. Oulton is doing a lot of drainage work to improve the land,
- The barns were part of the wider farm and have now been sold. The conversion required works and so does the agricultural land around it. Mr. Oulton needs time to carry out these works.

Applicant/agent's submission

A location plan, site plan (showing the works carried out), a topographical survey and a section of the pond/ water reservoir has been submitted along with the requisite planning application form. A supporting statement from the applicant and two letters from neighbouring land owners have also been submitted making the following comments;

- In 2012 a potato crop of 5 and a half acres was planted,
- The year was wet and required the crop to be sprayed. Due to the quality of the land the harvester sank and £18,000 worth of potatoes were left in the ground.
- In the spring the neighbouring land owner was approached about digging the dyke out which was on his land which cost £2,700. The dyke has been dug out three times costing approximately £9,000 over the years.
- The County Council advised that he could dig out a water reservoir to hold the surplus water and fill in a hole. They also said that excess soil could be exported. The county detailed that no planning permission was required because it was land drainage.
- The water reservoir is now used as a water irrigation system for the land and uses 20,000 litres per day in dry weather.
- When the land was bought the field had an access track that ran up the middle of the field which the gas board had put in to get to gas lines. Trying to farm the land around the track was difficult. The track has now been diverted to connect to the existing track.
- The rerouted track enables farm vehicles to work the land.
- The work being carried out has enabled has made the land more workable for the farming business so that it carry on for years to come,
- There is a footpath that comes onto the land, and we have renewed the stiles and always kept it clear,
- The footpath is blocked and this is the County Councils responsibility and walkers are walking across the field to avoid the debris that is causing the blockage,
- Betley Parish Council have indicated that the land is being destroyed but when the land was bought in 1991 there were 7 acres of land that had not been farmed for 15 years and now all of the land is being farmed, except where the works have occurred,

- The land is being kept in a better state than the previous owners because all 34 acres are being farmed and will continue to be.
- The walkers have commented on the works detailing that whilst they want to see the works finished they have made a vast improvement to the land,
- The wildlife in the area has been improved and one lady wants a seat to watch the wildlife,
- The operation is not for a lifetime and anybody is welcome to view what is happening at the site.

The neighbouring land owners both details that since Mr. Oulton has carried out the drainage work the land and surrounding land has considerably improved. The drier land allows cattle to graze without damaging diverse pasture land. The Flora and Fauna has been a major benefit to the environment.

KEY ISSUES

The application is retrospective with the works being predominantly carried out. Members will recall that a number of enforcement expediency reports have been considered and the owner/ applicant has been encouraged to submit a planning application to regularise the breaches of planning control. This application therefore is to regularise the works carried out - excavation of the water reservoir, the formation of hardstandings and repairs to the existing track.

The site is located within the North Staffordshire Green Belt, the Rural Area and within an Area of Active Landscape Conservation, as indicated on the Local Development Framework Proposals Map. The main issues for consideration are as follows:

- Is the use appropriate or inappropriate development in Green Belt terms?
- Is there any conflict with policies on development in the countryside and the impact of development on the landscape?
- The impact on neighbouring residential amenity levels?
- The Impact on Betley Mere Site of Special Scientific Interest (SSSI)
- The impact on highway safety?
- Flood Risk
- If inappropriate development in Green Belt terms, do the required very special circumstances exist to justify acceptance of the use?
- Enforcement matters

Is the use appropriate or inappropriate development in Green Belt terms?

The site is located within the Green Belt. In these locations the NPPF details that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF, at paragraphs 89 and 90, indicates that new buildings and other forms of development are classed as inappropriate development other than a number of identified exceptions. Exceptions include;

- buildings for agriculture and forestry (para 89),
- mineral extraction; and
- engineering operations;

Paragraphs 87 and 88 detail that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The formation of an access track and pool are classed as engineering operations. The applicant has detailed that the works have been carried out to assist the agricultural enterprise and land. The water reservoir has helped to improve drainage on the land and neighbouring agricultural land whilst also

forming part of an irrigation system. The irrigation system assists the owner's potato crop and the track enables vehicles to manoeuvre around the agricultural unit. The hardstandings that have been formed would enable the irrigation system to be operated and would allow agricultural machinery to be sited.

The applicants supporting statement, the letters of support from neighbouring land owners, verbal discussions and site visits demonstrate that the engineering operations are for the functioning of the agricultural unit and the works to the track, the formation of the hardstandings and water reservoir do not adversely harm the openness of the Green Belt.

The mounds of soil are as a result of the water reservoir being excavated and are being exported off site. The owner has previously detailed that there is enough volume of soil to result in exportation for a further three to four years depending on demand. These soil mounds are not considered to harm the openness of the Green Belt.

The engineering works that have been undertaken are considered to constitute appropriate development in the Green Belt.

A portacabin which the applicant has previously detailed was required in association with the works carried out still remains. There is no justifiable need for this portacabin and it is classed as inappropriate development within the Green Belt and should be removed within one month of this decision. The condition should also ensure that the industrial skips and fuel tank now removed are also not brought back onto the site

Is there any conflict with policies on development within the countryside and the impact of development on the landscape?

The site is within an Area of Active Conservation and NLP Policy N18 states that "Within these areas the Council will support, subject to other plan policies, proposals that will help to conserve the high quality and distinctive character of the area's landscape. Development that will harm the quality and character of the landscape will not be permitted. Within these areas particular consideration will be given to the siting, design, scale, materials and landscaping of all development to ensure that it is appropriate to the character of the area."

The track appears typical of what would be expected on an agricultural unit. The track is very informal in appearance and is considered to have a minimal impact on the character and quality of the landscape. Many agricultural units have concrete tracks which are of a more permanent construction and appearance which would have a greater impact on the appearance of the landscape.

The formation of the water reservoir has been done in an appropriate manner and it is acceptable in appearance and enhances the landscape. The water reservoir has been formed to overcome drainage problems of the land and is required to support a proposed irrigation system for the potato crop that is a primary use of the agricultural business. This is in accordance with policy ASP8 of the Core Spatial Strategy which seeks a positive approach to rural enterprise.

The applicant has imported railway ballast and stock piled this around the water reservoir along with the excavated soil mounds. The applicant has also indicated that the importation of material stopped on the 3rd October 2014 and that no more material is required on site due to there being enough on site to carry out the works required with the hardstandings the only elements left to be completed.

Whilst the stockpiling of material has some impact on the landscape it is a temporary feature and on balance it is not considered that it would significantly harm the appearance of the landscape to warrant action to secure its immediate removal as there are minimal views from any main vantage points.

The works are considered necessary for an agricultural purpose and do not harm the character or quality of the landscape. The development therefore accords with policies N17 and N18 of the local plan, policy ASP6 of the CSS and the guidance and requirements of the NPPF.

The impact on residential amenity?

The amount of vehicle movements, in particular lorry activities at the site has resulted in a number of regular complaints to be received by the Borough Council. The County Council and Environment Agency are carrying out their own investigations regarding activities at the site. The County Council have detailed that they will provide an update on their investigations prior to the meeting and any comments received will be reported accordingly.

In terms of this planning application a number of objections have been received which primarily focus on the amount of lorry movements that have occurred over the last two years and the amount of lorry movements still required due to the volume of soil that still needs to be exported. The objections are on the grounds that the lorry movements are having an adverse impact on neighbouring residential amenity levels in terms of noise, dust and vibration.

The Environmental Health Division has recommended conditions which would minimise the impact on neighbouring properties. They detail that hours of operation should be restricted to 7am to 6pm on weekdays, 7am to 1pm on Saturdays and no movements on Sundays or Bank Holidays. They also advise that noise and dust mitigation measures should be submitted to the LPA for approval. Such a condition could be imposed, however it is considered that it would be more appropriate to restrict the hours in a condition to between 8am and 4pm which is consistent with the hours restrictions that Committee resolved should imposed through an enforcement notice.

Committee also resolved that enforcement action should also require that 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 that the notice comes into effect. A number of neighbouring properties have raised concern that this two year period is excessive and that the amount of soil on site needs to be established before an appropriate decision can be made regarding the time allowed to complete the activity associated with the engineering operations. In this regard the County Council are due to visit the site and plot the soil at the site although this will not give an accurate volume calculation of how much soil needs to be exported and how many lorry movements this is likely to require. Your Officer's view remains that the 2 year period as resolved by Committee is still acceptable unless comments from the County are received prior to the meeting which detail why this would be excessive and/ or jeopardise actions that they may take regarding the breach they are investigating.

The recommended conditions from EHD regarding dust and noise require the applicant to submit further information. It is considered that the applicant should submit this information within one month from the date of the decision with assistance from EHD.

Subject to the recommended conditions it is considered that the impact on neighbouring residential properties can be controlled to an acceptable level and would not lead to a detrimental impact on the living conditions which would be in accordance with requirements and guidance of the NPPF.

The impact on Betley Mere SSSI

The application site overlaps the edge of the 500m buffer around Betley Mere and Natural England (NE) has been consulted on the application. Whilst their formal views have not been received they have indicated that they will be making comments on the application detailing that the LPA should undertake a habitats regulations assessment (HRA) due to the proximity to Betley Mere SSSI. Further advice on this has been sought from NE and their comments will be reported prior to Committee. However, there is no indication that the works carried out has or will have a significant adverse impact on the SSSI but there is a concern that material being brought onto site has the potential to have an adverse impact. In this regard the applicant has detailed that no more material is required to be brought onto site and no harm should be caused.

The impact on highway safety

The site is an established agricultural unit with access onto the A531. The amount of vehicle movements onto the highway has resulted in soil and debris being deposited. There is still a large amount (volume) of soil on the site following the excavation of the water reservoir. The applicant has indicated that a percentage of this will be used within the agricultural unit in order to improve the

farming of the agricultural unit. However the majority of it will be exported. Therefore in the interests of highway safety and to prevent mud and debris being deposited onto the highway it is considered necessary for the applicant to submit protection measures securing this. This can be secured via condition.

Flood Risk

Part of the application site is located within Flood Zone 3 which is identified as having a high probability of flooding as defined in Table 1 of the Technical Guide to the National Planning Policy Framework (NPPF).

EA have raised no objections to the development undertaken but they have raised concerns about any material being deposited on land which falls within the Flood Zone. The south-west corner of the site falls within the Flood Zone and there is a high level of material deposited in this location. Therefore to minimise any flood risk, as advised by EA, it is considered necessary for the owner to relocate this material to another area within the site. Due to potential disturbance to residential amenity levels it is considered that it should be located well away from neighbouring properties and should not require more than two lorry movements using the access. The location and time frame can be secured via condition. This condition would avoid potential flooding implications in accordance with the requirements of the NPPF.

Enforcement

The County Council and the Environment Agency are carrying out further investigations regarding other activities at the site. The comments of the County Council are being sought to ensure any conditions imposed on this application do not jeopardise further enforcement action that the County take.

The applicant/ owner has failed to comply with restrictions placed on the activities at the site previously and the LPA were in the process of taking enforcement action which sought to control the activities through the serving of an enforcement notice which the owner could have lodged an appeal against. However, if the applicant/ owner were to breach any of the conditions imposed on a planning permission the Council could serve a breach of condition notice (BCN). There is no right of appeal against a BCN and a notice would take effect 28 days after it is served.

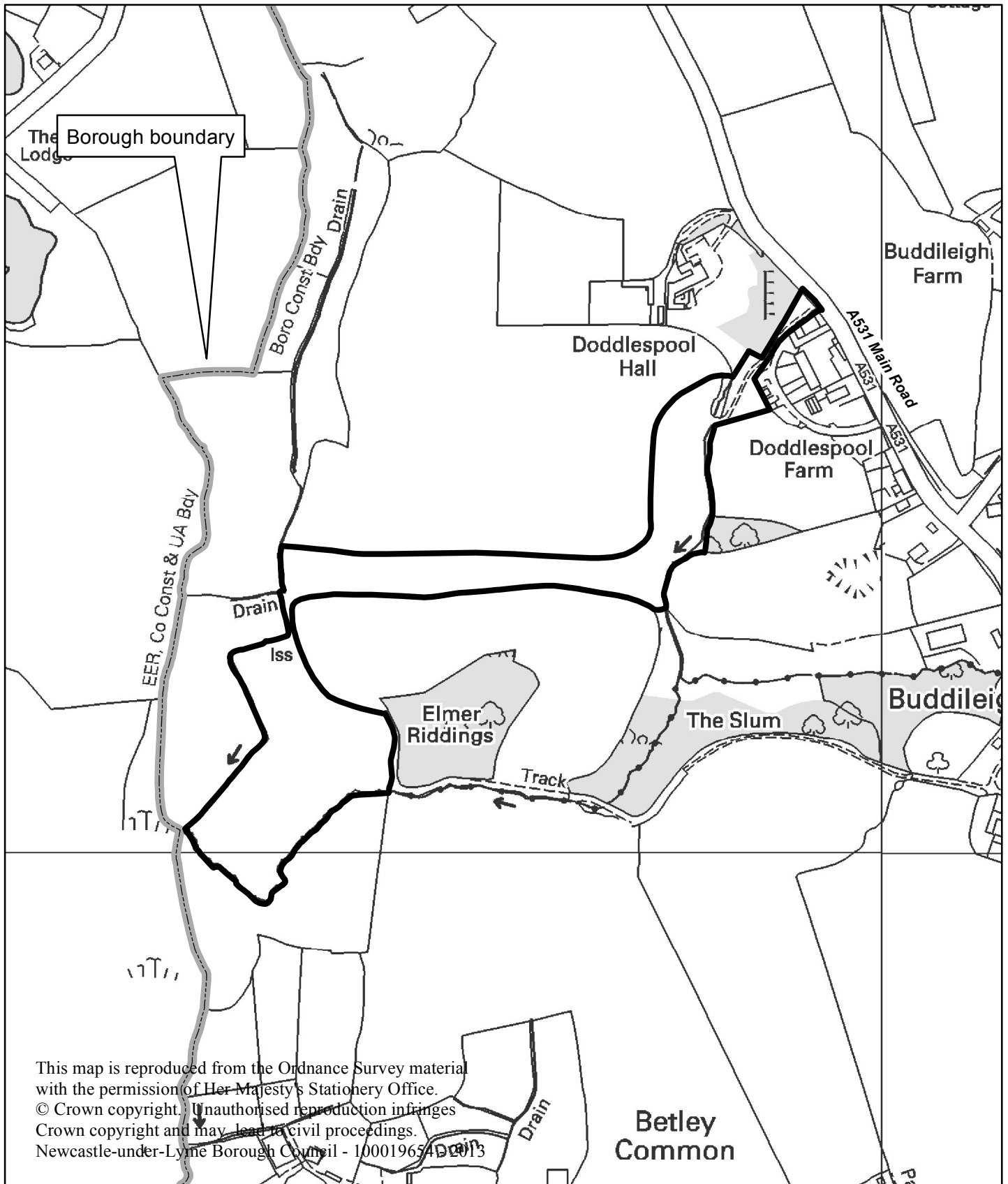
Background Papers

Planning file
Planning documents referred to

Date report prepared

14th October 2014

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Newcastle-under-Lyme Borough Council - 100019654/13

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ETRURIA VALLEY PHASE 2A, FORGE LANE, ETRURIA, STOKE-ON-TRENT.
STOKE-ON-TRENT REGENERATION LTD **348/215 (SOTCC ref 57466/RES)**

The Borough Council has been consulted by the City Council on a reserved matters application for the erection of a building to provide a 5,791sqm. warehouse (Use Class B8) space with ancillary office and associated access.

The site is accessed from Shelton Boulevard which is accessed off Forge Lane.

For any comments that the Borough Council may have on these proposals to be taken into account, they have to be received by the City Council by no later than 29th October.

RECOMMENDATION

That the City Council be informed that the Borough Council has no objections to the proposed development.

Reason for Recommendation

The principle of the warehouse development has previously been approved when outline planning permission was granted. The scale, appearance and location of the building as proposed do not raise issues that would affect the interests of Newcastle-under-Lyme Borough Council.

Policies and proposals in the Development Plan relevant to this recommendation on both applications:

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

Policy CSP1: Design Quality

Other Material Considerations include:

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (2014)

Etruria Valley Enterprise Area – Supplementary Planning Document (adopted by the City Council March 2013)

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

Relevant Planning History

Permission has been granted for the following developments on the Phase 2A site:

- NuLBC Ref. 348/170 (SOT/48426) Trade Park 4 and Wade Ceramics: Erection of four buildings, two for Use Class B2/B8, one for Use Class B1 and one for Use Class B2, was granted planning permission in September 2008. The consent has been implemented and Wade Ceramics has been completed. The Borough did not object to this application.
- NuLBC Ref. 348/171 (SOT/48428) Festival Court: Erection of four office buildings (Use Classes B1 and A2), granted planning permission September 2008. The consent has been implemented and the Hanley Economics building has been completed. The Borough objected to this application.
- NuLBC Ref. 348/165 (SOT/47948) Vodafone Ltd: New office building granted planning permission September 2008 and has been completed. The Borough objected to this application.

- NuLBC Ref 348/187 (SOT/52732) Stoke-on-Trent Regeneration Ltd. Business Park comprising Use Classes B1 business, B2 general industrial and B8 storage and distribution was granted outline permission in 2012. The Borough objected to this application. The application, the subject of this report, is pursuant to this outline planning permission.

Applicants Submission

The applications are supported by a number of documents as follows:-

- Transport Statement
- Land Quality Statement
- Flood Risk Assessment

All these documents are available to view on Stoke City Council's website www.stoke.gov.uk using the City Council reference 57466/RES

Key Issues

The Borough Council were consulted, in 2011, by the City Council on an application for outline planning permission to construct a business park containing B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses on 6.3ha of Phase 2A of the Etruria Valley site in Stoke-on-Trent. All matters were reserved for consideration at the reserved matters application stage. The proposal was considered at the Planning Committee meeting of 24th January 2012 and subsequently at the meeting of 21st August 2012 following a further consultation by the City Council. Following both consultations the Borough Council objected to the proposal for the following reason:-

The proposal involves large scale Class B1(a) office floorspace, a main town centre use as identified in PPS4, in this out of centre location. Furthermore the application has not demonstrated, through the sequential assessment, that the proposed office development cannot be met within Newcastle Town Centre.

Outline planning permission was granted by the City Council and the application that is the subject of this consultation relates to reserved matters approval for a Class B8 warehouse measuring 5,791sqm.

The lower part of the warehouse building is to be clad in silver metallic and slate grey horizontal metal cladding, with the upper part in white horizontal metal cladding. The two storey office, which is attached to the warehouse, is to be clad in horizontal silver metallic cladding. The shallow pitched roof is to be finished in Alaska Grey roof cladding.

The location of the building, which is located next to Wade Ceramics and close to the Vodafone building, will be visible from the A500. The scale and appearance of the building is in keeping with the other industrial and commercial buildings of Etruria Valley.

Overall it is considered that the details of the development due not raise any concern to the interests of the Borough Council and as such it is considered that no objections should be made.

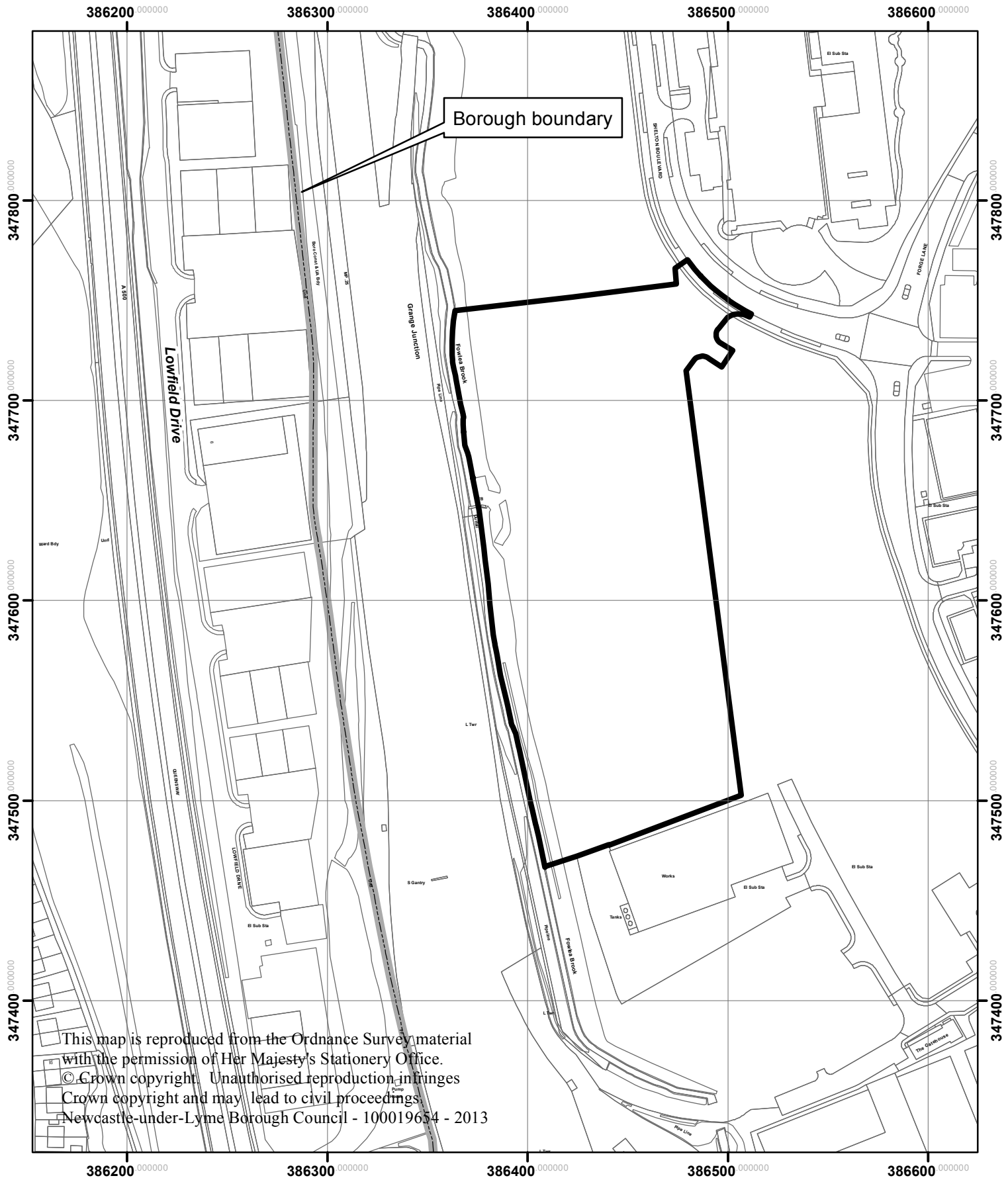
Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

10th October 2014.

Etruria Valley Phase 2a, Forge Lane 348/215



Borough boundary

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LAND AT MARKET DRAYTON ROAD, LOGGERHEADS
STOKE-ON-TRENT AND STAFFORDSHIRE FIRE AND RESCUE SERVICE **14/00705/FUL**

The application as submitted is for the variation of condition 1 of reserved matters approval 12/00499/REM through the substitution of a revised site plan showing a substation and resultant minor adjustments.

The site is in the open countryside, outside the village envelope of Loggerheads, in an Area of Landscape Restoration as designated on the Local Development Framework Proposals Map. It is also adjacent to the A53 which is part of the Strategic Highway Network.

The application has been referred to the Planning Committee at the request of two councillors for the following reasons:-

- The Borough and Parish Council have worked with and supported residents to achieve a mutual way forward with this development to achieve a landscaped, sound proofed buffer zone between the boundary fence of the fire station and the boundary fence of residents on Kestrel Drive.
- The proposed variation would relocate the substation to within the agreed buffer zone and close to residents, in particular No. 2 Kestrel Drive. This will have a detrimental effect on the health and wellbeing of these residents in addition to the impact and visual amenity/noise from this proposal.

The eight week statutory determination period expires on 10th November 2014.

RECOMMENDATION

Subject to the Environmental Health Division withdrawing their holding objections PERMIT subject to the following conditions:-

1. **Variation of condition 1, which lists the approved plans, by substitution of the amended site plan that shows the location of the substation.**
2. **All other conditions of 12/00499/REM shall continue to apply.**

Reason for Recommendation

Whilst the proposed location of the substation will affect the landscaped bund it is not considered that the development will be harmful when viewed from Market Drayton Road or from adjoining properties on Kestrel Drive. The final comments of the Environmental Health Division are awaited regarding the impact of the siting of the substation on the acoustic performance of the bund.

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

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

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

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

Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

Other material considerations include:

Relevant National Policy Guidance:

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

Supplementary Planning Guidance

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

Relevant Planning History

Outline planning permission, with all matters of detail reserved for subsequent approval, for the erection of a Community Fire Station to accommodate one fire appliance was granted in 2012 (11/00475/OUT).

All reserved matters were approved, including details of two accesses to the site, in 2012 (12/00499/REM).

In 2013 a variation of the visibility splay requirements of condition 19 of planning permission 11/00475/OUT was granted (reference 13/00028/OUT) to enable a 3.8m by 120m visibility splay to be provided on the eastern vehicle access. In addition condition 21 was varied by removal of part (ii) which required traffic calming measures on the A53.

Views of Consultees

Loggerheads Parish Council objects strongly to this application. The Parish Council supported residents to achieve a landscaped, sound proofed buffer zone between the boundary fence of the planned fire station and the boundary fence at No 2 Kestrel Drive and the current plan (referred to in condition 1 of 12/00499/REM) allows for this. The proposed variation would relocate the substation to within the buffer zone and close to No 2 Kestrel Drive. The Parish Council believe that the location of a substation directly adjacent to Kestrel Drive and at close proximity to opposite houses on Market Drayton road would affect the health and wellbeing of these residents.

The **Environmental Health Division** have lodged a holding objection until such time as the applicant is able to demonstrate that noise emissions from the substation will not affect residential amenity for the occupants of 2 Kestrel Drive and that the acoustic performance of the bund will still ensure compliance with condition 10 of 11/00475/OUT.

Representations

No representations have been received.

Applicant/agent's submission

The application form and a site plan have been submitted and additional information regarding the noise levels from the substation provided in response to the comments of the Environmental Health Division are available to view at the Guildhall and on www.newcastle-staffs.gov.uk/planning/1400705FUL

KEY ISSUES

This is an application to vary a condition of the reserved matters approval 12/00499/REM. The Authority has a number of options:-

- If it considers that the original condition should remain it should refuse the application,
- If it considers that the condition should be varied then it should approve the application subject to the reworded conditions.

Condition 1, which is proposed to be varied lists the approved plans and requires that the development is carried out in accordance with such plans. The amendment proposed is the substitution of the approved site plan with an amended site plan showing a 4m by 4m substation sited

within the landscape buffer strip that adjoins the rear boundaries of properties on Kestrel Drive, in a position 6m to the rear of the pavement. The substation would be accessed through the boundary fence to the rear of a mini bus parking space. A 1.8m high close boarded fence is proposed to the perimeter of the substation enclosure.

The landscape buffer is to contain contains a bund which is a maximum of 1m in height when measured from the ground level of properties in Kestrel Drive and about 2.6m above the ground level of the fire station. The landscaped buffer is enclosed by a 1.2m post and rail fence, which is to be retained. Only a small area of the bund and the agreed shrub mix planting will not be retained in order to accommodate the substation, as illustrated on the section plan submitted during the application process, and whilst this will have a visual impact in views from Market Drayton Road it is not to the extent that it could be resisted. The impact on the outlook from the rear of properties on Kestrel Drive will be very limited given the levels, the small scale of the substation, its position immediately behind a garage building to No.2 Kestrel Drive and the separation distances. Overall it is considered that the visual impact of the introduction of the substation would not be harmful, and to better illustrate this, an additional plan has been requested showing a section through the substation and bund which should be available at the meeting.

The bund, together with an acoustic fence, forms the acoustic mitigation to address any noise from activities within the training yard area to the rear. The proposed substation is to be sited in front of the rear yard but will, as indicated above, affect the bund and as such the Environmental Health Division has requested addition information to assess whether the proposal will affect the acoustic performance of the bund and result in an unacceptable impact on the amenity of adjoining residents. They have no other concern about the substation's impact upon resident's health and wellbeing notwithstanding the comments of the Parish Council. Noise levels from the substation have been submitted and the further comments of the Environmental Health Division are awaited and will be reported.

Background Papers

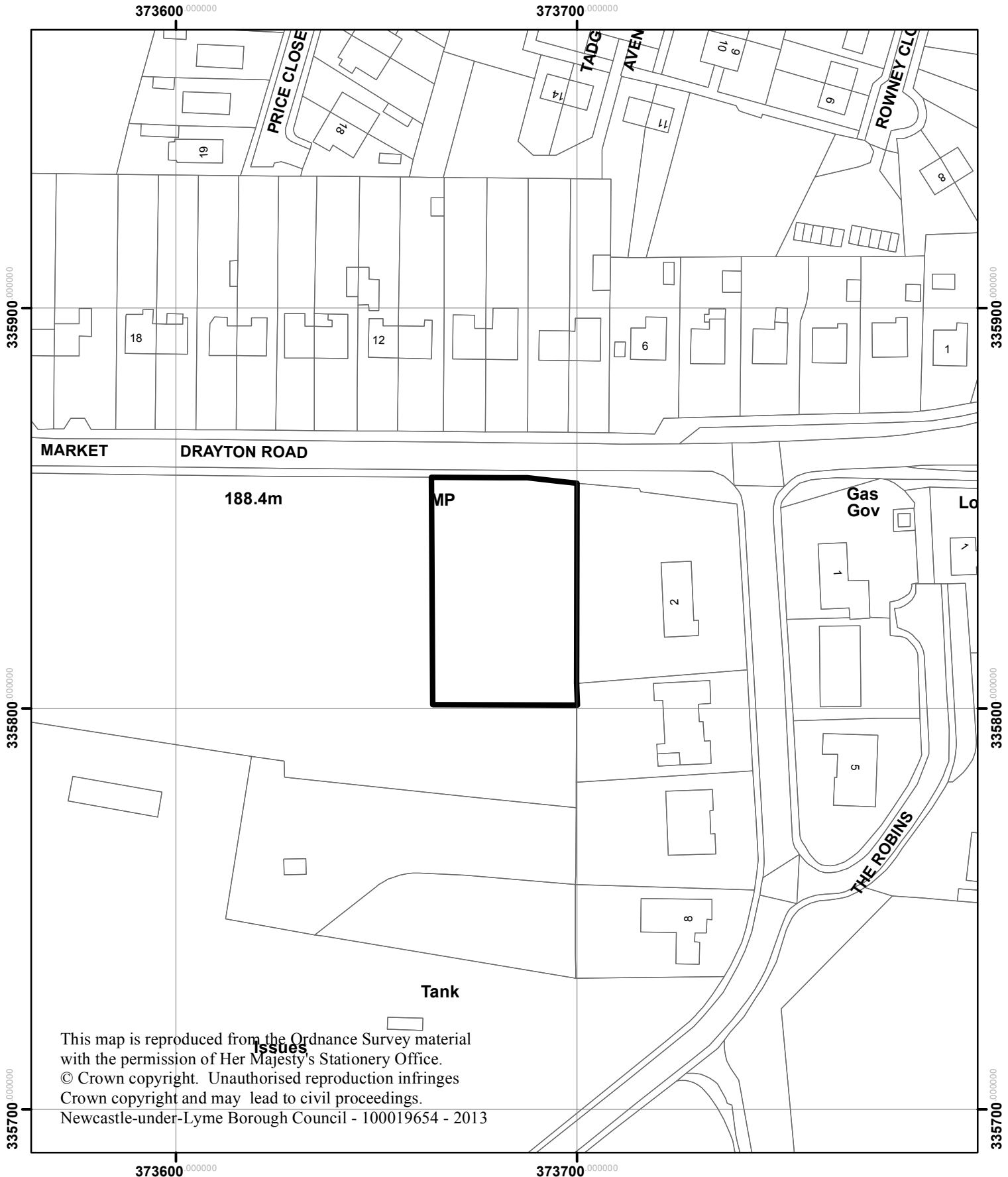
Planning file
Planning documents referred to

Date report prepared

13th October 2014

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Land adjacent to Market
Drayton Road, Loggerheads
14/00705/FUL



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1 LANSDELL AVENUE, PORTHILL
MR N FOXALL

13/00833/FUL

The application is for full planning permission for a two storey side and rear extension.

The property is a two storey, semi-detached dwelling, and is located within the urban area of Newcastle under Lyme as defined on the Local Development Framework Proposals Map.

The application has been referred to the Planning Committee at the request of two councillors in response of concerns of neighbours due to the size of the proposed extensions.

The statutory 8 week period for the determination of this application expires on 7th November 2014.

RECOMMENDATION

Refuse for the following reasons:

- 1. Failure to demonstrate that the proposed extension would not result in the loss of visually significant trees to the detriment of the character and appearance of the area and contrary to Policy N12 of the Local Plan.**
- 2. Failure to demonstrate that sufficient parking provision can be achieved within the site and that the development will not, therefore, create a local on street parking or traffic problem, contrary to Policy T16 of the Newcastle under Lyme Local Plan.**

Reasons for Recommendation

There are visually significant trees in the garden of the adjoining property that are close to the proposed extension and the applicant has failed to demonstrate that the proposed extensions would not result tree loss. The proposal is therefore contrary to Policy N12 of the Newcastle under Lyme Local Plan.

In addition the applicant has failed to demonstrate that 2 parking spaces can be provided on site and as such it appears that significantly less than the maximum standards for car parking provision can be achieved within the site and that the development could create a local on street parking or traffic problem, contrary to Policy T16 of the Newcastle under Lyme Local Plan.

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

As it has not been demonstrated that the development will not result in the loss of trees and can provide adequate parking this is considered to be an unsustainable form of development and so does not comply with the provisions of the National Planning Policy Framework.

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

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

Policy ASP5: Newcastle and Kidsgrove urban neighbourhoods area spatial policy

Policy CSP1: Design Quality

Policy CSP3: Sustainability and Climate Change

Newcastle under Lyme Local Plan 2011

Policy H18: Design of residential extensions, where subject to planning control

Policy T16: Development – general parking requirements

Policy N12: Development and the protection of trees

Other Material Considerations

Relevant National Policy Guidance:

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (2014)

Supplementary Planning Guidance

Supplementary Planning Guidance relating to the control of residential development

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

Relevant Planning History

07/00612/FUL Permitted 24.08.2007 Two storey rear extension and single storey rear extension

Views of Consultees

Landscape Division, when initially consulted, requested a tree survey and arboricultural impact assessment to British Standards and also, if appropriate and necessary, special engineering or other relevant construction details on the basis that there are trees in the garden of 11 Clare Avenue that are likely to be affected by the proposals. In response to the submitted tree survey and tree survey plan they comment that the information provided is not precise. Tree T3 has been measured and the RPA has been calculated as protruding into the site by 2.7m. The scheme drawing (13.14/011/02) dimensions the proposed building as being 0.75m from the boundary and it seems that the proposed foundations are likely to be within the RPA of the boundary trees. The crowns of the trees would also be very close to the proposed extension walls and there is likely to be issues in relation to shading. The submitted information does not address these issues.

Representations

9 separate letters of objection have been received from six different parties, with the key points summarised below:

- Overlooking and loss of privacy to properties to the rear
- Size of extension will restrict natural light entering adjacent properties
- Doubling footprint will reduce surface water absorbed by garden, thus increasing water run off
- The applicant has not consulted with the neighbours
- Out of character with existing properties in surrounding area
- Taking into account the path of the sun, the size of the extension and its position on the boundary, daylight to No. 3 would be materially affected

- The proposed extension would appear visually dominant and overbearing from within 3 Lansdell Avenue and when stood in the garden area to the rear.
- The plans are unclear
- Non compliance with Local Plan Policy H18 due to doubling of footprint meaning not a subordinate extension
- Chamfered corner to ground floor rear extension would not be visually acceptable
- There is insufficient space to park two vehicles to the frontage, and the plan does not show the bay window
- Planning application 07/01049/FUL at 15 Lansdell Avenue was refused for three reasons, one of which was insufficient parking provision resulting from the two storey side extension proposed.
- The plans have not been altered much since originally submitted
- The plans will have a bulky appearance
- The proposals will leave an inadequately sized rear garden
- The property is elevated above the properties to the rear
- Where will the owner's business vehicles be parked (light industrial truck and van) which are currently parked on the street
- Policy T16 appendix 3 of the Local Plan requires minimum size bays of 2.4 metres by 5.5 metres for all light commercial vehicles
- Loss of trees
- The tree survey does not conform to the requirements of BS5837:2012, and the scope of the survey is too limited, with trees that would be affected or could constrain or influence the development have been omitted from the survey
- No tree protection plan has been provided
- There is no evidence in the tree survey that the author is qualified to give advice on the subject of arboriculture
- Neighbouring occupier appointed an independent tree survey who identified several errors in the report, and found that the proposed development would necessitate works within the root protection area of at least 4 trees.

Applicant's/Agent's Submission

A tree survey and the requisite plans and form were submitted by the applicant.

The application details are available to view at the Guildhall or using the following link www.newcastle-staffs.gov.uk/planning/1300833FUL

Key Issues

Full planning permission is sought for a two storey side extension and a part single storey, part two storey rear extension to a two storey semi-detached dwelling located within the urban area of Newcastle under Lyme, as indicated by the Local Development Framework Proposals Map.

The extension would project 3600mm from the rear elevation at its furthest point, and the single storey element would have a chamfered edge at the point closest with the boundary with 3 Lansdell Avenue, the attached dwelling.

Part of the two storey rear extension would have a flat roof, with the remainder having a hipped and pitched roof that would be set lower than the main ridge height. The two storey side extension would have hipped and flat roof elements. The overall

ridge height of the extension would be set down from the ridge of the existing dwelling. The side extension would be set back from the existing front elevation at first floor. At ground floor it projects forward of the front elevation to create a hallway.

Materials are proposed to match those of the existing dwelling.

The key issues in the determination of the application are:

- The design of the extension
- The impact upon highway safety and car parking
- The impact upon residential amenity
- The impact upon existing trees and hedgerows

The design of the extension

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Policy H18 of the Local Plan relates specifically to the design of residential extensions and considers that the form, size and location of the extension should be subordinate in design to the original dwelling, the materials and design of each extension should fit in with those of the dwelling to be extended and the extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene or setting.

The proposed extension is large, and would wrap around the side and rear of the dwelling at mostly two storeys in height. A small single storey extension is proposed to the rear which would have a chamfered edge, which has been designed this way to avoid conflict with the 45 degree code as set out later in the report under the residential amenity section. The chamfered edge, is not a design solution which is encouraged, however it would not be visible within views from the street scene, and would not have a significant impact on the overall appearance of the dwelling.

Turning to the two storey rear extension, this would not be visible within views from the street scene, and whilst large, it would be stepped down from the main ridge height of the dwelling in order to achieve a subordinate appearance. The flat roof section of the two storey element is not ideal; however it is to the rear of the dwelling and would not be visible within views from the street scene.

The ridge height of the two storey side extension would be stepped down from the main roof height of the dwelling, and would be set back at first floor level. The side extension does include a small, flat roofed element which will be visible from the street scene. Again this is not ideal, however it would appear subordinate to the appearance of the dwelling as extended and it is considered that it would not detract materially from the character of the original dwelling or the street scene.

Overall the extension is considered to be of an appropriate design and appearance, and would accord with Policy H18 of the Local Plan and the aims and objectives of the NPPF.

The impact upon highway safety and car parking

The plans indicate that two of the upper floor rooms would be for a study and a box room. The study is considered an acceptable size for a bedroom. The box room is identified on the existing plan as a bedroom. Therefore, whilst the indication is that two of the upper floor rooms would not be used as bedrooms, these two rooms be used in the future as bedroom and as such the application should be assessed as increasing the size of the dwelling from a three bedroom to a five bedroom dwelling.

The maximum car parking standards for a five bedroom dwelling as set out in the Local Plan are 3 off road spaces. It is considered, however, that two off road car parking spaces would be a satisfactory amount of off road parking for this dwelling in this location. Whilst the submitted plans indicate that two parking spaces are to be provided on the frontage of the property based on the information currently available, it is not possible to assess whether this is in fact achievable as the plans do not show the existing front bay window which affects the amount of space available for parking.

A plan has been requested to show how cars will be parked within the site however at this point in time the applicant has failed to demonstrate that any off street parking can be provided. It is considered that on street parking arising from the proposed extension could lead to highway safety concerns and as such it is considered that, in the absence of plans that demonstrate adequate on-site parking, the proposal will conflict with Local Plan policy T16.

The impact upon residential amenity

It is important to assess how a proposed development will impact upon residential amenity in terms of loss of light or privacy.

The proposal complies with the 45 degree code with regards to loss of light, as set out in the Council's SPG when measured from the nearest principal window of the attached dwelling, 3 Lansdell Avenue. In terms of the impact of the extension on the occupiers of No. 3, the two storey part of the extension closest to the boundary would project 1800mm from the original rear wall, and it is considered that this would not have an overbearing impact on the adjoining occupiers.

Turning to the impact on 11 Clare Avenue, the extension would be approximately 12.75 metres from the windows on the rear elevation of 11 Clare Avenue. The SPG sets out an advised distance of 13.5 metres from principal windows facing onto a wall of a two storey dwelling with no principal windows. The distance achieved falls short of the advised distance by just over 1 metre, which on balance is considered acceptable when taking into consideration that there are intervening trees and the proposed extension would be to the north west of 11 Clare Avenue, therefore not likely to cause any significant shading issues to principal windows.

The distance between the proposed principal windows on the rear elevation and the dwellings to the rear on Croft Avenue would be around 38 metres, which greatly exceeds the advised separation distance in the SPG which seeks 21 metres between facing principal windows. The required distance increases by 3 metres for each additional storey, therefore taking into account the change in land levels, the 38 metre separation distance is still considered to exceed the requirements of the SPG.

In terms of the amount of garden remaining should the development be permitted, there is an outbuilding in the south east corner of the rear garden, however the size of the remaining rear garden would exceed 65 square metres, which is the minimum standard advised for dwellings with three or more bedrooms.

Overall, the proposed development is considered acceptable in terms of its impact upon residential amenity, and is considered to comply with the requirements of the SPG.

The impact upon existing trees and hedgerows

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

There are existing trees within the garden area of the neighbouring property which contribute to the visual appearance of the area and which would be very close to the proposed extension. The Landscape Division have commented that the tree survey submitted is not precise, and that in reality the extension is likely to be within the root protection areas of some of the trees within the neighbouring property.

The agent has been contacted with a request to provide a more precise tree survey, however at the time of writing this report this had not been submitted for consideration. It has therefore not been demonstrated that the extension would not result in the loss of visually significant trees contrary to Local Plan policy N12 and it is considered that gives grounds to refuse the application.

Background Papers

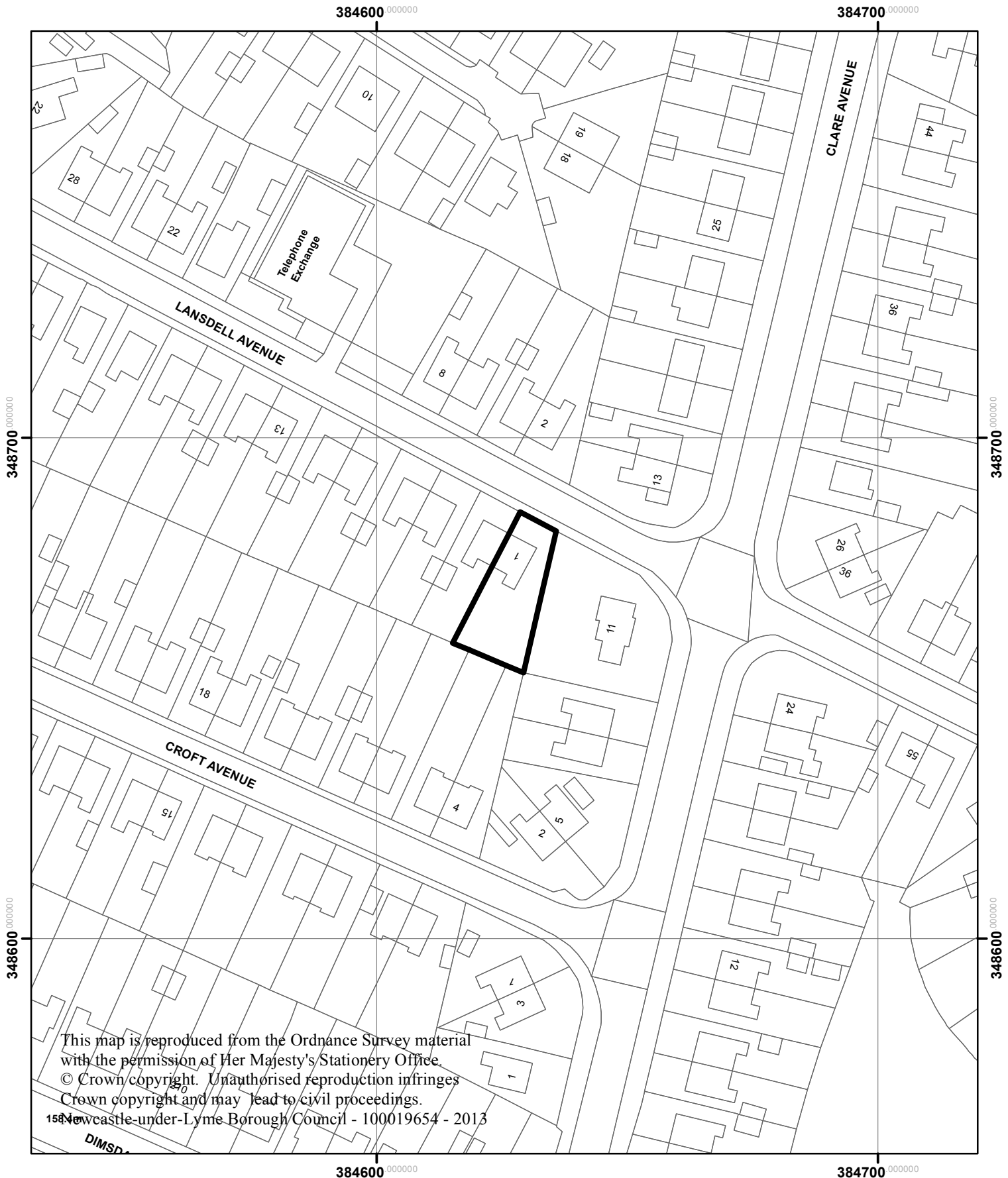
Planning File

Development Plan

National Planning Policy Framework (2012)

Date report prepared

10th October 2014



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158 Newcastle-under-Lyme Borough Council - 100019654 - 2013

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**SANDFIELD HOUSE, BAR HILL, MADELEY
MR D. A. C. BARKER**

14/00684/FUL

The Application is for the relocation of the access driveway and the change of use of the associated area to residential.

The site lies within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The application has been brought before the Planning Committee at the request of two Councillors on the grounds of road safety and inappropriate development to an already developed property.

The 8 week period for this application expires on 30th October 2014.

RECOMMENDATION

Permit subject to conditions relating to the following:-

- **Standard time limit**
- **Approved plans**
- **Removal of permitted development rights for outbuildings on area around the access.**
- **The land between the 1.2m high timber picket fence and existing post and rail timber fence is not domestic garden, for the avoidance of doubt.**
- **Landscaping scheme including details of removal and reinstatement of hedgerows**
- **Details of boundary treatments**
- **Provision of visibility splays prior to the commencement of the construction of the access.**
- **Provision of access, driveway, parking and turning areas in accordance with approved drawings**
- **Closure of existing site access**
- **Details of surfacing materials for driveway**

Reason for Recommendation

The new access provides highway safety betterment through the replacement of a substandard access. Although the proposal would involve an encroachment into the open countryside this has to a large extent been limited to that necessary to achieve the new access. The highway safety benefits outweigh the impact upon the landscape which can be limited by the reinstatement of hedgerows. Overall it is not considered that an objection could be sustained.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

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

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy N21: Area of Landscape Restoration
Policy T16: Development – General Parking Requirements

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Relevant Planning History

09/00714/FUL	Two storey rear extension and ground floor side extension	Approved
10/00571/FUL	Replacement two storey four bedroom dwelling	Approved
12/00058/FUL	Erection of detached double garage	Approved
14/00761/FUL	Relocation of access driveway and associated change of use of the area to residential	Withdrawn

Views of Consultees

Madeley Parish Council objects on the following grounds:

- Loss of open and viable agricultural land
- Unnecessary development as the existing entrance could be altered to achieve increased safety for vehicles.
- Action in being taken at the moment by agencies including Staffordshire Police and a Community Speedwatch to address speeding vehicles on Bar Hill which should reduce the hazards around the current access.
- There was a similar application by a neighbour in 2013 that was dismissed on appeal by the Inspector who referred to the unsustainable location and the harm to the character of the open countryside.
- The development is unnecessary and inappropriate.

The **Highway Authority** has no objections to the proposed development subject to conditions regarding visibility splays, provision of the access, driveway, parking and turning areas in accordance with the approved plans, the existing site access to be permanently closed and the access crossing reinstated as hedgerow, and the submission of details of the surfacing materials and surface water drainage for the driveway.

The **Landscape Development Section** states that should a visibility splay be necessary, then more hedgerow than is presently shown will need to be removed. The application may affect sections of hedgerow which do not border a domestic curtilage and that come under the terms of the Hedgerow Regulations. An assessment of the hedgerow in terms of the criteria identified in the Hedgerow Regulations is required along with information to demonstrate the length of hedgerow removal along with proposals for mitigation/replanting. If the affected section of hedgerow is entirely within or on a domestic boundary, no objections would be raised subject to an appropriate landscaping condition to secure full landscaping details for removal and reinstatement of hedgerows and other boundary treatment. The extension of the low wall in such close proximity to the hedgerow would not be supported as it would cause considerable damage to roots.

Representations

Letters of objection have been received from 14 residents and from Madeley Conservation Group. A summary of the comments made is as follows:-

- The site notice states that the proposed development does not accord with the provisions of the development plan in force in the area. If the LPA decides against the development plan then questions will be asked.

- There is no satisfactory explanation as to why the existing access cannot be improved.
- The proposed new access will be opposite properties that have cars parked outside on the road as they have no off-road parking. This would be more dangerous than the existing situation.
- An application on adjacent land was dismissed at appeal on the grounds that the destruction of at least 5m of hedgerow would be significant and the engineering works and visibility splays would harm the character and appearance of the surrounding area and the same applies here.
- Changing the use of the land would reduce the open agricultural land.
- The primary objective of this application seems to be to incorporate adjacent agricultural land into the domestic curtilage.
- Noise of development will be potentially disturbing to the quiet area.
- It appears that it would not be feasible to achieve and guarantee maintenance of the visibility splays as more than half is not in the ownership of the applicants.
- Should a change of use be granted, the LPA would have no control over the placement of domestic paraphernalia.
- There is inconsistency between the comments of the Highway Authority in relation to this current proposal and the previous withdrawn application. The questions that they posed remain the same.

Four letters of support have been received. It is stated that the A525 is a dangerous road and the driveway to Sandfield House is very unsafe. This application would move it to where there is much better visibility and it would be a much safer option for everyone. It would only require small alterations to the land and hedging. Also, having a more obvious entrance on that side of the road would make motorists slow down which would certainly be welcomed. It is not considered that the proposal would have any great impact on the countryside.

Applicant's/Agent's submission

A Design and Access Statement has been submitted which concludes that the existing visibility splay to the existing access is considerably below the required standards. It is therefore considered that the driveway access is a material consideration on the grounds of safety and to comply with Staffordshire County Council's Residential Design Guide.

A Transport Statement has been submitted and a summary is as follows:

- The ground level either side of the existing access from Sandfield House is considerably higher than the level of the road, obstructing visibility.
- Visibility is also limited by the hedging which is close to the kerb line as there is no footpath on this side of the road.
- The existing visibility splay is considerably below the required standards and for vehicles travelling in a westbound direction, the visibility splay is effectively zero.
- The required works to enable the existing access driveway to be upgraded would require the removal and cutting back of the hedge and the surrounding ground level would have to be lowered for a considerable distance.
- This would require considerable works to be undertaken on land which does not belong to the applicant.
- Therefore on the grounds of safety and to comply with Staffordshire County Council's Residential Design Guide a new access driveway is to be provided to the eastern part of the site to enable the construction and maintenance of the required visibility splays.
- The line of the visibility splay should be kept free of all obstructions in the vertical plane measured from the driver's eye-height of no less than 1.05m above the road surface to a point no less than 0.6m above the road surface in accordance with Staffordshire County Council's Residential Design Guide and the Manual for Streets document.

A letter has been received clarifying points raised in letters of representation. The following points are made:-

- The applicant is applying for the change of use of land for the construction of an improved relocated driveway, to provide a permanent safe access solution to exclusively serve a single existing family home on land within the client's ownership. At no point has the applicant attempted to, or even expressed a desire to, build additional dwellings on their land.
- The works will include the making good, infilling and improvement of the existing hedgerow and associated landscaping with respect to the surrounding area and open countryside.
- A large proportion of the representations state that "The proposed development does not accord with the provisions of the development plan in force in the area in which the application relates" and object on these grounds. This is a statement of fact but the safety of local residents in terms of improving access, should overcome policy.
- The applicant has openly and willingly worked with the Local Authority to achieve a solution which is deemed appropriate and in accordance with the local character. No buildings or outbuildings will be placed within the change of use land and whilst some elements of the hedgerow will be removed, the client is proposing to infill, replant and improve the existing hedgerow.
- Previous applications for a new dwelling and access made by a neighbour and referred to in some responses are not related to this application.
- A number of responses question what can be done to improve the existing access. Expert opinion in the transport assessment and design and access statement clearly defines and documents expert opinion. For the past ten years the applicant has attempted to live with the existing access and has explored ways to improve it, including a convex mirror and additional road signage, all of which proved not to be acceptable or a long term solution. Further, it would not be logical to look to remove a large section of working agricultural land not in the applicant's ownership, when the proposed solution is on unused land within the client's ownership.
- The applicant has already stated that he would not challenge any reasonable planning conditions being applied to any permission.

Key Issues

Permission is sought for the relocation of the access driveway that serves the property and the change of use of the associated area to residential curtilage.

The site is within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map. It is considered that the key issue to be addressed in consideration of this application is whether the proposed encroachment into the open countryside is acceptable, having regard to matters of highway safety and visual impact.

The proposal would involve the extension of the domestic curtilage of the property out into the open countryside by approximately 18m. A new driveway is proposed to the east of the dwelling which would run parallel to the side elevation of the house and would curve to the rear to provide access to a proposed garage, granted planning permission in 2012 (12/00058/FUL). A turning head is proposed to the front of the house.

Both the development plan and the NPPF aim to protect the open countryside from encroachment. The NPPF also states that decisions should take account of whether safe and suitable access to the site can be achieved for all people.

The Design & Access Statement that accompanies the application states that the existing visibility splay is considerably below the required standards. It argues that the new access will improve visibility and that highway safety is a material consideration.

The current access is to the west of the dwelling. The existing visibility is significantly below the required standards due to the fact that the ground level either side of the existing access is considerably higher than the level of the road and there is a hedgerow close to the kerbline. A Transport Statement submitted with the application has stated that improvements to the existing access would require the surrounding ground levels to be lowered for a considerable distance which would require works to be undertaken on land which does not belong to the applicant. In addition, the works would require the removal of the boundary hedge. Your Officer agrees that improvements to the existing access appear difficult to achieve.

The new access to the east of the site would enable the provision of the required visibility splays. The Highway Authority has no objections to the proposal subject to conditions and has advised informally that although there have been no recorded accidents in the vicinity, visibility from the existing access is substandard and therefore the proposal would result in betterment in terms of highway safety.

The site lies within an Area of Landscape Restoration and NLP policy N21 states that within such areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape. To achieve the required visibility splay, some of the existing hedgerow along the boundary with the highway will have to be relocated. The Landscape Development Section has advised that for those sections of the hedgerow that do not border a domestic curtilage, an assessment is required in terms of the criteria identified in the Hedgerow Regulations, along with information to demonstrate the length of hedgerow removal along with proposals for mitigation/replanting. No assessment of the hedgerow has been submitted and the applicant's agent has referred to an application relating to a barn at the rear of Sandfield House (Ref. 12/00694/FUL) in which it was proposed to remove a length of hedgerow and the Landscape Development Section did not ask for any similar assessment. Given this and given that an improvement in highway safety would be achieved, subject to conditions requiring full details of the removal and reinstatement of hedgerows, it is not considered that an objection could be sustained on such grounds.

Many of the representations that have been received refer to an application on adjacent land that was dismissed at appeal (Ref. 12/00694/FUL). In considering that appeal the Inspector concluded that the creation of a new access would introduce an engineered feature into the landscape and result in the loss of at least 5m of a mature and visually attractive hedgerow and would materially harm the character and appearance of the surrounding area. It should be noted that the application which was subject to the appeal differs from the current proposal however, in that it was for a new dwelling whereas this is an application for a new, safer access in association with an existing dwelling. It cannot be assumed, therefore, that the Inspector would have reached the same conclusion if presented with a case that the access was required to improve highway safety.

Representations have also been raised on the grounds of a perceived inconsistency between the comments of the Highway Authority in relation to this current proposal and the previous withdrawn application. The Highway Authority objected to the application that was withdrawn on the grounds of insufficient information. Additional information was requested including details of visibility splays and clarification as to why the existing access cannot be improved. This information has now been submitted in a Transport Statement that accompanies the application and on the basis of that information; the Highway Authority has no objection.

As indicated above the formation of the new access involves an encroachment into the open countryside and an enlargement of the existing residential curtilage of the property. In response to concerns expressed prior to the submission of the application the extension of the domestic curtilage has been limited to that necessary to provide the new access other than a small amount of additional land in the south west corner to achieve a straight boundary fence line. An additional strip of land beyond to the east of the access, which is in the applicant's ownership, has been excluded from the extended residential curtilage to minimise the amount of encroachment arising. For the avoidance of doubt it is considered that a condition should be imposed which states that this area of land does not form part of the domestic curtilage.

In conclusion, it is considered that although the proposal would involve an encroachment into the open countryside, given the highway safety benefits and the lack of any significant adverse impact upon the landscape, it is not considered that an objection could be sustained.

Background Papers

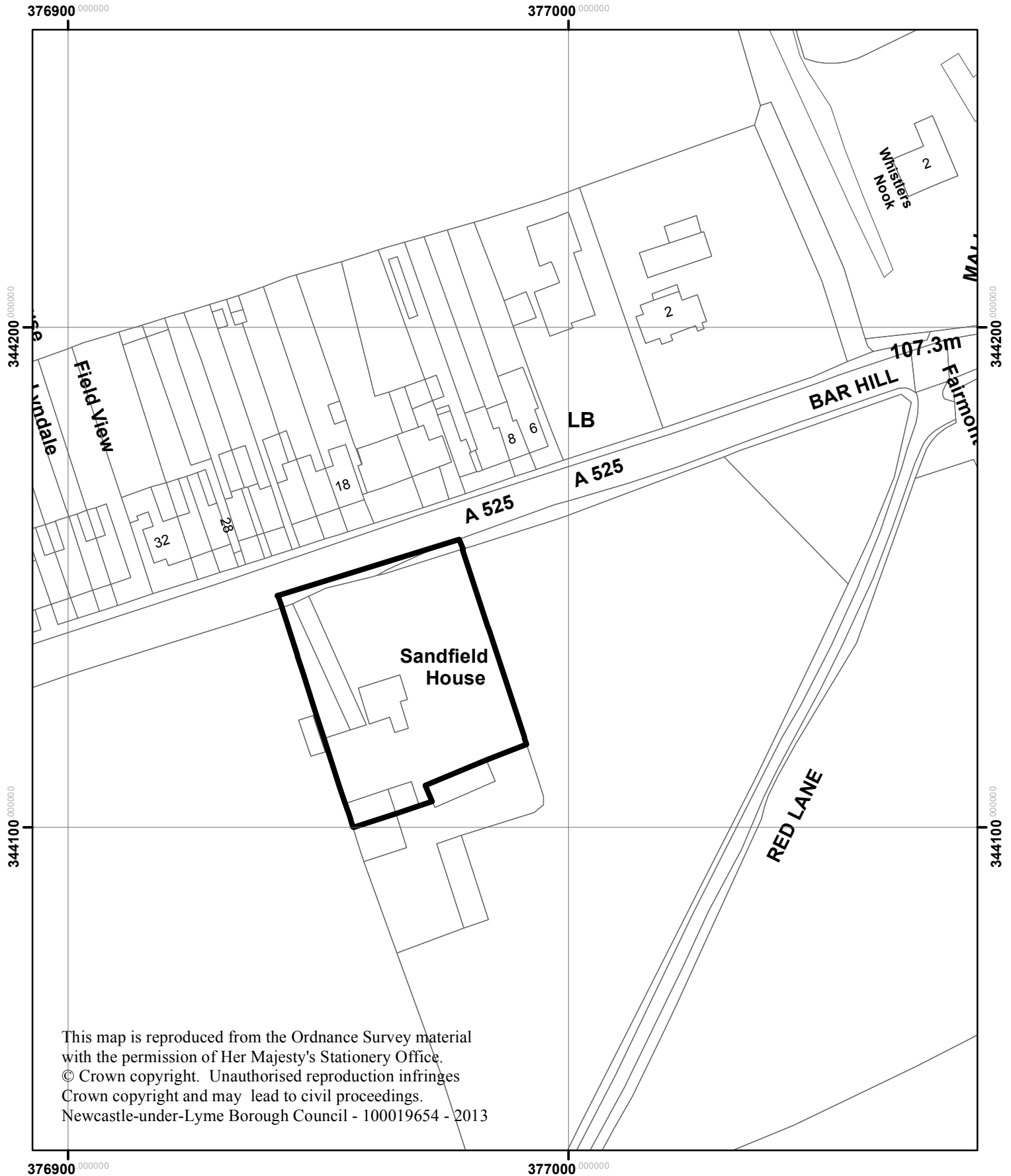
Planning files referred to
Planning Documents referred to

Date report prepared

13 October 2014

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Sandfield House, Bar Hill □
14/00684/FUL



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REPORT TO PLANNING COMMITTEE
28th October 2014

PLANNING PEER REVIEW

Purpose of the Report

To provide the Planning Committee with an opportunity to comment on a proposed Action Plan that is to be considered by Cabinet to address the recommendations of the Planning Peer Review Team

Recommendation

That the Planning Committee recommends to Cabinet that it agree the proposed Action Plan

1. **Background**

1.1 The Council commissioned the national Planning Advisory Service to review its Planning Service with the aim of addressing perceived concerns about facets of the service to ensure that this important service is both effective and efficient.

1.2 The review process was undertaken in accordance with a nationally-agreed approach. This involved an assessment around a number of key themes.

1.3 The review team spent three days on site during which they interviewed a wide range of Members, officers and other stakeholders.

1.4 The Council in mid-August received a final report/letter from the Peer Review Team (PRT), a copy of which has since been circulated to all Members. For ease of reference the recommendations have been extracted and shown at Appendix 1, whilst the report/letter is provided as Appendix 2.

1.5 At its meeting on the 15th October Cabinet received a report inviting it to agree how to manage and respond to the report. Members were advised that it had been agreed with the portfolio holder that an Action Plan should be prepared, and that, in order to optimise the robustness of the Action Plan, all stakeholders (including all members of the Council) had been sent a copy of the letter and encouraged to comment upon the recommendations in a manner that will inform the action Plan. Additionally Cabinet was advised that arrangements had been made to engage Members of the Planning Committee, along with officers, in the drafting of the Action Plan.

1.6 Cabinet resolved

a) That Members note the contents of the PRT's report and the recommendations therein.

b) That Members agree with the proposal to prepare an Action Plan to address the said report's recommendations.

c) That the Action Plan, referred to above, be reported to Cabinet for approval at the earliest opportunity.

d) That officers write to the PRT thanking them for their report and confirming the Council's intended approach.

2. **Issues**

2.1 **Introduction** - Peer challenges are managed and delivered by the sector for the sector. They are improvement oriented and are tailored to meet individual councils' needs. Indeed they are designed to complement and add value to a council's own performance and improvement focus. They help planning services review what they are trying to achieve; how they are going about it; what they are achieving; and what they need to improve.

The five comprehensive themes of focus for a Planning Peer Challenge are:

- clarity and locally distinctive vision and leadership for the planning service;
- community leadership and engaging with the community;
- management arrangements and service delivery;
- partnership working both internally and externally; and
- achieving outcomes.

2.2 The Council asked the PRT to specifically examine and report on the following areas:

- joint local plan timetable;
- advice/ approach of officers in relation to interpretation of National Planning Policy Framework (NPPF) and in particular the consequences of being unable to demonstrate a 5 year housing land supply;
- quality of effective joint working between officers and councillors;
- resources and demands;
- statement of community involvement;
- public perception; and
- enforcement.

2.3 **The recommendations** – The PRT summarised their recommendations and these are provided in Appendix 1.

2.4 This report discusses each of the recommendations in terms of what Actions might be appropriate, and what other actions have been considered but are not recommended. The proposed Action Plan is provided as Appendix 3. Written comments and suggestions received to date from external stakeholders on what should be in the Action Plan are provided as Appendix 4.

2.5 **Recommendation One (the political narrative).** The PRT refer to the benefit that the Council would derive from a stronger political narrative around the benefits of growth for existing and future generations, and that the leader of all political parties have a clear responsibility to work together in the best long term interests of all the existing and future residents in the borough - both at a district and ward level and the narrative, they say, can be built around the benefits that economic and housing growth can deliver for places and people. The proposed actions with respect to this recommendation are that the Council prepare a revised Council Plan that reflects the relationship between key strategies and setting out broad strategic policy objectives, and greater use is made of the Council's media and communication resources.

2.6 **Recommendation Two (a coherent strategy for investment and growth which recognises the key role that planning performs, and examines opportunities for the release or reuse of land assets to stimulate growth and economic development).** That planning has a key role in such a strategy is reflected in the importance given to the preparation of the Local Plan. Decisions about future resourcing of the planning service will need to reflect this. The proposed action with respect to this recommendation is that officers

strengthen the narrative and strategic context in the next Asset Management Strategy and Capital Strategy.

2.7 Recommendation Three (the development of an interim planning policy statement). The PRT in making this recommendation did so to provide greater certainty to the development industry and to local people. They made it clear that they saw such an action as being undertaken in parallel with the preparation of the Local Plan and that it would not be able to be undertaken immediately (although they do suggest that it would be achievable in 2015). They did however expressly acknowledge the limitations of an interim position statement approach. The proposed actions with respect to this recommendation reflect your officers' view that any decision on whether to go down this route needs to identify both the benefits but also the costs of such a proposal – including any implications for the existing Local Plan timetable and doubts as to the weight that such a Statement could have in development management decisions, for so long as the Council is unable to demonstrate a 5 year supply of deliverable housing sites. Despite these doubts the option (of an interim policy statement) needs to be thoroughly investigated, so the option of rejecting at this stage such an idea is not being pursued.

2.8 Recommendation Four (resource allocations). The PRT's message is both about the need to maintain a strong planning service, including ensuring that it has the capacity to deliver the above interim planning policy statement, and also about detailed issues of financial monitoring and awareness within development management. In response a range of proposed actions are indicated. Particularly important ones include resolving the position of the fourth post in Planning Policy, creating a surge of enforcement activity to bring more under control the enforcement workload, and exploration of a range of initiatives as set out in the Action Plan.

2.9 Recommendation Five (links between financial planning and planning). The PRT remind the authority of the importance of increasing locally derived income given continuing cuts in local government funding. New Homes Bonus is one such source of income. The PRT also suggests that the Council as a large land and property owner maximises this position to its advantage. Insofar as the Planning Service is concerned the proposed actions are in part about the flows of information and understanding between the two activities – financial planning and planning – but also more than that. They include that more explicit reference is made in reports on applications to local finance considerations – a legitimate consideration in the determination of applications, and that officers and members are properly informed and advised respectively about such local finance considerations.

2.10 Recommendation Six (member arrangements) The recommendation that the Council establish an informal pre planning briefing for members of the Planning Committee has been extensively debated at the officer and member workshops. Concerns have been raised both as to the probity of such a proposal and the lack of transparency on the one hand and a concern about meeting overload on the other. It appears to be generally agreed that without lengthening the committee cycle there would be considerable practical difficulties with such a proposal, and even if that occurred there is concern about the additional workload such an arrangement would impose upon the Planning Service. An alternative suggestion that the Council review the arrangements for its Strategic Planning Consultative Group, including widening its membership to at least include all members of the Planning Committee, and that applications for significant major development come before such a Group at such an early stage as to minimise any risk of any impression of predetermination being given. This alternative forms the basis of the proposed actions with respect to this recommendation.

2.11 Recommendation Seven (training) There has been, in the workshops, a universal acceptance of the need to improve the training provision for members of the Planning

Committee beyond that currently provided, and to continue to make attendance at such training (or rather a high proportion of it) mandatory. A range of ideas that have been generated in the workshop sessions form the proposals with respect to this recommendation.

2.12 Recommendation Eight (Section 106s and major applications). Frontloading of the system is already a recognised objective and the Council has in place a list of local information requirements which enables it to make invalid an application that does not comply with these local requirements if it wishes to. There is considered to be limited scope, having regard to the importance of not making disproportionate requests for information, to front load applications even more. Identifying applications which would require viability assessments and invalidating them until they have been received would not, it is considered, be an appropriate way forward. The proposed actions are a range of measures designed to improve internal procedures and those involving consultees and Legal Services.

2.13 Recommendation Nine (Scheme of Delegation). Differing opinions have been expressed in the workshops about any changes to the Scheme of delegation but a commitment to re-examine it should it is considered form the key proposed action with respect to this recommendation. That review will involve the Planning Committee.

2.14 Recommendation Ten (Community Infrastructure Levy). That it would be appropriate to review the decision made by Cabinet to cease work on the Community Infrastructure Levy, and to work towards adoption of a levy after the adoption of the Joint Local Plan, is generally agreed, as is the need for any reconsideration of the issue to be informed by legal advice. The proposals in the Action Plan with respect to this recommendation reflect this.

2.15 Recommendation Eleven (a systematic reviews of the service's methods of Communication). A number of specific proposals are put forward with respect to this recommendation.

3. **List of Appendices**

3.1 The following Appendices are attached to this report

- Appendix 1 - Appendix 1 of the Planning Peer Review Team's report showing their recommendations
- Appendix 2 – Planning Peer Review Team's Report 13th August
- Appendix 3 – Proposed Action Plan
- Appendix 4 - Written comments and suggestions received to date from external stakeholders - from Keele University; Keele Parish Council (2nd October and 15th October); and Mrs Withington Clerk to Keele Parish Council (2nd October).

4. **Background Papers**

4.1 Planning Peer Review report dated 13th August 2014

Date report prepared: 17th October 2014

Principal Author: Guy Benson extension 4440

Appendix 1 to 281014 Planning Committee Report - Summary of Recommendations of the Planning Peer Review Team

1. Set a clear political narrative for the long term future of the borough stressing the need and importance of homes, jobs, infrastructure and locally generated income/grant. Develop a 'golden thread' linking this to key corporate policy documents including the local plan.
2. Develop a coherent strategy for investment and growth which recognises the key role that planning performs. Examine opportunities for the release or reuse of land assets with partners to stimulate growth and economic development.
3. Develop an interim planning policy statement as part of local plan preparation process.
4. Re-examine resource allocations, especially in planning policy and enforcement to ensure that these match priorities and needs. Switch or increase resources to match priorities including pump priming, partnering and planning performance agreements (PPAs).
5. Develop systematic links between financial planning and local plan development / monitoring to help focus on costs and income in relation to non-national domestic rate, council tax and new homes bonus.
6. Establish an informal pre planning briefing for members of the planning committee including a review of strategic planning group.
7. Set up effective mandatory councillor training programme that is bespoke to meeting local needs. Develop wider training programme for councillors and officers to be delivered jointly where ever possible focusing on improving understanding of respective roles and the need for effective engagement.
8. Review the guidance and protocols in relation to section 106 to seek to front load the system and reach decisions more quickly on major applications.
9. Re – examine the scheme of delegation to allow the planning committee to focus on major applications.
10. Review the decision to suspend work on community infrastructure levy.
11. Undertake systematic review of the effectiveness of the service's methods of communication and access focussing on councillors, parish councils and service users.

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Neale Clifton
Executive Director
Newcastle-under-Lyme Borough Council
Civic Offices
Merrial Street
Newcastle-under-Lyme
Staffordshire
ST5 2AG

Aug 13 2014

Dear Neale,

Newcastle-under-Lyme Borough Council – Improvement Planning Peer Challenge

On behalf of the peer team, thank you for inviting us to Newcastle-under-Lyme Borough Council to deliver the recent planning improvement peer challenge as part of the LGA/PAS offer to support sector led improvement.

As you know peer challenges are managed and delivered by the sector for the sector. They are improvement oriented and are tailored to meet individual councils' needs. Indeed they are designed to complement and add value to a council's own performance and improvement focus. They help planning services review what they are trying to achieve; how they are going about it; what they are achieving; and what they need to improve.

The five comprehensive themes of focus for a Planning Peer Challenge are:

- clarity and locally distinctive vision and leadership for the planning service;
- community leadership and engaging with the community;
- management arrangements and service delivery;
- partnership working both internally and externally; and
- achieving outcomes.

You asked the peer challenge team to specifically examine and report on the following areas:

- joint local plan timetable;

- advice/ approach of officers in relation to interpretation of National Planning Policy Framework (NPPF) and in particular the consequences of being unable to demonstrate a 5 year housing land supply:
- quality of effective joint working between officers and councillors;
- resources and demands;
- statement of community involvement;
- public perception; and
- enforcement.

This letter provides a summary of the feedback that was presented to you by the team at the end of their recent onsite visit. You asked us to focus on solutions and recommendations and our feedback to you both throughout the on-site phase of our work and in this report is based on **improvement themes**. We hope the feedback provided will help stimulate further debate and thinking about the future and how your plans might develop and evolve further.

Summary of feedback: overall messages

The Council continues to support the delivery of some high quality development through strong joint working with the public and private sector. Notable examples include town centre redevelopment such as the Jubilee 2 health and well-being centre and the mixed use redevelopment of the former Silverdale Colliery providing housing, employment and recreational land. The service has a good focus on supporting applications for major schemes through a development team approach involving specialist officers including economic development, housing, environmental health and highways. Speed of decision making is above the historically-set government targets.

However while the planning service does support growth and investment in the borough, the Council now more fully appreciates that it needs to bring the service 'front and centre' to deliver its corporate priority of 'delivering opportunity'. The borough needs more homes and more jobs to meet local demand. Critically, development is required to fund infrastructure needs such as roads, drainage and services. And without new development, locally generated income in the form of council tax, business rates or new homes bonus will not replace diminishing government grant.

Changes in a range of key national and local circumstances over the last two to three years have set a challenging context in the borough for delivering the planning function; these include the introduction of the NPPF; the changing local political landscape and the 5-year housing land supply issue. Recent decisions by the Council's planning committee to overturn officer recommendations on some large scale housing applications have brought to a head, issues concerning trust and confidence. This has impacted upon the ability of officers and councillors to work together, albeit respecting the key differences in their roles and responsibilities. An absolutely key improvement requirement is for councillors and officers to communicate and engage more effectively with each other. This is in both planning policy and development management.

We agree with both senior political leaders and senior managers that the status quo is not an option. The need for a clearer vision of what the Council can achieve through more effective use of its planning policy is obvious. We suggest that a new corporate 'narrative' is agreed that provides a 'golden thread' that will give more meaning to the objective of

creating a 'borough of opportunity' through various plans and strategies that complement the local plan. The imperative of needing a strong planning service to support development and increase locally derived income cannot be underestimated given continuing cuts to local government funding. The Council also needs to build on its key competitive locational advantages and on the use of its land assets.

We know that the Council is progressing its joint local plan with Stoke as quickly as it considers it is able to do. We make a fundamental recommendation about delivering an interim planning policy statement as soon as is practically possible in 2015. To achieve this and work at the fastest possible pace we recommend the Council revisits its resources and capacity to make sure these reflect its priorities.

We suggest changes to the way members of the planning committee can engage as early as possible with applicants involving major applications. We see improved training and development of councillors and officers as a key need. To create some headroom for this and time for better engagement we suggest some things that the service should do less or do differently.

Summary of feedback: investment, growth and the role of planning policy.

The borough benefits from key locational advantages in relation to proximity to strategic road, rail and bus services which have made it particularly attractive to logistics companies. The M6 runs through the borough as does the west coast main line, with the possibility of the proposed HS2 line running through the same corridor (or, alternatively, through Stoke). Keele University is located in the borough including a Science and Business Park where there is evidence of strong links with the NHS and a growing medical technologies cluster. People want to develop and invest in the area and demand is generally good, especially for housing. In addition there are many good examples of recent housing, commercial and recreational development in the borough. However, we did not receive a clear and consistent sense of the importance of jobs and homes to the area and noticed the absence of a strong 'golden thread' linking political ambition to plans, strategies and resources. We also consider that the Council is too 'reactive' when it comes to major and difficult planning decisions and our recommendations, later in the letter, seek to support change in effective and more consistent decision making.

The Council's political and managerial leadership recognise that it needs to capitalise on the advantages of the borough and build a stronger case for continued investment and growth. Some councillors recognised that they had not sufficiently prioritised the importance of growth to support the Council's corporate objective of a 'borough of opportunity' in relation to new homes and jobs. There is general acceptance that clear opportunities exist to put growth and regeneration at the centre of the Council's strategies and spending plans through a new investment and growth strategy. The Council will need to continue to influence and work with the local economic partnership given the importance of strategic economic plans and local growth funding to prioritise available regional funding to the borough.

Central to successful economic development, regeneration and new market and social housing is the role of the planning service and especially planning policy. Indeed the development of the local plan must form a central supporting strategy alongside other key strategies and plans such as the corporate plan, the medium term financial plan, capital

plan and asset management plan. We fully appreciate that councils themselves cannot create economic growth on their own, but they have a pivotal influence in creating the environment for it to flourish by being 'open for business'.

We therefore recommend that the Council develops a coherent strategy for investment and growth which recognises the key role that the planning service performs in relation to guiding development to the right locations. We also consider that the Council would benefit from developing a stronger political narrative around the benefits of growth for existing and future generations. The leaders of all political parties have a clear responsibility to work together in the best long term interests of all the existing and future residents in the borough. This should be at both a district and ward level and can be built round the benefits that economic and housing growth can deliver for people and places (shops, schools and community organisations). It can also include active use of the Council's media and communications resources showcasing the good work that is happening.

The Council is a large land and property owner. We suggest that it maximises this position to its advantage. The promotion of appropriate development will support increasing local funding via council tax, new homes bonus and business rates and potentially help to reduce the deficit on the Council's five year land supply. With the decline of central government grant through the austerity measures, such locally raised funding is vital to sustaining services and improving infrastructure. Additionally the generation of capital receipts from land disposals will provide capital funding to contribute towards the provision of core services and meeting the demands of the Council's capital programme.

Summary of feedback: local plan timetable, interim guidance and Community Infrastructure Levy (CIL)

Local Plan timetable

The Council is keenly aware of the fact that it is currently without a strong development plan policy basis for deciding major planning applications, especially housing where there appears to be some evidence of growing demand and where the Council cannot demonstrate a five year housing land supply. Its 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 some 4 years off. This makes it more difficult for the Council to direct housing to suitable sites and to resist applications for housing in inappropriate locations. Piecemeal and uncoordinated development on smaller sites also reduces the benefits that communities could expect to find in relation to planning gain such as necessary infrastructure and services

We recognise that the Council has identified the local plan as a key project and internal management meetings led by the responsible executive director seek to monitor progress. Agreement in principle exists for a councillor led joint advisory group with Stoke but this is yet to meet.

The Council's four year timetable appears realistic from its current position, building in evidence base surveys on themes such as housing land, employment need and infrastructure and public consultation. Commissioning of some of the major studies such

as the strategic market housing assessment is underway. It will be important for the Council to constantly review progress against milestones and to pause and reflect on the direction of travel of the plan, in particular whether the Council's aspirations remain aligned with Stoke-on-Trent's.

Interim local plan policy statement.

In an attempt to provide greater certainty to the development industry and to local people during the local plan preparation we recommend that the Council develops an interim local plan policy statement. Our recommendation would be to develop such a statement in parallel with the consideration of the key elements of the local plan evidence base, particularly the strategic housing market assessment, strategic housing land availability assessment and employment land review. The more specific the Council is able to be on the locations of growth and restraint, the greater the prospect that the Council will be able to address and maintain a five year housing land supply and thereby guide and control development while the full plan is being developed. Establishing a firm position on the need for and broad scale of any green belt review will also be a key milestone.

During all stages of plan development, councillor involvement will be essential. We suggest that councillor engagement with officers/consultants best takes place in a workshop environment with joint working and joint goals. The use of joint councillor/officer task and finish groups is also a helpful model to build ownership and to appreciate the challenges that the respective roles of officers and councillors have to deal with. The Council will need to determine what form any public consultation on the statement should take. Interim guidance offers clearer potential to make consistent decision making processes and to provide longer term land allocations to support new jobs and houses. Stronger spatial guidance based on objectively assessed needs would also encourage councillors to look beyond the short term local ward issues and inspire vision among their communities for long term quality of life improvements in terms of income, opportunities and homes.

We recognise some of the limitations of an interim position statement approach but consider that it is better to seek to guide development than to be driven by a laissez-faire developer/market led approach. Taking advice from the Planning Inspectorate would be beneficial in developing such an approach.

Community Infrastructure Levy (CIL)

The Council has decided to suspend work on CIL mainly as a result of the decision not to proceed with the site allocations and policies local plan although it should be noted that there are impending changes to the rules on pooled section 106 contributions that would be pertinent. CIL provides the opportunity for substantial funds from development to provide improved local infrastructure to mitigate development. We recommend that the Council re-examine this decision by firstly investigating whether the benefits of introducing CIL are sufficiently high and, if so, to formally review the decision not to proceed. The Council is likely to want to take its own legal advice if it considers that there are clear benefits to proceeding.

Summary of Feedback - Planning Committee Arrangements

The planning committee displays a number of strengths and we consider that the Council should build on these to improve councillor engagement and decision making further. The planning committee decides all major applications for development in the borough and normally meets every three weeks. Some planning policy items are brought to the committee for its views that are then passed on to the council's cabinet or council meeting for decision. The operation of the planning committee is governed by a clear code of conduct and relevant protocols. The fifteen councillors sitting on the committee are supported in their decision making by appropriate planning, legal and democratic services advice.

Public engagement in decision making is high with large numbers often attending the planning committee to hear the debate and applicants and objectors taking advantage of public speaking opportunities. We attended the planning committee during the challenge. The venue has its limitations such as those in the public gallery not being able to see those who have registered to speak. Also given the distance away from the screens and size of the projected image, it is difficult to clearly see the quality of images presented via the overhead projector. The planning committee's decisions appear largely sound. Judged in relation to the number of appeals allowed by the Planning Inspectorate, the track record of the Council is very good at fewer than 3 per cent in 2013/4. The number of site visits undertaken by the committee have been historically low although they are rising in 2014/5. Delegation rates have declined slightly and for 2013-14 the Council achieved a rate of 87.6 per cent.

Despite these achievements the vast majority of people we spoke expressed concern about the operation of the planning committee in relation to a number of areas. This concern among councillors, across the political spectrum, was focused on the lack of an up to date local plan, lack of a five year housing land supply and the clarity and appropriateness of officer advice. Councillors and the public were also concerned as to whether officers were achieving the appropriate balance in their recommendations given their interpretation of the government's localism agenda. We were told that these tensions had, at least on a couple of occasions, spilled over into intemperate language, a lack of respect and political point scoring at planning committee. Additionally we gathered evidence indicating that there had been a recent deterioration in the culture and behaviour of councillors leading to a lack of effective joint working between officers and councillors. We were advised that growing tensions contributed to the recent overturns of officer recommendations on large housing applications.

We fully recognise the absolute right of councillors to reject officer advice but this also has to be balanced with their clear responsibility to make consistently sound and defensible planning decisions. In situations where councillors wish to overturn officer's recommendations, many councils have the procedure where the application cannot be decided at that meeting but that a decision is deferred to a further meeting and accompanied by an amended report. This allows time for sound planning reasons to be framed. Conversely where councillors wish to allow development, this allows time for any necessary conditions to be framed. We noted that at there is a procedure in place at Newcastle which is to defer a decision should the committee be proposing to make a decision contrary to technical advice to allow for further advice from the technical advisor to be obtained; but perhaps this procedure could be applied more widely. The peer team are not dogmatic on this point as alternative ways to achieve a more strongly managed

process exist and our recommendation later in the letter concerning pre planning committee briefings is a further opportunity to do this.

It is clear to the Council that improvement is required to ensure that cultures, behaviours and values match the goal of a 'co-operative council' in relation to the operation of the planning service. We concur entirely. If the local area is to maximise the benefit from its planning service it is imperative that there is effective joint working between councillors and officers. This involves rebuilding trust and confidence while respecting the differing roles and responsibilities that each perform. We suggest the following improvements that will offer the potential for improved engagement and trust leading to more consistent and effective decision making at planning committee. This will necessitate a review of codes, protocols and possibly the council's constitution.

We recognise that following the recent local elections the composition of the planning committee has a majority of new members and a new chair. It will be important for the chair and vice chair to provide strong leadership through effective joint working. The tone set at a leadership level will be important to support high quality decision making and re-establish trust and confidence. Our later recommendations on councillor and officer training are also designed to help increase capacity in the planning service.

We recommend that the Council establish an informal pre planning briefing for members of the planning committee. This should take place before the Council publishes officer reports on planning applications allowing all members of the committee to engage with planning and other technical officers in a timely manner. Such a pre planning briefing has the clear potential to encourage councillors and officers to discuss issues and likely recommendations in a more informal setting. This will aid councillor's understanding prior to the formal committee debate. It will also aid officers in understanding what issues they may need to provide more information on. Alongside this recommendation we would encourage the Council to review the operation of its strategic planning group which currently acts as a forum for senior officers and the leaders of political parties (along with the relevant cabinet portfolio holder and the chair and vice chair of the planning committee) to discuss planning issues but does not seem to link effectively with the relevant decision making committee.

The officer reports we read, and the reports we heard discussed at the July planning committee, provided sound technical planning advice based on government guidelines. However, some councillors told us that they could not understand or follow the planning officer's report and arguments, especially where housing development was recommended for approval in the countryside. We found the planning officer reports to be overly long and dense and seemingly written for largely a professional audience. We therefore recommend that reports are written in plain English with a clear goal of reaching out to a non-professional audience. A more extensive use of executive summaries may assist. This will help support councillor engagement and aid consistent and strong decision making.

At the time of the peer challenge visit we were made aware of two live appeals against the refusal of planning permission for major developments at Keele and Baldwin's Gate. In both cases decisions were made contrary to the officer's recommendations. Evidence was provided that showed the significant financial impact of preparing and representing the Council's case in these two instances. It would be inappropriate to speculate on the

outcome of these appeals and the ultimate financial consequences for the Council (in view of their live status). Nevertheless the Council should consider whether the control measures in place are sufficient to mitigate the risk of such situations arising in the future.

The planning committee occasionally considers major policy issues with its views then forwarded to the Council's cabinet or council meeting that determines these. These policy matters are normally considered at the start of the planning committee and at least on one occasion, the tone of the remainder of the meeting has been unhelpfully affected by policy based discussions. It would be helpful for the Council to review whether the current procedure is the most beneficial and effective.

Summary of Feedback - Councillor and Officer Training

Councillors and officers already benefit from training. Training for councillors before they can sit on the planning committee is mandatory, although not consistently enforced. The Council already recognises that it needs to do more to increase its capacity to deliver and monitor bespoke training to help councillors and officers deliver on the challenges facing planning policy and development management. Some of our recommendations, for example lengthening the gap between planning committees and increasing delegation are designed to create some 'headroom' for training and development.

It is vital that councillors and officers benefit from tailored training suitable for the particular challenges of planning decision making in the borough. We recommend that as much of the training is done jointly as possible to assist in both councillors and officers to clearly understand their respective roles and responsibilities. In order to support the Council in terms of a clearer focus on councillor and officer training and development and in order to prioritise scarce resources and time we recommend a focus on the following areas:

- comprehensive mandatory arrangements in relation to the roles, responsibilities and expected values and behaviours of planning committee;
- the corporate responsibilities of members;
- officer understanding of challenges and opportunities working in a political environment;
- support for new chair/vice chair of planning committee with specific training/mentoring as required;
- NPPF and local plan policy;
- Improved understanding on links between planning and finance, e.g. new homes bonus, council tax, NNDR and the medium term financial plan;
- report writing including use of plain english;
- material planning considerations; and
- delegation and increasing confidence of junior officers to allow more capacity to deliver.

Summary of feedback – Development Management Processes

The service has previously benefited from a 'lean systems' review in 2009 and has good quality information and system processes in areas including:

- information held and displayed electronically;
- validation and technical support;
- development team approach bringing internal consultees such as housing, environmental health and landscaping together to discuss pre applications and planning applications; and
- supplementary planning guidance.

The service has not fundamentally reviewed its processes since 2009 however it performs well on a number of indicators in relation to government guidelines on speed of decision making and overturned appeals. Despite meeting the historically-set government targets for deciding applications on major, minor and other applications there has been a dip in performance in recent years. The Council recognises that the main reason that some decisions on major applications do not meet targets is due to the need for section 106 legal agreements to be signed before the Council can issue a planning consent. For example, in 2012/3 of the 18 major applications decided, 8 involved section 106 obligations and only 2 of these were issued in the 13 week period. In 2013/4 of the 16 applications decided, 4 involved section 106 obligations and all of these were issued out of time

Major planning applications have the most potential to support the Council's need for additional houses, jobs, regeneration and supporting infrastructure. The Council should particularly focus its improvement efforts on working with the development sector to set out clear protocols and standards to improve delivery timetables and therefore increase investment certainty. In relation to section 106 requirements, we recommend that in line with many other planning services, the system should be front loaded. For example, we would expect viability assessments and Heads of Terms on section 106 to be required at validation of a major application. This requires the Council to 'take control' and raise its expectations of the development industry. We would encourage the Council to examine the procedures of councils that perform well in this area and take the learning to apply to the borough. Given the possibility of initial resistance from the development industry it will be important for councillors and officers to hold the line on any changes in order to see this important change take root and become part of the culture and expectation.

The planning committee operates on a three weekly cycle. While this short cycle can help support the speed of decision making – it places considerable pressure on planning staff, consultees, democratic services and councillors. We suggest that the Council review the frequency of the planning committee to examine the opportunities that moving to a four week cycle would bring. For example we think that allowing more time between committees would allow more time for councillor engagement, report writing and management/training.

Rates of delegated decisions have dropped below 90 per cent. This results in more applications being taken at the planning committee. During the on-site phase of the peer challenge we attended the planning committee which spent a long time discussing reserved matters applications. To ensure that the capacity of the committee is focused on strategic decision making we recommend that the Council reviews its codes and protocols to seek to increase rates of delegation to match the best in England.

We met with planning agents and developers who were generally happy with the planning service in terms of accessibility, validation and quality of decision making. The planning

service has recently started charging for pre application advice. While agents/developers did not object to this change they criticised the fact that on occasions officer advice was changed, sometimes at the last minute and just before the release of a decision. Their perception was that some pre applications were sometimes allocated to staff who lacked experience and confidence and that at least in some instances more senior managers often overrode junior officer's advice on development proposals. It will be important for the service to review this situation in more depth to gain a better understanding of why this is happening. The preferred outcome should be that advice offered in writing by the Council's officers should be honoured unless it is clearly incorrect. It is very important that pre application is consistent and provides confidence and certainty to applicants and developers. Agents also questioned whether the Council should be more proportionate in its use of external design advice to advise on design quality and limit its use to only those applications where it is appropriate. For example, it is questionable why such advice is being sought as a local mandatory requirement on outline applications where design matters are reserved.

The service could do more to better understand its costs and learn from bench marking against similar councils or best in class. For example, benchmarking from 2012/3 showed indirect costs to be far higher than similar councils. Also the service had a very high level (approximately 50 per cent) of invalid major applications, approaching 50 per cent, and far higher than similar councils. Invalid applications cost the service money in terms of administration and time and causes delay in decision making. We did not find a strong focus on monitoring and reviewing unit costs in the activities of the service. Given the financial imperatives in all councils the Council can do more to understand and manage its costs and income.

Summary of feedback – Resources

Resources as in all planning services are tight and the Council has effectively had to cut the service's budget in recent years resulting in a loss of the staff establishment. The planning service retains key skills in conservation and heritage and can call on tree and landscaping advice from another service area in the Council.

The Council has recently increased capacity in planning policy and we consider that, in light of the importance that needs to be attached to this function, this was an absolute necessity. In order to develop an interim planning position statement and to meet the 2018 local plan adoption date, we consider that the Council could go further and ensure that its resources match its priorities in this key policy area.

Dealing with breaching of planning control through planning enforcement is a very important part of the planning function. Resources in this area have diminished and the backlog of unresolved cases has grown to over 200 with some of these reaching back over 10 years. These backlogs effectively clog up the system and lead to inefficiencies and frustration in tackling public concerns. Not dealing with complaints for such a long time also runs the risk that unauthorised development becomes immune from enforcement action. The Council runs a corporate enforcement service but we sensed that its full capacity was not used due to concerns about experience and expertise. We would recommend that the Council consider both training and time limited additional capacity be brought to bear to bring down the backlog to a more manageable level. It would also be

good practice to publicise successes in resolving or preventing breaches of planning control to highlight the importance that the Council places on unauthorised development. This has been found in other Council areas to be a helpful deterrent.

In order to provide additional capacity and resources to meet its planning service priorities we recommend that the Council examine:

- partnering opportunities building on existing relationships with public sector providers in the area;
- short term funding opportunities – pump priming or invest to save – to bring dedicated resources in key areas including policy planning and enforcement; and
- use of planning policy agreements and developer contributions that could increase capacity in development management.

The Council's service plan has a range of challenging targets that are mainly focused on speed but which include pre applications and enforcement. The service failed to reach these stretch targets in 6 out of 7 areas in 2013/4. One target involving customer satisfaction had not been met for three years. We think it is important to reassess these stretch local targets to see if they remain priorities for councillors and the public. Again this is part of our concern to create some 'space' for better communication and engagement, management and training.

Summary of feedback – Communication

Access to the planning service is predominantly by phone and the Council operates a front line customer service approach. Access on foot is also available at the main civic centre and at its other main customer centre at Kidsgrove. The Council encourages a self-serve approach and in the planning service significant information is located on the Council's web site allowing key documents to be viewed and downloaded and planning applications made via the nationwide planning portal.

Councillors told us they were frustrated by the lack of good access on the phone to planning officers with officers on many occasions not ringing back. We have commented earlier on the need for better officer/councillor engagement and prioritising councillor calls should be an early quick win.

In a similar vein some developers and agents would value the use of a 'duty officer' to enable easier access to planning advice. This would not need to conflict or replace pre application advice. This service would also be of benefit to councillors and parish councillors.

We met with a large number of parish councillors some of whom also sat on local area partnerships. They expressed support for the aims and direction of the planning service but considered that communication and engagement could be improved. It was 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. 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.

Appendix 1- Summary of Recommendations

1. Set a clear political narrative for the long term future of the borough stressing the need and importance of homes, jobs, infrastructure and locally generated income/grant. Develop a 'golden thread' linking this to key corporate policy documents including the local plan.
2. Develop a coherent strategy for investment and growth which recognises the key role that planning performs. Examine opportunities for the release or reuse of land assets with partners to stimulate growth and economic development.
3. Develop an interim planning policy statement as part of local plan preparation process.
4. Re-examine resource allocations, especially in planning policy and enforcement to ensure that these match priorities and needs. Switch or increase resources to match priorities including pump priming, partnering and planning performance agreements (PPAs).
5. Develop systematic links between financial planning and local plan development / monitoring to help focus on costs and income in relation to non-national domestic rate, council tax and new homes bonus.
6. Establish an informal pre planning briefing for members of the planning committee including a review of strategic planning group.
7. Set up effective mandatory councillor training programme that is bespoke to meeting local needs. Develop wider training programme for councillors and officers to be delivered jointly where ever possible focusing on improving understanding of respective roles and the need for effective engagement.
8. Review the guidance and protocols in relation to section 106 to seek to front load the system and reach decisions more quickly on major applications.
9. Re – examine the scheme of delegation to allow the planning committee to focus on major applications.
10. Review the decision to suspend work on community infrastructure levy.
11. Undertake systematic review of the effectiveness of the service's methods of communication and access focussing on councillors, parish councils and service users.

Appendix 2 –see attached slides presented at final feedback

Planning Advisory Service - recommended support

The Planning Advisory Service (PAS) offers a wealth of information, tools and activities. Information is available at:

<http://www.pas.gov.uk>

PAS will engage with the Council to discuss further relevant support activities. We have listed some specific areas of information and support relevant to the recommendations from the peer challenge.

Peer support

PAS can support the use of peers' time to give advice or support to the authority. This will be dependent on personal availability and the specific issues required. This would need to be discussed and agreed with PAS.

Performance Framework for Quality Planning Services

The framework is a collection of tools and techniques that can help you to understand how your Development Management service is performing and to deliver service improvement.

http://www.pas.gov.uk/web/pas-test-site/events-and-support2/-/journal_content/56/332612/5730199/ARTICLE

Councillor Support

Planning Committee training and support

Probity in Planning Guide

http://www.pas.gov.uk/web/pas-test-site/councillors-page/-/journal_content/56/332612/5638784/ARTICLE

Committee Decision Making briefings and support

http://www.pas.gov.uk/web/pas-test-site/events/-/journal_content/56/332612/6206809/ARTICLE

Plan making councillor training

Leadership Essentials: Supporting the delivery of local plans

22nd & 23rd October or 15th & 16th November, Warwick Conference Centre

http://www.pas.gov.uk/web/pas-test-site/councillors/-/journal_content/56/332612/6368753/ARTICLE

Strategic leadership of planning

Leadership Essentials: Planning Delivering Economic Growth

16th & 17th October or 29th & 30th November, Warwick Conference Centre

http://www.pas.gov.uk/web/pas-test-site/councillors-page/-/journal_content/56/332612/15013/ARTICLE

General

Councillor briefings

http://www.pas.gov.uk/web/pas-test-site/councillors-page/-/journal_content/56/332612/15306/ARTICLE

Development Management support

Pre-application advice

<http://www.pas.gov.uk/pre-application>

http://www.pas.gov.uk/web/pas-test-site/pre-application/-/journal_content/56/332612/6297229/ARTICLE

Planning Performance Agreements (PPAs) advice

http://www.pas.gov.uk/web/pas-test-site/pre-application/-/journal_content/56/332612/6297229/ARTICLE

Policy support

Interim policy advice & support

<http://www.pas.gov.uk/local-planning>

OAN workshop

http://www.pas.gov.uk/web/pas-test-site/events/-/journal_content/56/332612/6382842/ARTICLE

Policy Production Community Engagement support

http://www.pas.gov.uk/plan-making-advice-on-community-engagement?p_p_id=56_INSTANCE_pvyZG4XRoMN7&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-1&p_p_col_count=1

Community Infrastructure Levy

<http://www.pas.gov.uk/3-community-infrastructure-levy-cil>

Planning and finance:

http://www.pas.gov.uk/web/pas-test-site/events-and-support3/-/journal_content/56/332612/5462849/ARTICLE



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PLANNING REVIEW TEAM'S RECOMMENDATIONS				
<i>PROPOSED ACTION</i>	<i>ACTIONS CONSIDERED BUT NOT BEING PURSUED</i>	<i>Timescale</i>	<i>Lead Officer</i>	<i>Resource allocation</i>
1. Set a clear political narrative for the long term future of the borough stressing the need and importance of homes, jobs, infrastructure and locally generated income/grant. Develop a 'golden thread' linking this to key corporate policy documents including the local plan.				
<i>Prepare revised Council Plan that reflects the relationship between key strategies and setting out broad strategic policy objectives.</i>		<i>Oct 2014</i>	<i>MB / EMT</i>	<i>Time</i>
<i>More active use of the Council's media and communications resources showcasing good work</i>		<i>Ongoing</i>	<i>PJ</i>	<i>Time</i>
2. Develop a coherent strategy for investment and growth which recognises the key role that planning performs. Examine opportunities for the release or reuse of land assets with partners to stimulate growth and economic development				
<i>Strengthen the narrative and strategic context in the next Asset Management Strategy and Capital Strategy.</i>		<i>Jan 2015</i>	<i>Assets / Finance</i>	<i>Time</i>
3. Develop an interim planning policy statement as part of local plan preparation process				
<i>Bring forward a report to Cabinet on this recommendation identifying the potential benefits and costs of such a proposal, including implications for the existing Local Plan timetable and the weight that such a statement could have in development management decisions</i>	<i>To Rule out at this stage this option either because no apparent benefit in pursuing it (because limited or no weight could be given to it in development management decisions), or because the diversion of resources that it would involve will set back further the timescale of the Local Plan</i>	<i>By end Dec 14</i>	<i>HB and GRB</i>	<i>Time, & diversion of resources from Local Plan</i>
<i>If proposal is agreed by Cabinet, report back with a timetable for the preparation of such a Statement, identifying required consultation and resource implications</i>		<i>By end March 15</i>	<i>HB and GRB</i>	<i>Time</i>
<i>Implement the decision of Cabinet</i>		<i>As per any agreed</i>	<i>HB</i>	<i>Time and opportunity cost</i>

PLANNING REVIEW TEAM'S RECOMMENDATIONS				
<i>PROPOSED ACTION</i>	<i>ACTIONS CONSIDERED BUT NOT BEING PURSUED</i>	<i>Timescale</i>	<i>Lead Officer</i>	<i>Resource allocation</i>
		<i>timetable</i>		
4. Re-examine resource allocations, especially in planning policy and enforcement to ensure that these match priorities and needs. Switch or increase resources to match priorities including pump priming, partnering and planning performance agreements (PPAs).				
<i>Consider whether within Planning Policy a fixed 4 year term Senior Planning Officer post should be created and recruited to rather than the agreed but currently unfilled Planning Officer post (bringing Planning Policy team up to 4 – Business Manager, 2 Seniors and 1 officer) – perhaps on a shared basis with the City Council ?</i>		<i>By end Oct 14 – report to EMT If agreed – go to market Nov 14</i>	<i>GRB with HB</i>	<i>Additional salary and on-costs not covered in budget</i>
<i>Review whether to either create a temporary post dedicated planning enforcement support officer or create, by other means additional capacity for planning officers to progress their enforcement workload</i>	<i>Carrying on with existing arrangements - a single planning enforcement officer, with planning officers providing input where required, and with Development Management Team Manager having oversight of work of planning enforcement officer</i>	<i>By end Nov 14 report to EMT If new post agreed go to market Dec 14</i>	<i>GRB with EM</i>	<i>Additional salary and on-costs not covered in budget</i>
<i>Explore idea of creating a premium or fast track service for development management – report to Cabinet</i>		<i>By end of March 15</i>	<i>EM with GRB</i>	<i>Initial time and opportunity costs, setting up costs, but</i>

PLANNING REVIEW TEAM'S RECOMMENDATIONS				
<i>PROPOSED ACTION</i>	<i>ACTIONS CONSIDERED BUT NOT BEING PURSUED</i>	<i>Timescale</i>	<i>Lead Officer</i>	<i>Resource allocation</i>
				<i>might bring in additional revenue</i>
<i>Engage with Staffordshire One Place initiative (inter authority trading of services)</i>		<i>By end of Dec 14</i>	<i>EM with GRB</i>	<i>Cost if purchasing services. Income if selling services</i>
<i>Explore whether any scope to utilise SOTCC's planning enforcement services on a temporary basis</i>		<i>By Feb 15</i>	<i>EM</i>	<i>Cost</i>
<i>Consider whether to make an application for Neighbourhood Planning Grant, to provide additional resources to support potential Neighbourhood Development plans</i>		<i>Next oppy to apply</i>	<i>HB</i>	<i>Time, but potential increased revenue to meet additional demands</i>
<i>Investigate further cost recovery options including charging for return of invalid but processed applications, and review of pre-application charges as part of fees and charges review</i>		<i>By 15th Oct 14</i>	<i>EM with GRB</i>	<i>Time, but potential increased revenue</i>
<i>Process review to identify tasks that should no longer be undertaken</i>		<i>By end of Jan 15</i>	<i>EM and SPOs in DM</i>	<i>Time but potential savings</i>
<i>Reassess current targets in the 2014 Service Plan, seeking member views</i>		<i>By March 15</i>	<i>GRB with</i>	<i>Time</i>

PLANNING REVIEW TEAM'S RECOMMENDATIONS				
<i>PROPOSED ACTION</i>	<i>ACTIONS CONSIDERED BUT NOT BEING PURSUED</i>	<i>Timescale</i>	<i>Lead Officer</i>	<i>Resource allocation</i>
			<i>portfolio holder</i>	
<i>Consider potential use again of consultants to address short term DM staffing issues, requiring report to EMT</i>		<i>When required</i>	<i>GRB with EM</i>	<i>Time and £</i>
<i>Resolve issue of authority to enter into Planning Performance Agreements and explore, in appropriate cases, whether use of PPA could bring in additional income</i>		<i>By end of Feb 2015</i>	<i>GRB with EM</i>	<i>Time and opportunity cost</i>
5. Develop systematic links between financial planning and local plan development / monitoring to help focus on costs and income in relation to non-national domestic rate, council tax and new homes bonus				
<i>Review of information flow arrangements between Planning and Finance on projected completions, housing development trajectories</i>		<i>By end Dec '14</i>	<i>Finance / PIng (SD)</i>	<i>Time, opportunity cost</i>
<i>Include within review of decision reports structure specific section on finance considerations and weight to be given to them</i>		<i>By end Dec 14</i>	<i>EM with GRB</i>	<i>Time</i>
<i>Consider engaging in the DCLG development benefits pilot</i>		<i>By mid Oct 14</i>	<i>NSC</i>	<i>Time</i>
<i>Training for Planning Committee on local finance considerations as a material consideration in the determination of applications</i>		<i>Within 14/15 training sessions</i>	<i>GRB</i>	<i>If delivered by external providers £. If delivered internally time and opportunity cost</i>
<i>Council as a landowner engages fully in the Local Plan preparation process including the Call for Sites</i>		<i>Nov 14 Cabinet</i>	<i>NSC</i>	
6. Establish an informal pre planning briefing for members of the planning committee including a review of strategic planning group.				

PLANNING REVIEW TEAM'S RECOMMENDATIONS				
<i>PROPOSED ACTION</i>	<i>ACTIONS CONSIDERED BUT NOT BEING PURSUED</i>	<i>Timescale</i>	<i>Lead Officer</i>	<i>Resource allocation</i>
<i>Review remit, membership (widened to include all members of the Planning Committee) and business of Strategic Planning Consultative Group, involving the Group and bring report to Cabinet for decision</i>	<i>Introduction of Planning Briefing meeting, having considered the probity and practical implications of such a proposal</i>	<i>By end of Dec 14</i>	<i>NSC with GRB</i>	<i>Time</i>
<i>Introduce Proactive presentation of items by officers at Planning Committee</i>		<i>With immediate effect</i>	<i>Presenting officers</i>	<i>Time – longer Cttee meetings</i>
<i>Change frequency of planned Planning Committee from every 3 weeks to every 4 weeks, holding separate meetings where possible and required to deal with planning policy items – it will adversely affect performance unless other measures are taken, and responsiveness of Service to requests for quick committee consideration will be affected regardless. However purpose of reduced frequency to create headroom for service improvement is overwhelming consideration</i>	<i>No change in the frequency of planning committee meetings</i>	<i>From January onwards</i>	<i>J Cleary</i>	<i>Potentially some savings in meeting attendance costs but may be balanced out by costs of additional Policy Planning meetings</i>
<i>Decide whether to reschedule at same time, onto a four weekly cycle CAWP, SPCG, & Development Team meetings</i>		<i>Before Jan changes</i>	<i>J Cleary GRB and EM</i>	<i>Some saving in CAWP attendance costs</i>
7. Set up effective mandatory councillor training programme that is bespoke to meeting local needs. Develop wider training				

PLANNING REVIEW TEAM'S RECOMMENDATIONS				
<i>PROPOSED ACTION</i>	<i>ACTIONS CONSIDERED BUT NOT BEING PURSUED</i>	<i>Timescale</i>	<i>Lead Officer</i>	<i>Resource allocation</i>
programme for councillors and officers to be delivered jointly where ever possible focusing on improving understanding of respective roles and the need for effective engagement				
<i>Maintaining current provision of induction training to any member of the Planning Committee prior to their first meeting, with attendance not permissible unless received</i>	<i>Ending this induction training</i>	<i>Ongoing – as at present</i>	<i>GRB with EM</i>	<i>Time</i>
<i>Continue to bring subject specific reports to the Planning committee – e.g. on the 5 year housing land supply issue, and on the results of evidence base gathering for the Joint Local Plan, but to a Committee meeting with no development content wherever possible, even if an additional meeting is required</i>	<i>Ceasing bringing such reports</i>	<i>Ongoing</i>	<i>Planning Service</i>	<i>Time, and potential additional committee attendance costs if additional meetings required</i>
<i>Continue with feedback reports including on appeal and costs decisions and annual appeal performance reports to Planning Committee</i>	<i>Ceasing bringing such reports to the Planning Committee</i>	<i>Ongoing – as at present</i>	<i>RK</i>	<i>Time</i>
<i>Set up and deliver 6 training programme in 2014/15 involving delivery of two off the peg training sessions delivered by TRA or similar (to both Planning Committee and Non-Planning Committee members) and 4 bespoke sessions for Planning Committee members only delivered probably externally rather than in house – Report to Planning Committee informing members of this. Training to include specific training on planning policy issues and</i>	<i>No training</i>	<i>Report By end of Oct 14 Sessions Nov 14 to March 15</i>	<i>GD on instns from Plg</i>	<i>£ - say 15K</i>
<i>Arrange above out of hours training sessions, at a time when officers can also attend (early evening) with time off in lieu recompense, in order to provide local examples to add to external training inpu</i>	<i>Holding training sessions during the day which would exclude those members who are in employment</i>	<i>By end of Oct 14</i>	<i>GRB</i>	<i>Opportunity cost, Time off in lieu</i>

PLANNING REVIEW TEAM'S RECOMMENDATIONS				
<i>PROPOSED ACTION</i>	<i>ACTIONS CONSIDERED BUT NOT BEING PURSUED</i>	<i>Timescale</i>	<i>Lead Officer</i>	<i>Resource allocation</i>
<i>Encourage members even more than is already done to take up conference, training and similar opportunities</i>		<i>By end of Sept 14</i>	<i>GRB</i>	<i>Yes - £ depending upon takeup</i>
<i>Chair and Vice Chair to be sent on courses specific to that role</i>		<i>By end of Nov 14</i>	<i>GRB</i>	<i>Yes, depending upon take up</i>
<i>Remind members of Planning Committees' agreed policy that failure to attend 2/3rd of training sessions means that they cannot then take part in decisions at Planning Committee - relying upon compliance with decision of Chair to exclude members from voting if they don't not achieve two thirds attendance or upon Group leaders to impose sanction of removal of non-attendees</i>	<i>Bring report to either Planning Committee or Council if necessary changing the Council's constitution to require members of the Planning Committee to undertake an agreed amount of training every year</i>	<i>By end of Nov 14</i>	<i>GRB/ JCleary</i>	<i>No</i>
<i>Putting on wider training sessions for non- planning committee members on probity, member officer relations, etc</i>		<i>By end of April 15</i>	<i>Member Services</i>	<i>Yes</i>
8. Review the guidance and protocols in relation to section 106(s) to seek to frontload the system and reach decisions more quickly on major applications				
<i>Reviewing Section 106 procedures</i>				
<i>Review local validation requirements to consider whether more applications should require to be accompanied by 'Heads of terms', or whether draft agreements should be required</i>	<i>Making draft agreements rather than Heads of Terms a mandatory validation requirement</i>	<i>By end of Nov 14</i>	<i>EM</i>	<i>No</i>
<i>Ensure that the validation requirements of submission of Heads of terms (of any likely Section 106 agreement) are applied in a consistent, but also not disproportionate manner</i>		<i>Ongoing</i>	<i>EM</i>	<i>No</i>
<i>Renewed focus on clarity of instructions to Legal and completion of all sections of 'instructions to legal' memo</i>		<i>By end of Nov 14</i>	<i>NB</i>	<i>No</i>
<i>Confirmation of receipt of instructions to legal to be sent in all</i>		<i>By end of</i>	<i>SMT</i>	<i>No</i>

PLANNING REVIEW TEAM'S RECOMMENDATIONS				
<i>PROPOSED ACTION</i>	<i>ACTIONS CONSIDERED BUT NOT BEING PURSUED</i>	<i>Timescale</i>	<i>Lead Officer</i>	<i>Resource allocation</i>
<i>cases to Planning</i>		<i>Nov 14</i>	<i>and JM</i>	
<i>Informing SCC where party to the agreement of the terms of the resolution of the Planning Committee immediately post Cttee</i>		<i>By end of Nov 14</i>	<i>Case offcrs</i>	<i>time</i>
<i>Introduce officer check in Planning that prior instructions to Legal Services has been undertaken in all possible cases</i>		<i>By end of Nov 14</i>	<i>EM/ GRB</i>	<i>No</i>
<i>Introduce early check procedure of instructions received</i>		<i>By end of Oct 14</i>	<i>LH</i>	<i>No</i>
<i>Introduce Service Level agreement between Legal and Planning setting standards for response times to instructions/ request s for clarification</i>		<i>By end of Oct 14</i>	<i>GRB/ MB</i>	<i>No</i>
<i>Resume monthly S106 meetings</i>		<i>Already underway</i>	<i>EM and LH</i>	<i>Time</i>
<i>Consideration to be given to use of external solicitors where Legal services do not have capacity to act upon instructions</i>		<i>By end of Oct 14</i>	<i>LH and MB</i>	<i>Yes – significant</i>
<i>Reaching decisions more quickly on Major applications</i>			<i>EM, RK and NB</i>	
<i>Support officers in DM to stop doing validation on Major applications (because of the degree of judgement required)</i>				
<i>DM Team leader and SPOs to start doing validation of Majors</i>			<i>EM, RK and NB</i>	
<i>Invite Education Authority to become part of the Council's Development Team</i>			<i>EM</i>	
<i>Inviting other key consultees to enter into a Service Level Agreement, as already in place between the BC and the Highway Authority</i>			<i>EM</i>	<i>time</i>
<i>Project Management approach to Major developments</i>			<i>EM and GRB</i>	<i>Already adopted in some cases</i>

PLANNING REVIEW TEAM'S RECOMMENDATIONS				
<i>PROPOSED ACTION</i>	<i>ACTIONS CONSIDERED BUT NOT BEING PURSUED</i>	<i>Timescale</i>	<i>Lead Officer</i>	<i>Resource allocation costs</i>
	<i>Introducing site visits for ALL Majors in advance of application being considered by Committee</i>			<i>costs</i>
<i>Draft conditions to be prepared within 2 weeks of Committee in all cases and to be subject to consultation with developer</i>			<i>Case Offrs</i>	<i>time</i>
9. Re-examine the scheme of delegation to allow the Planning Committee to focus on major applications				
<i>Review Scheme of delegation with particular reference to telecom apparatus, consultations by other authorities, historic building grant applications</i> <i>Consider introducing making call ins subject to Chairs approval, and seek required changes to the Constitution to give effect to such changes</i>	<i>Removing probity safeguards</i>	<i>Report to Planning Ctte and then to the next Council meeting</i>	<i>GRB/ MB/Chair and Vice Chair of Plg</i>	<i>No, and could be savings</i>
<i>Review of public speaking arrangements, guillotine on late reps , site visit protocol and withdrawal of call in procedures</i>		<i>By end of December</i>	<i>GRB with Chair and Vice Chair</i>	<i>Time to undertake, - likely long term cost implications unknown but not significant</i>
<i>Review of Planning Committee Members Protocol, seeking approval of the Planning Committee</i>		<i>By end of December</i>	<i>GRB with MB</i>	<i>Time to undertake – no long term resource implications</i>

PLANNING REVIEW TEAM'S RECOMMENDATIONS				
<i>PROPOSED ACTION</i>	<i>ACTIONS CONSIDERED BUT NOT BEING PURSUED</i>	<i>Timescale</i>	<i>Lead Officer</i>	<i>Resource allocation expected</i>
10. Review the decision to suspend work on community infrastructure levy				
<i>Seek external legal advice on the issue of pooling post April 2015</i>		<i>By end of Nov</i>	<i>GRB and HB</i>	<i>Cost of external legal advice</i>
<i>Bring report to Cabinet at earliest opportunity</i>		<i>By Jan 14</i>	<i>GRB and HB</i>	<i>Opportunity cost of not being able to resource infrastructure. Opportunity cost of diversion of staff resources away from Local Plan preparation</i>
11. Undertake systematic review of the effectiveness of the service's methods of communication and access focussing on councillors, parish councils and service users				
<i>Review decision to remove direct dial facility for DM staff (introduced as part of move towards support based triage system)</i>			<i>GRB</i>	<i>Yes</i>
<i>Depending on above reintroduce Direct Dial perhaps with number available only to members (and agents ?)</i>				<i>Probably not</i>

PLANNING REVIEW TEAM'S RECOMMENDATIONS				
<i>PROPOSED ACTION</i>	<i>ACTIONS CONSIDERED BUT NOT BEING PURSUED</i>	<i>Timescale</i>	<i>Lead Officer</i>	<i>Resource allocation</i>
<i>Ensure all staff working @home have access to phone</i>	<i>Prevent home working, and end privilege of extended flexitime for DM staff</i>		<i>GRB</i>	<i>Yes</i>
<i>Review current appointment based system and consider alternatives</i>			<i>GRB with EM</i>	<i>Probably not</i>
<i>Review use of Customer Service agents as front end of the planning service</i>			<i>EMT</i>	<i>Yes, if pursued</i>
<i>Customer Service training for all planning staff</i>			<i>EM</i>	<i>Yes, but could be done inhouse ?</i>
<i>Review Delegated and Committee reports, particularly for effectiveness and use of Plain English – remembering who reports are for</i>			<i>GRB with EM</i>	<i>Additional preparation time</i>
<i>Include officer details on adverts/weekly list</i>		<i>Immediate</i>	<i>JP</i>	<i>No cost</i>
<i>Statement of Community Involvement, review</i>		<i>Oct 14 Cabinet to consider</i>	<i>GRB, HB and EM</i>	<i>Already underway-potential staff resources released if proposals agreed</i>
	<i>Stop drive towards Self service</i>			
<i>Continue support for Parish council training/ attendance at parish/town council forum as recently undertaken</i>			<i>GRB</i>	<i>Time</i>
<i>Improve DM office layout and make it clearer who is who for visitors</i>		<i>Done</i>	<i>EM</i>	<i>Nil</i>
<i>Encouraging members to meet officers in reception in more suitable setting</i>			<i>All</i>	<i>Nil</i>

PLANNING REVIEW TEAM'S RECOMMENDATIONS				
<i>PROPOSED ACTION</i>	<i>ACTIONS CONSIDERED BUT NOT BEING PURSUED</i>	<i>Timescale</i>	<i>Lead Officer</i>	<i>Resource allocation</i>

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Appendix 4 to 281014 Planning Committee Report

Comments and suggestions received from External Stakeholders

Keele University	
Keele Parish Council	
Clerk to Keele Parish Council	

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ESTATES & DEVELOPMENT DIRECTORATE

Our Ref: 29MLet.PB.RH – NuLBC Peer Group Response

1st October 2014

Sent by email: Guy.Benson@newcastle-staffs.gov.uk

Mr Guy Benson
Head of Planning and Development
Regeneration and Development Directorate
Newcastle-under-Lyme Borough Council
Civic Offices
Merrial Street
Newcastle-under-Lyme
Staffordshire
ST5 2AG



Dear Guy,

**Re: Newcastle-under-Lyme Borough Council
Improvement Planning Peer Challenge Response to Review Report**

Thank you for both the opportunity to engage in the review and also to comment on the outcomes. I have read through the report and would confirm that I think that it captures the core issues that have concerned me and Keele University for a number of years.

In commenting on the report, it is in the context of a world leading University (Higher Education Institution), an internationally recognised Science and Innovation (Business) Park, a large local employer turning over in excess of £120m per annum and local housing provider.

As a growing and developing business in all these areas, customer and investor confidence is critical, and this is often undermined by the local planning process. I am concerned that this compares unfavourably with the experiences of other campus universities, where there seems to be a greater degree of confidence in the planning process and its outcomes.

In order to minimise uncertainty and unpredictable outcomes, we have developed what we think are extremely good working relationships with what we consider to be a very professional Planning Team at Newcastle Borough Council. Building on this relationship, our approach is to ensure that we only progress with schemes that align with Planning Policy and that Officers feel able to support in their reports to the Planning Committee. However, over the last 7 years, we have seen a £15m Hotel development halted, a major research building delayed due to a planning refusal, both subsequently overturned at appeal, and of course the current challenges with the proposal to deliver much needed replacement student accommodation. All these schemes were subject to extensive consultation, Peer and Design Panel review, in-principle support through Strategic Planning Group, and finally a recommendation to approve. Unfortunately, and despite this approach, it does seem that the interests of the University, and the proper interpretation of Planning Policy as relating to development at or by the University, often counts for little when it comes to making a decision in a public forum.

It would be inappropriate and probably unhelpful to comment in detail on the content of the report and what follows, therefore, is a response to the specific recommendations which the Peer Challenge Report makes. However, before turning to these specific comments, it is necessary to make a couple of general observations as follows:

1. In relation to the background to, and purpose of the review, the background note provided for the July 2014 briefing sessions indicated that it was considered necessary to undertake the review *“in the expectation that the process will facilitate prompt improvement in the perception of the service by all stakeholders”*. This indicates two things, firstly, that there is a need for improvement in the perception of the service, which in turn suggests that this will only come about by making changes in service provision, and secondly, that key stakeholders are important recipients of the service. It seems to me that what is now important, is for those recommendations, which are to be adopted, are implemented without delay, and for all participants in the planning process, particularly the ‘stakeholders’, to adopt both the spirit and letter of the implemented recommendations. This must involve Members, Officers, Statutory Consultees, key consultees including Parish Councils and their representatives and applicant and their agents.
2. The review, and many of its recommendations, provides a unique opportunity to place the Planning Service as the central driver to the much needed process of Regeneration and Renewal, rather than being unfairly seen, as is sometimes the case, as either a barrier to change or a servant of unwanted development. This opportunity should not be missed.

In relation to the specific ‘Summary Recommendations’, the following comments are offered:

1. Clear Political Narrative

- 1.1 Keele University is very aware, in its Strategic Planning and Development Processes, of local and regional political thinking. We are also very aware of national political thinking as regards the need for new infrastructure and investment. Our development initiatives and applications always take account of local circumstances, but must always respond to political drivers and objectives, including those which might be locally unpopular. We are therefore very supportive of proposals and initiatives which ensure that Committee Members and Consultees fully appreciate the relevant political thinking and priorities.
- 1.2 It is agreed that the ‘Golden Thread’ of investment need should be embodied in the Borough’s policy documents, including the Local Plan, and should be done in a way which explains what this means for planning decision-making. Everyone involved in the planning process, particularly applicants, key consultees and elected Members, need to fully understand the nature and detail of the ‘Golden Thread’ of investment need and the context which it provides for planning decision-making.

2. Coherent Strategy

- 2.1 As mentioned at item 2 of the general observations and also at 1.1, above, establishing a common understanding of this strategy and how Planning Policy supports (underpins) its delivery is key to the Planning Committee and Applicants, so that common ground can be established through scheme development.

- 2.2** Supporting an Investment Strategy through the examination of opportunities for the release/re-use of land assets is welcomed, but such a process should not be used to delay or reject desirable development proposals, which accord with adopted or informal investment strategies operative at local or national levels.

3. Interim Planning Policy

- 3.1** The basis for the preparation of an Interim Planning Policy Statement is understood and such a Statement would probably complement the adopted Core Strategy in a better way than the adopted Local Plan (Saved Policies). There is concern, however, that the efforts and resources needed for the preparation of such an 'informal' statement might dilute the focus which needs to be given to the preparation of the joint Local Plan with Stoke-on-Trent City Council. It is appreciated that an 'Interim Statement' is advocated as part of the process of the Local Plan's preparation, but there is an obvious danger that formulation of the Statement will become an end in itself, rather than part of the process of the Local Plan's preparation with consequential delays to the latter.
- 3.2** In the event that the preparation of an Interim Statement is supported, it is essential that it fully reflects the NPPF and responds positively to the challenges which are sometimes encountered in delivering much needed development and investment.
- 3.3** In support of recommending the preparation of an Interim Statement, the report indicates that the preferable approach is a 'laissez-faire developer/market led' approach, the implication being that this is currently the modus operandi. The experience of the University and others suggests that a different approach can regularly be experienced in which planning decisions are taken which reflect parochial, rather than policy or investment priorities.

4. Resource Allocations

- 4.1** The allocation and prioritising of resources is an issue for discussion and decision within the Council. That said, adopting a principle of deploying resources so as to reflect a high priority for investment and renewal in the Borough, would be particularly supported.

5. Links between Financial Planning and Local Plan Development

- 5.1** This really builds upon the report's earlier recommendations (items 1-4). The financial dimensions of planning extend across a number of areas. The report is right to highlight that planning decisions are linked to positive income streams such as Council Tax and new homes bonus payments, but a comprehensive appreciation of the linkages must take account of the costs associated with bringing forward development proposals to planning assessment. These include pre-application engagement and the actual costs of preparing and submitting applications. These costs can be very high and are, worryingly, susceptible to being wasted in situations where development proposals which have been formulated and evaluated on the principles of best practice, are rejected by elected Members against professional advice.

5.2 Full appreciation must also take into account the costs which fall to the Council as a consequence of this type of decision. There is not only the direct financial cost of dealing with subsequent appeals, but also the hidden costs of potential delay on other projects owing to Officer resources being diverted. In extreme cases, potential private sector investment decisions can be deferred or abandoned owing to lack of confidence in the planning process.

6. Pre Planning Briefing

6.1 The principle of briefings for Members is fully supported.

6.2 The report, I think, suggests that pre-planning briefings should take place before Officer reports are **published**. I am unclear as to the advantage of such timing, according to the background note which was prepared in advance of the review briefing sessions, there is an existing pre-planning regime which takes place a week before the Committee Meeting and involves the Chair and Vice-Chair. It appears that the recommended arrangements will involve all Committee Members. Against this background, and although there may be benefits to a wider involvement and changed timing, there needs to be clarity as to the purpose of such meetings and what is preventing the existing arrangements from being effective.

6.3 The recommendation to review the operation of the Strategic Planning Group (SPG) is noted and welcomed. Keele University has always been keen to engage with the community, local organisations, representatives and elected Members through consultation and has valued the opportunity to discuss schemes with the Strategic Planning Group. Recent experience of involvement with the latter, has shown that positive discussion and messages of support for major schemes do not necessarily translate into similar expressions of support in a public decision-making arena. The SPG can provide a very valuable engagement opportunity but, to be effective, two specific measures should be considered:

- I. The meeting discussion should be minuted for the benefit of all participants and as a checklist for actions/scheme alterations.
- II. The meeting discussion, in addressing the challenges presented by any scheme, should separate Planning Policy Issues from Political/Community Issues, so that appropriate actions can be progressed along each path. The University would be happy to be involved in any workshop or similar initiative to review the operation of the SPG, which clearly offers the opportunity for valuable pre-application engagement at a strategic level.

7. Training

7.1 The report states that ***“Councillors and officers already benefit from training”*** (Summary of Feedback – Councillor and Officer Training). This contradicts a statement in the background note referred to earlier which states (final page) that ***“Whilst it has been agreed that Members of the Planning Committee be given appropriate training, which is also extended to non-Planning Committee Members who may attend the Committee, such training was not delivered in the past few years”***. If the latter is the accurate statement, it is essential that appropriate training is provided as a matter of urgency.

- 7.2** The report recommends that training programmes should be provided which are bespoke to local needs. Although this is clearly sensible, any training initiative must emphasise that development management decisions are quasi-legal in nature and must be taken on this basis, whilst other considerations, such as community preferences and priorities, might be relevant in reaching a decision, but should not take precedence over the legal imperatives.
- 7.3** In a similar vein, training initiatives which focus on improving understanding of the respective roles of Members and Officers, which could usefully be extended to representatives of Parish Councils and single issue organisations, should have at their core the Legal Framework and Responsibilities for decision making and the proper place of planning policy, including the NPPF, in the planning process.

8. Guidance and Protocols

- 8.1** This recommendation is strongly supported; the University would always wish to work with the Council on the basis of agreed protocols.
- 8.2** There are clear benefits to both applicants and the Council in terms of minimising delays in the processing of major applications by requiring Heads of Terms and, where needed, viability information at the validation stage. Applicants who are serious about the early implementation of their development proposals, and this includes the University, would particularly welcome this front loading in preference to a system which requires agreement on S106 issues in the post-committee phase, where delays in the preparation and conclusion of the Agreement are not uncommon.
- 8.3** At a broader level, the use of Protocols and agreed guidance can benefit the processing of major applications. Although the University's professional team did not conclude a Planning Performance Agreement with the Council for the application for student accommodation and new housing (Campus and Hawthorns), there was Pre-submission Agreement regarding the nature and scope of information to be provided with the application. As a result, the application was registered without any requests for additional information. This approach represents an enhancement of using the validation list as a basis for deciding the range of information to be provided, and should be actively encouraged where Performance Agreements are not used or appropriate.

9. Delegation

- 9.1** Notwithstanding that the Scheme of Delegation has, according to the background note referred to earlier, recently been reviewed, it seems that the proportion of applications being dealt with under delegated authority is declining. This must inevitably have an impact on resourcing generally and the ability to scrutinise major applications in a comprehensive and timely manner. The delegation scheme should be continually under review, so as to ensure that the processing and evaluation of major applications is not disrupted.

10. Community Infrastructure Levy

10.1 Whilst I understand the reasoning behind the Council's decision to suspend work on the CIL, the absence of a CIL regime perpetuates uncertainty for applicants and the Council regarding the provision of planning benefits.

10.2 Investors/developers/applicants for major development invariably prepare business plans for individual developments. Uncertainties regarding costs (and decision-making processes and timescales) can seriously undermine the relevance of such plans, leading to the stalling of development proposals. Applicants seek certainty and although timescales and outcomes can never be guaranteed, a CIL regime can provide a much greater degree of certainty with regards to costs and benefits to be provided, than does the current system of negotiated provision on a case-by-case basis.

11. Communication and Access

11.1 The University has always considered access to the planning service to be relatively straightforward.

11.2 At a strategic level, it seems clear that amongst key participants in the planning process (including some Councillors, Parish Councils, external agencies and applicants) there is an uneven level of understanding about the imperatives of the Planning Process, particularly development management. Any communication initiatives to improve levels of understanding and explain the relationships between Planning Practice and Approved Political Objectives, as set out in the NPPF, would be strongly supported.

I hope that these comments are useful. They are made in the spirit of partnership and in recognition that whilst the planning service is held in high regard by the University, there is always scope for improvement, particularly in relation to the handling and outcomes of major applications, which are important for the economic, environmental and social needs of the Borough.

Yours sincerely



Phil Butters
Director of Estates & Development

Cc. Neale Clifton, Executive Director - Regeneration & Development
Email: Neale.Clifton@newcastle-staffs.gov.uk

Dear Guy

Please see below comments from Keele Parish Council – these have been collated in view of your deadline today – sorry if its past close of play but my hours of work are outside the norm. If there are any further that come out of the next meeting (and Audley also) I will forward them in the hope that they may add some value.

“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.”

My personal views (may/may not help) with respects to improving relations with Parish Councillors :

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 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).

Many thanks
Clare

Clare Withington
Parish Clerk to Keele Parish Council
c/o Lyngarth
Barthomley Road
Audley
Staffs ST7 8HU
clerk.keelepc@gmail.com
website – www.keeleparish.org
07901 692414

From: Benson, Guy [mailto:Guy.Benson@newcastle-staffs.gov.uk]
Sent: 19 September 2014 17:48
Cc: Clifton, Neale
Subject: Newcastle Borough Council's Planning Peer Review

In July my colleague Beverley Clearly invited your Council to participate in a Review of the Council's Planning Service with the aim of addressing perceived concerns about facets of the Service to ensure that this important service is both effective and efficient. The review process was undertaken in accordance with a nationally-agreed approach. This involved an assessment around a number of key themes. The review team spent three days on site during which they interviewed a wide range of Members, officers and other stakeholders.

The Borough Council has received a final report from the Peer Review Team, a copy of which is being circulated to you, and to other stakeholders. I attach the report

The Planning Peer Review Team have made a number of recommendations. You will find these listed in Appendix 1 of the report. We would welcome your ideas on what action the Council should take in response to the recommendations, so that consideration can be given

to including them in the Action Plan that the Council is now preparing. **Please could you submit them to me by no later than the close of play on 2nd October.**

You may wish to note that the current intention is to bring a report on the Action Plan to the Council's Cabinet at its meeting on the 12th November.

Yours sincerely,

Guy Benson

Head of Planning and Development
Regeneration and Development Directorate
Newcastle-under-Lyme Borough Council
01782 742408

www.newcastle-staffs.gov.uk

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Dear Guy

Please see below further comments from Keele Parish Council, which were agreed at their meeting on 8th October 2014. As you confirmed last night I'm hoping this will be included in the report being finalised today.

"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."

Kind regards
Clare

Clare Withington
Parish Clerk to Keele Parish Council
c/o Lyngarth
Barthomley Road
Audley
Staffs ST7 8HU
clerk.keelepc@gmail.com
website – www.keeleparish.org
07901 692414

From: Benson, Guy [mailto:Guy.Benson@newcastle-staffs.gov.uk]
Sent: 10 October 2014 07:51
To: 'Clare Withington'
Cc: Clifton, Neale
Subject: RE: Newcastle Borough Council's Planning Peer Review

Clare

With reference to your email of the 30th I can confirm that comments from Audley PC soon after their meeting on the 16th will still be able to be reported to Cabinet when it considers the action plan at its meeting on the 12th November, but they will be received too late to be taken into account in the report that will go to the Planning Committee on the 28th October (that report has to be published on the 17th October to comply with Access to Information requirements).

Thank you for the comments from Keele PC which you sent through on the 2nd and your own personal comments upon the review, also received on the 2nd.

Guy Benson

Head of Planning and Development
Regeneration and Development Directorate
Newcastle-under-Lyme Borough Council
01782 742408

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From: Clare Withington [<mailto:clerk.keelepc@gmail.com>]
Sent: 30 September 2014 19:53
To: Benson, Guy
Cc: Clifton, Neale
Subject: RE: Newcastle Borough Council's Planning Peer Review

Dear Guy

Unfortunately this email arrived after both Parish Council's September meetings. The next meeting for Keele is 8th Oct and Audley is 16th Oct – as they only meet once a month. I know for certain that they will both want the opportunity to input into this – therefore if it is acceptable I would like to ask that I send their approved comments immediately after the meeting on the following Friday – so the latest will be 17th Oct for Audley.

I hope this is ok.

Clare

Clare Withington
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Audley
Staffs ST7 8HU
clerk.keelepc@gmail.com
website – www.keeleparish.org
07901 692414

From: Benson, Guy [<mailto:Guy.Benson@newcastle-staffs.gov.uk>]
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The Borough Council has received a final report from the Peer Review Team, a copy of which is being circulated to you, and to other stakeholders. I attach the report

The Planning Peer Review Team have made a number of recommendations. You will find these listed in Appendix 1 of the report. We would welcome your ideas on what action the Council should take in response to the recommendations, so that consideration can be given to including them in the Action Plan that the Council is now preparing. **Please could you submit them to me by no later than the close of play on 2nd October.**

You may wish to note that the current intention is to bring a report on the Action Plan to the Council's Cabinet at its meeting on the 12th November.

Yours sincerely,

Guy Benson
Head of Planning and Development
Regeneration and Development Directorate
Newcastle-under-Lyme Borough Council
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HALF YEARLY REPORT ON PLANNING OBLIGATIONS

Purpose of the Report

To provide Members with a report on planning obligations which have been secured over the 6 month period referred to in this report, works that have been funded in part or in whole by planning obligations within this period and compliance with their requirements

Recommendations

- a) That the report be noted
- b) That the Head of Planning and Development continue to report on a half yearly basis to the Planning Committee on planning obligations which have been secured over the preceding six months, works that have been funded during that period in whole or in part by planning obligations and compliance with their requirements, and that the next report referring to the period April 2014 to September 2014 be submitted to the Committee before the end of 2014

Introduction

In January 2013 the Committee received the first half yearly report on planning obligations which had been secured over the preceding 6 months, works that had been funded during that period in whole or in part by planning obligations and on compliance with their requirements. The last similar half yearly report was presented to the Committee at its meeting on 7th January 2014 for the period April 2013 to September 2013. As members may be aware the Senior Planning Officer dealing with these matters left the authority in May 2014, and for this reason this report has been delayed

One of the areas of work within the Planning Service relates to the production and the ongoing maintenance of a database relating specifically to planning obligations whether achieved by agreement or by undertaking. These are sometimes known as Section 106 agreements or undertakings – being entered into pursuant to Section 106 of Town and Country Planning Act 1990, as amended. This database requires updating..

One of the purposes of this report is to provide Members with information on what planning obligations have been secured over the six month period (October 2013 – March 2014). Some of the developments will be familiar to the Committee given they have come before the Planning Committee for decision, but others the Committee may not be familiar with because the related planning applications have been determined under delegated authority. The Council's Scheme of delegation gives to the Planning Committee only the authority to create by agreement planning obligations. Where applications are accompanied by obligations by unilateral undertaking then they do not have to be determined by the Planning Committee unless for some other reason. Planning obligations may relate to the payment of financial contributions but others have no financial contribution requirement but have been entered into to control or restrict the development in question in some way when it has been considered planning conditions are not the appropriate method of dealing with such issues.

The information is provided on a number of Tables which come after this page.

Officers are exploring whether this report is providing useful information to the Committee in a readable format. However to avoid further delay in bringing this report to the Committee the decision has been made to submit this report, although it is recognised that at certain points it is not as complete as it could be.

Table 1 - Developments where planning obligations by developers/owners of land have been entered into (October 2013 – March 2014)

The following Table identifies developments where planning obligations by agreement or undertaking have been entered into by developers/owners. It does not at present include the obligations entered into by the public authorities. These cases involve both applications which have come before the Planning Committee for determination and those which have been determined under delegated authority. The cases involve both financial contributions, the provision of development such as affordable housing and those which restricts the use of a development e.g. non-severance of ancillary accommodation. Contributions are usually payable upon commencement of the development (the payment "trigger"), but that can vary. If a development is not undertaken it follows that there is no requirement to pay the contribution.

Permission reference	Location of development	Development	Purpose of the obligation(s) entered into by developers/owners	The level of contribution(s) payable when development trigger achieved
12/00127/OUT	Land South Of West Avenue, West Of Church Street And Congleton Road, And North Of Linley Road Butt Lane Kidsgrove ST7 1TW	Residential development of 172 dwellings, area of community woodland, public open space and formation of new accesses	<ul style="list-style-type: none"> • Affordable Housing (25%) • Newcastle (urban) Transport and Development Strategy (NTADS) • Public open space enhancement/improvement and maintenance . • Travel Plan Monitoring • Public Right of Way improvement 	£521,965 (index linked)
13/00219/FUL	Land Adjacent 8A Apedale Road Chesterton ST5 6BH	Two semi detached houses	Newcastle (urban) Transport and Development Strategy (NTADS)	£1,000 (index linked)
13/00228/FUL	Land Adjacent 41 Sneyd Terrace Silverdale	Erection of a pair of semi-detached houses	Newcastle (urban) Transport and Development Strategy (NTADS)	£1,000 (index linked)

Permission reference	Location	Development	Purpose of the obligation(s) entered into by developers/owners	The level of contributions payable when development trigger achieved
10/00278/EXTN	Former Squires Copper Mount Road Kidsgrove ST7 4AY	Extension of time limit for implementing planning permission 10/00278/OUT for 12 dwellings	<ul style="list-style-type: none"> Newcastle (urban) Transport and Development Strategy (NTADS) Public open space enhancement/improvement and maintenance. 	£43,316 (index linked)
13/00853/FUL	Land At Junction Of Church Lane And Cherry Hill Lane Silverdale	Construction of 5 Houses for student accommodation and new vehicular access	Newcastle (urban) Transport and Development Strategy (NTADS)	£3,000 (index linked)
13/00988/FUL	Land At Church Lane Knutton	Construction of 2 houses for student accommodation (same site as 13/00853/FUL)	Newcastle (urban) Transport and Development Strategy (NTADS)	£1,000 (index linked)
13/00103/FUL	The Skylark High Street Talke Kidsgrove ST7 1QD	Demolition of existing public house and erection of 14 dwellings, alterations to accesses, associated landscaping and car parking	Public open space enhancement/improvement and maintenance.	£41,202 (index linked)
13/00548/FUL	Former Fire Station And Fire Station House Knutton Lane Knutton	Demolition of former Fire Station and House and erection of a Performing Arts Centre	Newcastle (urban) Transport and Development Strategy (NTADS)	£10,000 (index linked)

Permission Reference	Location	Development	Purpose of the obligation(s) entered into by developers/owners	The level of contributions payable when development trigger achieved
13/00623/FUL	Land Off Slacken Lane Kidsgrove	Erection of 4 dormer bungalows and 1 bungalow	Newcastle (urban) Transport and Development Strategy (NTADS)	£3,000 (index Linked)
13/00402/FUL	Land Adjacent 19 Grove Avenue Kidsgrove	1 no. Pair of new semi detached properties and garden works	Newcastle (urban) Transport and Development Strategy (NTADS)	£1,000 (index Linked)
13/00238/FUL	Land Adjacent To 25 Newport Grove Chesterton	Erection of two semi-detached dwellings on land adjacent to 25 Newport Grove, Chesterton	Newcastle (urban) Transport and Development Strategy (NTADS)	£1,000 (index Linked)
13/00327/OUT	Former Garages Rear Of Hempstalls Court Hempstalls Lane ST5 0SP	Construction of Light industrial (Class B1 Business use) building on former domestic garage site	Newcastle (urban) Transport and Development Strategy (NTADS)	£5,000 (index Linked)

Table 2 - Development where financial contributions have been made (October 2013 – March 2014)

The following Table identifies the development where the planning obligation requires the payment of a financial contribution and the trigger for payment has been reached and payments have been made. The sum of the contribution may differ from that originally secured due to it being a phased payment of the contribution, or the application of indexation.

Permission reference	Location of development	Development	Purpose of the obligation(s)	Contribution made
13/00548/FUL	Former Fire Station And Fire Station House Knutton Lane Knutton	Demolition of former Fire Station and House and erection of a Performing Arts Centre	Newcastle (urban) Transport and Development Strategy (NTADS)	£10,000
13/00402/FUL	Land Adjacent 19 Grove Avenue Kidsgrove	1 no. Pair of new semi detached properties and garden works	Newcastle (urban) Transport and Development Strategy (NTADS)	£1,006
12/00197/FUL	35 Apedale Road Chesterton ST5 6BH	Construction of pair of semi detached dwellings & new vehicular access	Newcastle (urban) Transport and Development Strategy (NTADS)	£1,016.00
09/00136/OUT	Former Silverdale Colliery Scot Hay Road Silverdale	Variation of Condition B9 of 06/00337/OUT, which gave outline planning permission for the erection of buildings for residential and community use,	Community Facilities	£583,007.54

Table 3 - Development where financial contribution have been spent. (October 2013 – March 2014)

The following Table identifies the developments where the spending authority have advised the Planning Authority that they have spent the financial contribution secured via planning obligations. These figures may differ from the contribution made, given the contributions may be targetted to a number of projects or an on-going project. Information has not been received from the County Council for this period. That information is to be sought and if available will be provided within the next half yearly report.

Permission reference	Location of development	Development	Amount of and purpose of contribution	How the contribution has been spent
09/00136/OUT	Former Silverdale Colliery Scot Hay Road Silverdale Newcastle	Variation of Condition B9 of 06/00337/OUT, which gave outline planning permission for the erection of buildings for residential and community use,	£773,134.83 – Community Facilities	Silverdale Community Sports Pitches and facilities
11/00129/FUL	Land Off Grange Lane Wolstanton Newcastle Under Lyme Staffordshire	Residential development	£8,279.52 – Open Space enhancements	Wolstanton Marsh Improvements

Table 4 - Development where apparent breaches of planning obligation has been identified (October 2013 – March 2014)

The following Table identifies a development where either the triggers for the payment of financial contribution have been achieved and no payment has yet been received or there is some other current breach in terms of the obligation/undertaking. It includes cases brought forward from previous periods, which have not yet been resolved

Permission reference	Location of development	Development	Purpose of the obligation and description of the apparent breach	Action taken and to be taken to resolve the apparent breach.
03/01033/OUT	Former Evans Halshaw Hassell Street Newcastle	Residential Development	Public Open Space contribution (£900 x 45 units) £40,500 – Apparent non payment of the contribution.	Legal Services have identified principal owners of the development and Financial Service have raised a debtors invoice to recover the outstanding monies. Court proceedings however had to be withdrawn. Owners identified as a company registered in the British Virgin Islands. Case conference to be called to decide upon next steps
10/00480/FUL	Former Corona Works, Sandford Street Chesterton	Residential Development	Public Open Space contribution totally £47,088 (index linked) – trigger of commencement of the development (within original agreement) for payment achieved, no payment received to date	The Planning Committee at its meeting on 16 th April 2013 resolved to defer the requirement to make this payment - until prior to commencement of the 9 th dwelling on the site. The revised agreement required to formalise this has still not been completed by the other party. The ninth dwelling has not commenced and the development of the site

				appears to have stalled. In the circumstances it would not be expedient to seek compliance with the original agreement. Officers are pursuing this with both the landowner and the solicitor who was understood to be acting on his behalf.
10/00110/FUL	61-63 High Street Silverdale	Two storey side extension and single storey rear extension	Newcastle (urban) Transport and Development Strategy (NTADS) contribution of £1800 (index linked)	Staffordshire County Council have agreed with the developer to a 4 phased payments of this contribution over a 12 period. (first payment made Sept 2013 – see entry in Table 3 above). Whether or not there have been payments to SCC since September 2013 is not known
07/00196/FUL	Former Brooks Laundry Oxford Road Basford ST5 0PZ	Erection of 14 two storey townhouses and associated garages (Amendment to plots 5-18 as approved under 06/00659/FUL)	Public Open Space contribution (£900 x 14 units) £12,600 – Apparent non payment of the contribution.	The developer has been contacted and advised that the Borough Council has no records that the contribution has been paid. Their response is awaited.
99/00341/OUT	Land Off, Keele Road (Milliners Green)	Residential development	Public Open space contributions – non payment of these contributions	The developer has been contacted and has responded querying the actual sum involved. Legal advice is being sought to establish the position prior to

				further contact with the developer
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Register of Locally Important Buildings and Structures in Newcastle-under-Lyme - 2014 Review

Purpose of the Report

To approve the updated Register of Locally Important Buildings and Structures following the 2014 review.

Recommendation

That Members agree to the proposed additions to the Register, as set out Section 2 of this report.

Reasons

As previously resolved, to review the Register.

1.0 Background

- 1.1 A report was considered in October 2010 to compile a list of locally important buildings and structures in the Borough. Members resolved to accept that list and call it a Register of Locally Important Buildings and Structures. Members also resolved to review the Register annually (subject to resources), plot the location of buildings on a publicly available plan and agreed that the membership of the Assessors' Panel that would consider all future nominations should be determined by the Conservation Advisory Working Party. The current Register can be viewed on www.newcastle-staffs.gov.uk/localregister
- 1.2 A Supplementary Planning Document (SPD) was adopted in March 2012 for the Register of Locally Important Buildings and Structures which sets out the procedure by which buildings and structures are added to the Register, including the scoring system.

2.0 Alterations to the Register

- 2.1 A review of the Register has been undertaken and the proposed additions to the Register following consideration of the nominations by the Panel are set out below. 24 nominations were considered by the Panel in the 2014 review. 17 buildings and structures are now proposed to be added to the Register. These are as follows.

Red K6 phone box, Oldcott Drive, Kidsgrove
120-142 Liverpool Road, Kidsgrove
Pearl Restaurant, Market Street, Kidsgrove
Cottons Opticians, Liverpool Road, Kidsgrove
New Victoria Theatre, Newcastle
Former Orme School for Girls, Victoria Road, Newcastle
Former Headmistress's house, Former Orme Girls School, Victoria Road, Newcastle
Newcastle High School, Mount Pleasant, Newcastle
Former Church Hall, Victoria Road, Newcastle
Butchers Arms, Church Street, Audley

St Michaels and All Angels, Linden Grove, Cross Heath
St Marks Church, Basford Park Road, Basford
Cross Heath Methodist Church
Grosvenor Terrace, 35-37 London Road, Newcastle
Tyrley War Memorial, Lockside Cottage, Tyrley`
War Memorial, St John the Baptist, Church Road, Ashley
War memorial, St Mary's Church, Hales

3.0 Buildings scoring below the required amount

- 3.1 During the review, some nominated buildings have just fallen short of the required number of points to warrant inclusion on the Register. Buildings and structures will be reconsidered if significant and appropriate additional information is provided to enable a better assessment to be made of the building. A list of these buildings is put on the Councils website.

4.0 Next Steps

- 4.1 The nominators and owners of the buildings which are to be added to the Register will be notified and a period of time given for them to send in any representations they may have for consideration by the Council at the next review.
- 4.2 The buildings will be added to the Council's Geographical Information System (GIS) and the amended Register will be put on the Council's website.

5.0 Conclusions

- 5.1 The Register will continue to be regularly updated and reviewed as resources permit.

6.0 Background Papers

English Heritage: Good Practice Guide for Local Listing: 2012 <http://www.english-heritage.org.uk/publications/good-practice-local-heritage-listing/>

REPORT ON A COSTS DECISION MADE BY THE SECRETARY OF STATE IN RELATION TO AN APPEAL BY MRS BARKER AGAINST AN ENFORCEMENT NOTICE ISSUED RELATING TO AN UNAUTHORISED CHANGE OF USE OF LAND FROM AGRICULTURAL USE TO USE AS GARDEN AT 19 BIDDULPH ROAD, HARRISEAHEAD, INCLUDING THE INCIDENTAL FORMATION OF HARDSTANDING, THE LAYING OF TURF AND AN ORNAMENTAL ROCKERY AND THE PLACING OF A GARDEN SHED

Enforcement Ref. No	12/00193/207C2
Enforcement Action authorised by	Planning Committee 4th June 2013
NulBC Appeal Ref	13/00023/ENFNOT
Planning Inspectorate Ref	APP/P3420/C/13/2206898
Appeal Decision_	Appeal withdrawn
Date of submission of appeal	8th October 2013
Date of withdrawal of the appeal	23rd May 2014
Date of Costs decision	15th August 2014
Costs decision	Costs award made in favour of the Council

Following the withdrawal of the appeal by the appellant (Mrs Barker) the Council made an application to the Secretary of State for an award of costs against Mrs Barker.

The full text of the Secretary of State's cost decision, on this application, is available to view on the Council's website (also as an associated document to appeal reference 13/00023/ENFNOT) and the following is only a brief summary of the Secretary of State's decision letter.

- In planning and enforcement appeals the parties are normally expected to meet their own expenses, irrespective of the outcome. Costs are awarded only on the grounds of "unreasonable" behaviour, resulting in unnecessary or wasted expense.
- The decisive issue in the determination of the costs application is whether or not Mrs Barker acted unreasonably withdrawing the appeal, with the result that the Council were put to unnecessary or wasted expense in resisting the appeal. Paragraph 54 of the NPPG states that appellants are encouraged to withdraw appeals at the earliest opportunity if there is good reason to do so – for example as soon as they become aware that it stands little prospect of success – and that an award of costs can be made if the appellant withdraws an appeal without good reason. If an appeal is withdrawn without any material change in the planning authority's case, or any other material change in circumstances relevant to the planning issues arising on an appeal, then an award of costs may be made against the appellants if the claiming party can show that they have incurred wasted expense as a result.
- The only consideration, given that with the withdrawal of the appeal the issues arising on the appeal remain unresolved, is whether or not it was reasonable for Mrs Barker to withdraw the appeal when she did – after being warned by the Inspectorate of the risk of costs being awarded if the appeal was withdrawn without good reason, the setting of a date for a Public Inquiry, the exchange of Statements of case, the submission of the Council's proof of evidence, the withdrawal of two out of the three grounds of appeal and change in the appeal procedure, and the further repeated warning given to her about a risk of an award of costs in the event of the appeal being withdrawn without good reason.

- An appellant's right of appeal to protect their interest in land has to be balanced against the expectation that all parties should act reasonably and not cause others to incur unnecessary or wasted expenditure in the process.
- In this case the appeal was withdrawn some 6 months after it was submitted. Mrs Barker would, or should, have been aware that by withdrawing the appeal when she did the Council would have incurred preparation costs in resisting it, in accordance with the Inspectorate's set timetable.
- The main reason given for withdrawing the appeal was that Mrs Barker was concerned about the effect the pursuit of the appeal was having on her health. The Secretary of State sympathises if Mrs Barker is experiencing health problems and in no way wishes to appear dismissive of them. However Mrs Barker has not supported her contention of ill health with any documentary evidence, such as a Doctor's note. In the absence of such evidence the Secretary of State cannot justify refusing the Council's claim to be reimbursed for the wasted expense they incurred from the public purse in the appeal process, which was clearly caused by the appeal being withdrawn.
- Mrs Barker also cites financial difficulties as a reason for withdrawing the appeal. However she was not professionally represented and as all appeal documentation had already been submitted, there would not appear to be any reason for further expense to be incurred by her in the appeal process. The Secretary of State does not accept this as a valid reason for withdrawing the appeal.
- The Secretary of State concludes that on the evidence available he does not consider there was any such material change in circumstances, or any other exceptional circumstances, to justify the appellant withdrawing the appeal when she did, her actions amounted to unreasonable behaviour resulting in the Council incurring wasted expense in having to resist the appeal, and an award of costs is therefore made.
- To allow a nominal period for Mrs Barker to have fully considered the warning on costs that she was given on the 1st November 2013, an award of the costs incurred after 15th November is justified.
- While the Secretary of State is awarding costs against Mrs Barker for the reasons indicated above, should Mrs Barker experience any genuine financial difficulties it will be a matter for the Council to decide whether or not to pursue such costs.

Officer comments

Members will note the reasons for the Secretary of State's decision. Your officers' next step will be to submit to Mrs Barker details of the costs the Council have incurred, with a view to reaching an agreement upon the amount.

Recommendation

That the costs decision be noted.

DECISION

Report to planning committee

COMMITTEE: Planning Committee

TITLE: Town & Country Planning Act 2012
Town & Country Planning (Trees)
Regulations 1999
Tree Preservation Order No.159 (2014)
Front garden of 4 Betley Hall Gardens,
Betley. CW3 9BB

SUBMITTED BY: Head of Operations

1 Purpose

- 1.1 To advise members of the Planning Committee that the above order was made using delegated powers on 11th July 2014, and to seek approval for the Order to be confirmed as made.

2 Background

- 2.1 The Order protects a single sycamore tree within the grounds of 4 Betley Hall Gardens, Betley.
- 2.2 The Order was made to safeguard the longer term visual amenity that the tree provides arising from concerns that it would be felled after a TPO application was made to fell the tree. The property is within Betley Conservation Area.

3 Issues

- 3.1 The sycamore tree stands within the front garden of the property on the boundary with 6 Betley Hall Gardens. It is one of three mature trees growing to the front of the properties in the immediate vicinity and is a mature single specimen, clearly visible from the Betley Hall Gardens. The tree is a prominent feature and provides an important contribution to the area. The loss of the tree would have a detrimental affect on the visual amenity, not only of the site but also of the locality.
- 3.2 A TPO application (number 14/00442/TWA) was submitted in June 2014 for works to several trees on the property, some of which are covered by Tree Preservation Order number 16. This included the felling of the sycamore tree which, although not included in the Order, is within the Conservation Area, and resulted in concern that the tree would be lost. The reason given for felling the tree is damage caused to the existing drive surface with deflection in the vertical alignment is so severe that the drive cannot be resurfaced properly.

- 3.3 Your officers inspected the sycamore tree and carried out a TPO assessment, and found it worthy of an Order. It is considered to be in good 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 11th July 2014 in order to protect the long term well-being of the tree. No representations were received.
- 3.4 Your officers are of the opinion that making the Tree Preservation Order will ensure protection of the tree and secure its longer-term visual amenity. Your officers are of the opinion that the tree, is generally healthy at present and is of sufficient amenity value to merit the making of a Tree Preservation Order. It is considered to be an appropriate species for the locality and to provide public amenity value due to its form and visibility from adjacent public locations. It is considered that the damage caused to the drive surface by the tree is relatively minor and that it is possible for it to be repaired and maintained in an appropriate condition. The making of the Order will not prevent the owner from carrying out good management of the tree, it will give the Council the opportunity to control the works and prevent unnecessary felling or lopping. The owner will be able to apply for permission to carry out maintenance work to the tree and if in the future, the tree does deteriorate in condition the owner will be able to apply for permission to carry out work which is necessary to safely manage the tree.

4 Recommendation

- 4.1 That Tree Preservation Order No 159 (2014) Betley Hall Gardens, be confirmed as made and that the owners of the tree be informed accordingly.

Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund – Keele War Memorial (Ref: 14/15005/HBG)

RECOMMENDATIONS:

That a grant of £237 be approved for the repair and repointing of the stonework plinth at the war memorial, subject to the appropriate standard conditions.

Purpose of report

To enable members to consider an application for financial assistance towards the cost of the repair and repointing of the War Memorial at Keele which is a Grade II Listed Building.

The War Memorial was added to the Statutory Listed of buildings of Special Architectural or Historic Interest in 2002. Situated close to the church in the form of a market cross it was erected in 1920 and is considered a good example of a First World War memorial.

The cross base is constructed of sandstone and is in need of some minor repair work and repointing. The base of the memorial will be repaired by raking out the hard mortar and repointing with lime:sand mix. A minor resin stone repair to the side of the memorial will also be undertaken.

Two competitive tenders have been obtained and the lowest quotation for the works, including VAT is £1,184. The sum allowed for this type of building/structure under the grant scheme is 20% which equates to £237. The maximum grant which can be offered under the Conservation and Heritage Fund is £5,000.

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

Financial Implications

There is sufficient funding to meet this grant application with approximately £15,200 in the Fund, allowing for commitments.

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