

Public Document Pack

Date of meeting	Tuesday, 21st June, 2016
Time	7.00 pm
Venue	Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact	Geoff Durham

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- | | | |
|----|--|------------------------|
| 1 | Apologies | |
| 2 | DECLARATIONS OF INTEREST | |
| | To receive Declarations of Interest from Members on items included on the agenda. | |
| 3 | MINUTES OF PREVIOUS MEETING(S) | (Pages 3 - 10) |
| | To consider the minutes of the previous meeting(s). | |
| 4 | Application for Major Development - David Weatherall Building, Keele University, Keele. Keele University. 16/00306/FUL | (Pages 11 - 16) |
| 5 | Application for Major Development - White Moss, Butterson Lane, Barthomley, West of Alsager. Renew Land Developments Ltd. 348/236 | (Pages 17 - 20) |
| 6 | Application for Minor Development - Smithy Cottages, Smithy Corner, Bar Hill, Madeley. N Leese. 16/00226/FUL | (Pages 21 - 30) |
| 7 | Application for Other Development - 4 Highway Lane, Keele. Councillor W Naylor. 16/00368/FUL | (Pages 31 - 36) |
| 8 | Annual Report on Development Management Performance 2015-16 | (Pages 37 - 46) |
| 9 | Planning Appeal Performance Report 2015-2016 | (Pages 47 - 54) |
| 10 | URGENT BUSINESS | |
| | To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972 | |

Members: Councillors Burgess, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Panter, Pickup (Vice-Chair), Proctor (Chair), Reddish, Simpson, Turner, Williams 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.

FIELD_TITLE

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

PLANNING COMMITTEE

Tuesday, 24th May, 2016

Present:- Councillor Bert Proctor – in the Chair

Councillors Burgess, Fear, Hambleton, Loades, Mancey, Northcott, Panter, Pickup, Reddish, Simpson, Turner, Williams and Williams

Apologies Apologies were received from Councillor(s)

1. APOLOGIES

There were no apologies received

2. COUNCILLOR EILEEN BRAITHWAITE

Members stood in silent tribute to Councillor Eileen Braithwaite who had recently passed away.

3. DECLARATIONS OF INTEREST

Councillor Loades declared an interest as a ward member in item 4, Tadgedale Quarry, Muckleston Road, Loggerheads and Councillor S Hambleton declared an interest in item 7, land west of Ravens Close, Bignall End as a board member of the Aspire Housing Group.

4. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 26 April 2016 be agreed as a correct record.

5. APPLICATION FOR MAJOR DEVELOPMENT - TADGEDALE QUARRY, MUCKLESTONE ROAD, LOGGERHEADS. RENEW LAND DEVELOPMENTS LTD. 16/00202/OUT

Resolved: That the application be refused for the following reasons:

(Proposed by Councillor Loades and seconded by Councillor Fear)

Refused on same grounds as 15/00015/FUL that the development would constitute unsustainable development by reason of its location and lack of accessibility to services and facilities including Muckleston Primary School there being no suitable and safe footpath access to that school from the development. The development would result in a high level of private car use having regard to its location and limited bus services with additional reasons relating to the following:

- (i) In the absence of a planning obligation securing the long term maintenance and management of public open space on the site, the development would not be acceptable
- (ii) In the absence of a planning obligation, and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area, the development fails to

make an appropriate contribution towards primary school provision, contrary to policy.

- (iii) In the absence of a planning obligation the development fails to provide 25% of the total number of proposed dwellings as affordable dwellings which are required to provide a balanced and well-functioning housing market.
- (iv) In the absence of a planning obligation towards Travel Plan monitoring costs, the required contribution to sustainable transport measures would not be secured in accordance with policy.
- (v) In the absence of a planning obligation towards the provision of a travel plan for St. Mary's CE Primary School, the required contribution to sustainable transport measures, would not be secured in accordance with policy.

6. APPLICATION FOR MAJOR DEVELOPMENT - SITE OF FORMER JUBILEE BATHS, NELSON PLACE, NEWCASTLE. WESTLANDS ESTATES LTD. 16/00244/FUL

Resolved: That the application be refused for the following reasons:

(Proposed by Councillor Fear and seconded by Councillor Northcott)

Loss of amenity as a result of on street parking arising from inadequate on-site parking provision.

7. APPLICATION FOR MAJOR DEVELOPMENT - FORMER ST GILES' & ST GEORGE'S PRIMARY SCHOOL, BARRACKS ROAD, NEWCASTLE. STAFFORDSHIRE COUNTY COUNCIL. 16/00362/FUL

Resolved: That the application be refused for the following reason:

(Proposed by Councillor Fear, seconded by Councillor S Hambleton)

The colour of the proposed material is not in keeping with and would be harmful to the character and appearance of the Conservation Area.

8. APPLICATION FOR MINOR DEVELOPMENT - LAND WEST OF RAVENS CLOSE, BIGNALL END. ASPIRE HOUSING GROUP. 16/00273/FUL

(Proposed by Councillor Turner, seconded by Councillor Burgess)

Resolved: That consideration of this item be deferred for a site visit.

9. APPLICATION FOR MINOR DEVELOPMENT - LAND NORTH OF BAR HILL ROAD, ONNELEY. MR D JOHNSON. 16/00336/OUT

(Proposed by Councillor Loades, seconded by Councillor Mancey)

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

- (i) Approval of details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters" and as defined in the Town and Country Planning (Development Management Procedure) Order 2015, as amended, or any Order revoking and re-enacting that Order) shall be obtained from the Local Planning Authority in writing before any development hereby approved is commenced.
- (ii) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- (iii) The development hereby permitted shall be carried out in accordance with the following approved plans and supporting information unless superseded by plans approved for outstanding reserved matters applications;
 - Location plan (scale 1/2500), received by the Local Planning Authority on 21 April 2016
 - Drawing no. 4224-01-03, received by the Local Planning Authority on 21 April 2016
 - Transport Planning Paper dated the 23 February 2016
 - Preliminary Risk Assessment (Desk Study) dated the 8th June 2015
 - Extended Phase 1 Habitat Survey by Rachel Hacking Ecology
- (iv) Development should not commence until sufficient site investigation works have been undertaken to adequately assess the nature and extent of any land contamination on the site. The scope of site investigation works should be submitted to, and approved in writing by, the local planning authority. The works must be undertaken by competent persons and in accordance with the requirements of:
 - BS10175 (2011) + A1 (2013) Investigation of Potentially Contaminated Sites – Code of Practice
 - BS8576 (2013) Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds

The findings of the site investigation should be used to assess the potential risks from land contamination to:

- Human health
- Controlled water
- Property
- Ecological systems
- Archaeological sites and ancient monuments

A report of the results of the site investigation works, together with a risk assessment should be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Planning Policy Framework 2012.

- (v) Development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for its intended use by removing unacceptable risks has been submitted to, and approved in writing by, the local planning authority. The scheme must include:
 - All remediation works to be undertaken
 - Proposed remediation objectives and remediation criteria
 - Site management procedures
- (vi) The approved remediation scheme must be carried out in accordance with the approved remediation statement prior to the commencement of development, unless otherwise agreed in writing by the local planning authority.

The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the approved remediation scheme, a verification report that demonstrates its effectiveness must be submitted to, and approved in writing by, the local planning authority.

- (vii) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (4), and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of condition (5), which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with the requirements of condition (6).

- (viii) No soils (or soil forming materials) are to be imported to the site until information on their source, the results of any soil analysis, and an assessment of their suitability for use has been submitted to and agreed in writing by the local planning authority. Prior to their import onto site, a suitable methodology for testing soils following their import and placement on the site should be submitted to and agreed in writing by the local planning authority. The methodology should include:
 - The sampling frequency

- Soil analysis schedules
- The criteria against which the analytical results will be assessed

The agreed methodology shall then be carried out, the results of which should be submitted to, and approved in writing by, the local planning authority.

- (ix) The development hereby permitted shall not be occupied until the access to the site within the limits of the public highway has been completed in accordance with the submitted plans.
- (x) Notwithstanding the submitted plans the reserved matters application shall include details indicating a minimum access width of 4.2m for the first 5m rear of the highway boundary.
- (xi) The development hereby permitted shall not be brought into use until the visibility splays, as broadly indicated on drawing no: 243-01/GA-01, have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
- (xii) The development hereby permitted shall not be occupied until the existing site access, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted is permanently closed and the access crossing reinstated as verge / hedgerow to Local Planning Authority approval.
- (xiii) The vehicular access shall remain un-gated
- (xiv) The development hereby permitted shall not be commenced until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) a site compound with associated temporary buildings;
 - ii) the parking of vehicles for site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) measures to prevent the discharge of deleterious material and surface water onto the highway.
- (xv) Any application for the approval of reserved matters shall include an Arboricultural Impact Assessment and Tree Protection Plan, both to BS5837:2012, with particular reference

to the high quality mature trees at the eastern end of the site.

10. APPLICATION FOR OTHER DEVELOPMENT - 20 MELROSE AVENUE, NEWCASTLE. MR R MANDLEY. 16/00255/FUL

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

- (i) Time limit.
- (ii) In accordance with the approved plans.
- (iii) Materials as per application.

11. APPLICATION FOR OTHER DEVELOPMENT - OLD HALL, POOLSIDE, MADELEY. MR G WHITE. 16/00252/LBC

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

- (i) Time limit condition.
- (ii) Development to be carried out in accordance with the approved plans and submitted details.

12. APPLICATION FOR OTHER DEVELOPMENT - BUDDILEIGH FARM, BACK LANE, BETLEY. MR ALEXANDER. 16/00185/COU

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

- (i) Time limit.
- (ii) In accordance with the approved plans.
- (iii) No more than 9 wedding ceremonies shall be held in the barn and the garden (combined) in any calendar year.
- (iv) Compliance with the recommended mitigation measures of the noise management plan at all times that a wedding is taking place.
- (v) Car parking to be within the field – accessed from Main Road as per existing arrangements.
- (vi) Removal of the marquee within the residential curtilage when not in use.

13. APPEAL DECISION - ROWNEY FARM, MARKET DRAYTON ROAD, LOGGERHEADS

Resolved: That the decision be noted.

14. ARTICLE 4 DIRECTION FOR WHITMORE CONSERVATION AREA

Resolved: That agreement be given to the making of Article 4 Directions

15. ARTICLE 4 DIRECTIONS FOR MADELEY AND AUDLEY CONSERVATION AREAS

Resolved: That agreement be given to the making of Article 4 Directions

16. **HALF YEARLY REPORT ON PLANNING OBLIGATIONS**

Resolved: That the recommendations be accepted

17. **QUARTERLY ENFORCEMENT MANAGEMENT REPORT**

Resolved: That the information be received

18. **OPEN ENFORCEMENT CASES**

Resolved: That the recommendations be accepted.

19. **URGENT BUSINESS**

There was no Urgent Business.

COUNCILLOR BERT PROCTOR
Chair

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**DAVID WEATHERALL BUILDING, SCHOOL OF MEDICINE
KEELE UNIVERSITY**

16/00306/FUL

The application seeks planning permission to vary condition 5 of planning permission 15/00583/FUL. The condition concerns the provision of some permanent car parking associated with the erection of a two storey extension and basement to the David Weatherall Building.

The approved extension involves a total of 1047 square metres of new floorspace for around 80-90 extra staff members arising from a planned expansion of the existing medical research facility.

In granting the permission it was agreed that a temporary 50 space car park to the north of the Stephenson Building was to be made permanent as a requirement of the planning approval. The existing requirement (set out in condition 5) is that the new floorspace should not be brought into use until the permanent car park has been laid out

The applicant is asking for the condition to be varied so that the re-surfacing on the car parking area can be postponed whilst works are carried out on the Barnes development (approved under 15/01004/FUL). It is proposed that the re-surfacing work will be carried out in accordance with the approved drawings but will not now have to be completed until 31st December 2018.

The 13 week period for the determination of this application expires on 18th July 2016.

RECOMMENDATION

PERMIT subject to conditions relating to the following:-

1. A condition varying condition 5 in the manner now sought by the applicant as indicated above.
2. All other conditions associated to permission 15/00583/FUL continue to apply.

Reason for Recommendation

There are no highway objections to the proposal. The making for a development of a remote but within reasonable walking distance existing "temporary" car park permanent, does not in practice add any additional parking to the campus, although it "secures" it. The postponement of the re-surfacing the car park as proposed by the applicant can be undertaken without detriment to highway safety.

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.

Key Issues

Condition 5 as it stands requires the development permitted not to be brought into use until the permanent car park has been provided in accordance with approved details. The Authority in responding to the application now submitted has a number of options:-

- If it considers that the original condition should remain unaltered it should refuse the application; and
- If it considers that the condition should be amended then it should approve the application whilst at the same time applying that amended condition.

In deciding such an application the LPA must only consider the condition which is the subject of the application – it is not a complete re-consideration of the original application, although the effect of a positive decision is to grant an entirely new permission.

The approach to be taken to applications for the variation or removal of conditions is indicated in National Planning Policy Framework (NPPF) and National Planning Practice Guidance. As a matter of policy, conditions should only be imposed where they satisfy certain tests. All conditions should be:-

- (i) necessary;
- (ii) relevant to planning;
- (iii) relevant to the development to be permitted;
- (iv) enforceable;
- (v) precise; and
- (vi) reasonable in all other respects.

The sole key issue to consider in this case is whether or not varying the condition would have an adverse impact on highway safety .

Is the impact on highway safety acceptable?

The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In a Ministerial Statement in March 2015 the Minister did indicate that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

The internal roads within the campus do not form part of the public highway – these are maintained and managed by the University itself – although they are used by the public bus service.

The David Weatherall building already has 153 parking spaces adjacent to it and that immediate parking area is not proposed to be increased. The condition in question only requires the conversion of an existing temporary 50 space car park located to the north east of the Stephenson Building into a permanent one, prior to occupation of the extension. The Planning Authority accepted that no actual additional parking was required in this case. The variation proposed is simply to postpone the required surfacing works until such time as the construction of the new student blocks at the Barnes are complete. The University wish to use the existing temporary car parking area for purposes related to the construction of the new Barnes accommodation blocks in any case. As varied the condition still allow an area of temporary parking to be “secured”, albeit sometime after occupation of the extension to the David Weatherall building.

The variation proposed by the applicant is of a practical nature and has to be considered alongside other campus parking availability temporary or otherwise. The Highway Authority has no objections in relation to protecting highway safety.

APPENDIX

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

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

Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development General Parking Requirements

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (PPG) (2014)

Relevant Planning History of David Weatherall building

01/00874/FUL	Proposed medical school and primary care science research centre	Permitted 2001
12/00383/FUL	Single storey rear extension, two storey side extension and first floor side extension.	Permitted 2012
13/00634/FUL	First floor extension	Permitted 2013
14/00953/FUL	Erection of a single storey extension and new canopy over existing service yard	Permitted 2015
15/00583/FUL	Two storey extension and basement, to rear of David Weatherall Building to extend existing research facility.	Permitted 2016

Views of Consultees

Keele Parish Council have not provided any comments by the due date, and so must be assumed to have no objections to the proposal.

Environmental Protection no objections.

Highway Authority no objections.

Conservation Officer no comments.

Representations

None received by the due date.

Applicant's/Agent's submission

The application documents, which include a Supporting Statement, are available for inspection at the Guildhall and via the following link www.newcastle-staffs.gov.uk/planning/1600306FUL

Background papers

Planning files referred to

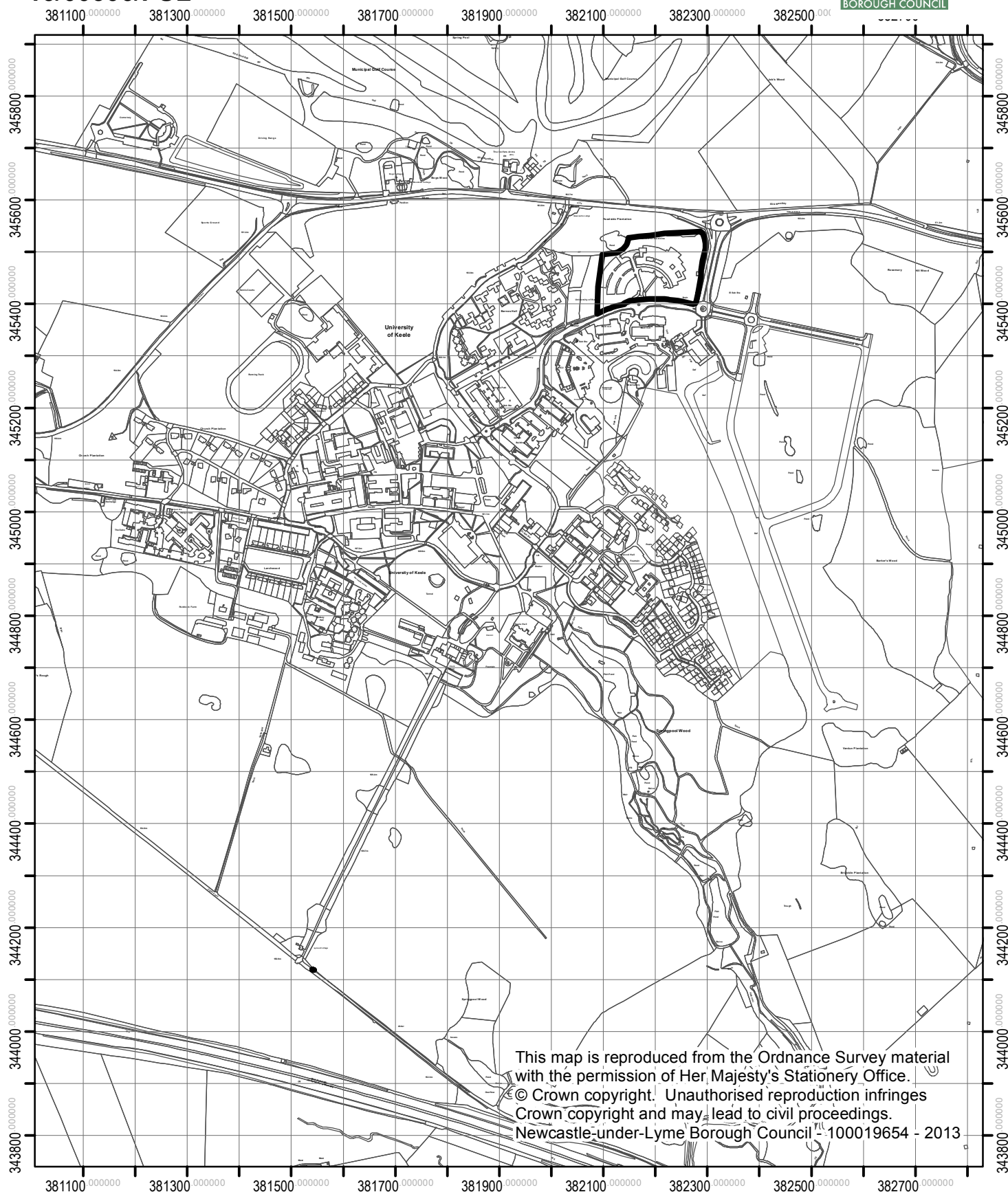
Planning Documents referred to

Date report prepared

1st June 2016

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16/00306/FUL



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**WHITE MOSS, BUTTERTON LANE, BARTHOMLEY, WEST OF ALSAGER
RENEW LAND DEVELOPMENTS LIMITED
(NULBC REF 348/236))**

CHESHIRE EAST REF 15/4888N

The Borough Council has been consulted by Cheshire East Council on an application for outline planning permission for up to 400 residential units on the above site to the west of Alsager

For the Borough Council's comments to be taken into account by Cheshire East Council in their decision, they must be received by them by 22nd June 2016.

RECOMMENDATION

That Cheshire East Council be advised that the Borough Council has NO OBJECTIONS to the application.

Reason for Recommendation

Your officers consider that the development of this scale in this location would undermine the delivery of the Newcastle-under-Lyme and Stoke-on-Trent Joint Core Spatial Strategy.

KEY ISSUES

The Borough Council has been consulted by Cheshire East Council on this outline proposal,

The site extends to some 19.4 ha and consists of part of an active sand and peat quarry. The application is accompanied by an Environmental Statement, and by an indicative layout

There is a history of development proposals for White Moss Quarry, including an outline application in 2013 for the provision of up to 1000 residential dwellings and other mixed development on the whole of the quarry site (planning reference 13/4132N), this was followed by a revised scheme for up to 350 dwellings ("Phase 1") on the southern part of the site, which received consent in September 2015. The application now submitted, and upon which the Borough Council's comments are being sought relates to the northern part of the quarry – the development being referred to as 'Phase 2'. Were consent to be granted for this application, this would mean a total of up to 750 units would have outline planning consent at the White Moss Quarry site.

The site lies west of the settlement boundary of Alsager as defined on the Congleton Borough Local Plan Proposals Map in the open countryside. To the south of the site referred to in Phase 1 is the Radway Green BAE plant, and to the west the M6.

As members will be aware Cheshire East have not been able for some time to satisfy Inspectors that they can demonstrate a 5 year supply of deliverable housing sites, and a number of residential developments have been approved on the basis that existing policies that restrict the supply of housing are out of date. As indicated above 350 units have already been permitted on the southern part of the quarry site.

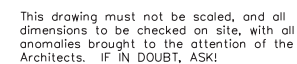
Cheshire East's Local Plan Strategy was submitted to the Secretary of State in May 2014 and is currently undergoing an independent examination. It identifies strategic sites and strategic location that will accommodate most of the development needed. Cheshire East have recently completed a consultation on proposed changes, following the publication by the Inspector of his Further Interim Views. Cheshire East are indicating a Core Strategy housing site at White Moss (CS42), but not one that includes the current application site, and their proposal envisages only 350 units (i.e. is equivalent to the consented Phase 1).

Given the scale of the additional proposed development, and its location fairly near to the Borough boundary, it is considered that the Borough Council, whilst it may be difficult to demonstrate by evidence a link between the scale of residential development in this location and the regeneration of

the North Staffordshire conurbation, the delivery of which is an objective of the existing Joint Core Strategy, should still express concerns that significant additional residential development is being proposed above and beyond that already provided for Alsager in the now submitted version of Cheshire East's Core Strategy.

Date report prepared

10th June 2016



DRAWING TITLE
SITE BOUNDARY
PHASE TWO

PROJECT
WHITEMOSS QUARRY
ALSAGER

SCALE	DATE	DWN	CHK
1:2500@A2	16-07-12	BN	--
xx@A3			
REVISION/ISSUE			

Planning

rev	date	description
A	09/75	BOUNDARY AMENDED ADJACENT GARDEN CENTRE
B	09/75	BOUNDARY AMENDED ADJACENT GARDEN CENTRE

winnington hall, winnington,
northwich, cheshire, CW8 4DU
Tel: (01606) 782 500
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SMITHY COTTAGES, SMITHY CORNER, BAR HILL, MADELEY
MR N LEESE

16/00226/FUL

The application seeks planning permission for the erection of two detached dwellings on land which currently forms part of the residential curtilage of Smithy Cottages. A detached double garage to serve the existing dwelling is also proposed.

The application site lies within the Conservation Area of Madeley, as defined by the Local Development Framework Proposals Map. The site adjoins Ye Olde House, a Grade II Listed Building.

The application has been called in to Committee by two Councillors on the grounds that the development is out of keeping with the old part of Madeley village, would result in road safety issues and is over development of the site.

The statutory 8 week determination period for the application expired on 12th May 2016.

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Time limit**
- 2. Approved plans**
- 3. Provision of access, parking and turning prior to use of development**
- 4. Provision of visibility splays in accordance with plans prior to use**
- 5. Surfacing of access drive in bound and porous material for 5 metres back from public highway**
- 6. Retention of garage for parking of vehicles and cycles**
- 7. Gates to be located a minimum of 5 metres back from highway boundary**
- 8. Protection of retained trees and hedgerows throughout all demolition, construction and earthworks (drainage)**
- 9. Prior approval of Arboricultural Method Statement**
- 10. Prior approval of landscaping proposals, to include proposals gapping up boundary hedgerows and replacement tree planting**
- 11. Prior approval of facing and roofing materials, and hard surfacing materials**
- 12. Prior approval of finished floor levels**
- 13. Full suite of contaminated land conditions**
- 14. Removal of Permitted Development Rights for porches and roof lights on the front elevation**

Reason for recommendation

The principle of residential development of this site, within the village envelope of Madeley, is acceptable and in compliance with Policy ASP6 of the Core Spatial Strategy and with the aims and objectives of the National Planning Policy Framework. The proposed development would not harm the character of the Conservation Area, and would not harm the setting of the adjacent Grade II Listed Building. The development would be acceptable in terms of access and highway safety, and would retain a good level of mature landscaping (trees and hedgerows) to retain the landscape character of the plot. The development would therefore comply with Policies N12, N13, B5, B9, B10, B13 and B15 of the Newcastle under Lyme Local Plan, Policies ASP6, CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy, and with the aims and objectives of the Newcastle under Lyme and Stoke on Trent Urban Design Guidance Supplementary Planning Document and the National Planning Policy Framework.

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

Amendments were requested and received during the course of the application relating to the height of the dwellings and land levels. This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

Full planning permission is sought for the erection of two detached dwellings and a detached garage within the garden area of Smithy Cottages, Smithy Corner, Bar Hill, Madeley. The site is within the village envelope and Conservation Area of Madeley, as indicated on the Local Development Framework Proposals Map.

The two dwellings are sited at the rear of the plot, and the proposed detached garage, which would serve Smithy Cottages, would sit approximately half way back from the front of the site, behind the garden to Smithy Cottages. The dwellings would both have four bedrooms and integral garages.

The site would utilise the existing access point off Bar Hill. There is a Grade II Listed Building – Ye Olde House –adjacent to the site to the west of the site.

The key issues in the determination of the application are considered to be:

- The principle of the development
- The impact of the development on the character and appearance of the area and Conservation Area
- The impact of the development on trees and hedgerows
- The impact of the development in highway safety terms
- The impact upon residential amenity

The principle of the development

Policy ASP 6 of the Core Spatial Strategy requires a maximum of 600 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key rural service centres of Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements.

The site is a garden, so is not considered to represent brownfield land development. However, the site is located within the rural service centre of Madeley, which offers shops, services, a primary and high school and good public transport links to nearby town centres. It is therefore a sustainable site for housing development.

The Council does not have a five year housing land supply at present, and the National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year supply of deliverable sites.

Overall, taking into account the sustainability of the site, and its location within the rural service centre of Madeley, the principle of residential development of this site is considered acceptable, and accords with the aims and objectives of the National Planning Policy Framework.

The impact of the development on the character and appearance of the area and Conservation Area

The National Planning Policy Framework 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 CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

The National Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Permission should be refused where a development will lead to substantial harm or total loss of significance of a designated heritage asset.

Policy B5 of the Local Plan states that the Council will resist development proposals that would adversely affect the setting of a Listed Building. Ye Olde House is a Grade II Listed Building, and is located adjacent to the application site. The Listed Building is an extended dwelling and its curtilage is defined by a domestic garden/ plot which extends to the rear and to the properties along Moss Lane. The proposed houses are set back in the site than the existing garages on the site. The opinion of the Conservation Officer, that the introduction of the two dwellings on the land west of Smithy Cottages will not harm the setting of Ye Olde House which is within a compact area of the village, is accepted.

Policies B9, B10 and B13 of the Local Plan all concern the prevention of harm to Conservation Areas, and the requirement to preserve or enhance their character. Policy B15 relates to trees and landscape in Conservation Areas, and states that landscape features should be retained where these contribute to the character and appearance of the area. The policies of the Urban Design SPD reflect the aims of the Local Plan Policies, which are consistent with the aims of the National Planning Policy Framework.

The two dwellings are proposed to be located to the rear of the plot, and their design is traditional, with features found extensively in Madeley village incorporated into the design of the dwellings. The retention of vegetation (trees and hedgerows) on the site will provide screening of the two dwellings, and will help the development assimilate with the surrounding area. The design of the dwellings is appropriate and set well back from the road this will make them less visible in the street scene.

This part of the village is varied in density, with some properties located in close proximity to each other, and others more widely spaced within larger curtilages. The plot sizes of the proposed dwellings and that which remains for the existing are considered acceptable, and it is considered that the dwellings would not create a cramped appearance. The garage to the frontage of the dwellings would not detract from the character of the area.

Amendments were requested to seek to reduce the height of the dwelling on plot 2, to improve the relationship with the neighbouring dwelling. These amendments were received, lowering the height of the roof over the garage on Plot 2 by approximately one metre.

It is important that the access drive should not be over engineered in appearance, and the trees and landscaping protected to ensure the landscape appearance of the site is protected. Surfacing materials of the driveway can be conditioned to ensure its appearance is satisfactory in appearance and to avoid damage to trees and landscaping.

It is considered relevant to remove permitted development rights for alterations to the front elevation, including front porches and rooflights, which are covered by Classes C and D permitted development rights to ensure that such additions are carefully controlled in the interests of the appearance of the dwellings.

Overall, the proposed development is considered to achieve a good design and appearance in this part of the Madeley Conservation Area, and would comply with Policies B9, B10 and B13 of the Local Plan, Policies CSP1 and CSP2 of the Core Spatial Strategy, and with the aims and objectives of the National Planning Policy Framework.

The impact of the development on trees and hedgerows

There are several trees on and around the site, which contribute to the sites green character. 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.

The Landscape Division has no objections to the proposed development. They suggest that the boundary hedgerows are retained and protected throughout this development, and request planning conditions relating to tree and hedge protection to retained trees and hedgerows to BS5837:2012 throughout all demolition, construction and earthworks (drainage), prior approval of an Arboricultural

Method Statement, and prior approval of landscaping proposals to include gapping up boundary hedgerows and replacement tree planting.

Overall, the proposed development is considered to have an acceptable impact upon trees and hedgerows, provided conditions are included to ensure the retained trees and hedgerows are adequately protected during the construction phase.

The impact of the development in highway safety terms

The development would utilise the existing access from Bar Hill. The drive would be private, and would have a width of 4.5 metres at the entrance, narrowing down to 3 metres. A turning area would be provided to the frontage of plot 1. Plot 1 would have two car parking spaces (one within the garage and one on the driveway), and plot 2 would have three car parking spaces (one within the garage and two on the driveway). Whilst the existing access is sited close to the junction of Moss Lane and Bar Hill, the additional vehicular movements associated with the proposed two dwellings would not result in any highway safety concerns.

There would be two car parking spaces within the new detached garage for Smithy Cottages, plus space for an additional two cars to be parked to the frontage of the garage.

For a four bed dwelling, the maximum car parking standard is for 3 car parking spaces. Plot 2 will provide 3 spaces, however plot 2 will provide 2. Policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on street parking or traffic problem. In this case, one space less than the maximum standards is not considered a significant under provision. Furthermore, the turning area is large enough to accommodate a parked car and still allow space for turning.

The Highway Authority has no objections to the proposed development, subject to several conditions aimed at ensuring the visibility splays, turning and parking areas are all provided prior to the use of the development. The garages should also be retained for the parking of motor vehicles and cycles, as they go towards provision of adequate car parking for the development.

Overall, the development is considered to provide an acceptable level of car parking space, and would have an acceptable impact upon highway safety. The development proposal therefore complies with Policy T16 of the Local Plan and with the aims and objectives of the National Planning Policy Framework.

The impact upon residential amenity

The Framework states within paragraph 9 states that pursuing sustainable development involves seeking positive improvements in peoples quality of life, including improving the conditions in which people live, work, travel and take leisure. The impact upon the amenity of surrounding residents has to be taken into consideration. Paragraph 17 sets a core planning principle that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

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

The two dwellings are proposed to be situated to the rear of the plot. The proposed garden sizes exceed the minimum required size of 65 square metres as set out in the Space Around Dwellings SPG.

In terms of distances between facing windows, the proposed dwellings would face towards the rear of both Ye Olde House and Smithy Cottages but would not directly overlook them. In such situations the guidance in the SPG indicates that a separation distance of 17 metres is appropriate. This distance is achieved in relation to both Ye Olde House and Smithy Cottages.

In terms of the impact of the development on Smithy House, which is the closest existing dwelling to the proposed dwellings, the development would not breach a 45° line measured from the principal windows on the rear of Smithy House, and would therefore not cause any material loss of light to

neighbouring principal windows. There will be no principal windows in the side elevations of the two dwellings that would overlook Smithy House.

The height of the garage roof on plot 2 has been lowered, which will improve the relationship with Smith House. No harm to amenity in terms of loss of light or privacy would be caused to the neighbouring dwelling to Plot 2.

Overall, the development would have an acceptable impact upon residential amenity, and would be in compliance with the Space Around Dwellings SPG and the aims of the National Planning Policy Framework.

APPENDIX

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

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential Development: Sustainable location and protection of the Countryside
Policy T16: Development: General parking requirements
Policy N12: Development and the protection of trees
Policy N13: Felling and pruning of trees
Policy B5: Control of development affecting the setting of listed buildings
Policy B9: Prevention of harm to conservation areas
Policy B10: The requirement to preserve or enhance the character or appearance of a conservation area.
Policy B13: Design and Development in Conservation Areas
Policy B15: Trees and Landscape in Conservation Areas

Other material considerations include:

National Planning Policy Framework (March 2012)
Planning Practice Guidance (2014)
Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010)

Relevant Planning History

None

Views of Consultees

Madeley Parish Council objects to the application. The proposed development is within the Conservation Area, the two detached dwellings are too close to Ye Olde House and Bridge Cottage, both Grade II Listed Buildings, and would represent overdevelopment in the Conservation Area. They are not convinced that the proposed trimming back of the hedge to improve visibility would be sufficient to ensure safe visibility for vehicles on the road.

The **Conservation Officer** advises that the application site is in the Madeley Conservation Area, and Smithy Cottages was identified within the Conservation Area Appraisal Document as a positive building, occupying a prominent position in the Conservation Area on the corner at the junction with Bar Hill and Station Road. The key issues are the impact of the development on the setting of Ye Olde House, a Grade II Listed Building, and the effect on the character and appearance of the Conservation Area and its setting.

The plot is generous and currently has 2 garages on the site and an informal gravel driveway leading to the garages. The plot frontage is bounded by a mixed hedge and vegetation lines the driveway. Trees screen much of the plot to the rear. These are shown to be retained and will also help any development to be accommodated into the environment.

The adjoining Listed Building, Ye Olde House is a former house with multi phases and extensions. Bridge Cottage (attached to Ye Olde House) fronting the road is a former rear 18th Century wing with the main brick house with 16th origins and timber framing set behind this in an L plan. The brick section is not particularly visible from the road and mature vegetation surrounds the plot. The curtilage of the Listed Building is defined by its domestic garden/plot which extends to the rear and to the properties along Moss Lane. Moss Lane properties are modest cottages and terraces (including a

converted Wesleyan Chapel) and closely compacted with a tighter grain. The wider setting of these Listed Buildings is this part of the village, rising up to the railway bridge at Bar Hill.

As with most villages, Madeley area has evolved incrementally over time (centuries) and has buildings ranging from 16th to the 20th century. Development is varied and the street layout and positioning of the existing buildings make for an interesting townscape.

The proposed houses are set back further into the site than existing garages on the site. The introduction of dwellings on the land west of Smithy Cottages will not harm the setting Ye Olde House and Bridge Cottage which is within a compact area of the village.

The two properties are designed in a relatively typical manner but are not offensive and the features which are found quite extensively in Madeley village will be glimpsed through the vegetation at the rear of this plot. They are proposing as one with painted brickwork, one unpainted and it will be necessary to get a good quality brick which relates well to the village. All materials are important and the roofs particularly will be visible, albeit glimpsed, and should be a clay tile of darkish hue. Windows should be timber casements and garage doors also painted timber.

It is the treatment of the driveway which could cause most harm to the character and appearance of the Conservation Area. This should remain ideally as it is currently and not be over engineered by requirements from Highways and trees protected during the process if you are minded to approve the application.

Recommend removal of PD rights for minor developments in line with the proposed Article 4 Direction to ensure that we have some control over domestic paraphernalia

The **Landscape Development Section** has no objections and suggests the boundary hedgerows are retained and protected throughout the development, and suggests conditions relating to tree and hedge protection, prior approval of Arboricultural Method Statement, and prior approval of landscaping proposals to include proposals gapping up boundary hedgerows and replacement tree planting.

The **Environmental Health Division** recommenced contaminated land conditions.

The **Highway Authority** have no objections subject to conditions relating to completion of the access, parking and turning areas prior to use of the development; provision of visibility splays prior to use; surfacing of the driveway in a bound material for 5 metres back from the highway edge prior to use; and retention of the garage for the parking of motor vehicles and cycles.

The **Conservation Advisory Working Party** considers the development can be accommodated without overwhelming any of the surrounding buildings on the adjacent plot. The proposal will preserve the character of the Conservation Area, as the development is set well back into the plot behind mature vegetation. Important that the quality of details are maintained, for example clay tiles should be used. Timber side opening doors should be conditioned for the garage.

United Utilities have no objections to the proposal and request no conditions on any approval.

Representations

Four objections have been received, one of which is from Madeley Conservation Group. The representations are summarised below:

- Conservation Area protects the unique and distinctive features of the site
- The development would not conserve, enhance or develop the area and will reduce the amenity of the properties that surround the site
- The development is too large and obtrusive and will be detrimental to the area
- The gardens are too small
- Design and layout are inappropriate
- Siting of the double garage will be detrimental to the Smithy Cottages and Smithy House
- The dwellings will dominate the area

- The dwellings will tower over neighbouring properties and cause overlooking and loss of privacy
- Concerns with regards to traffic and visibility for cars entering and exiting the site
- The development could create an instability of the land with movement/ slipping
- Design of the dwellings is not in keeping with the character of the area
- The development sits behind the building line of the existing houses
- Unacceptable standard of design for new buildings in a historic part of the village which should recognise and honour the styles, colours and textures of existing old properties without being exact copies
- A proposal to fell some trees has been made

Applicant/agent's submission

The application is supported by a tree survey, tree protection plan, Design and Access Statement, Heritage Statement, Phase 1 Contaminated Land Desk Study, an Arboricultural Impact Assessment and a traffic speed survey. These can be viewed on the Councils website at <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00226/OUT>

Background Papers

Planning File
Development Plan

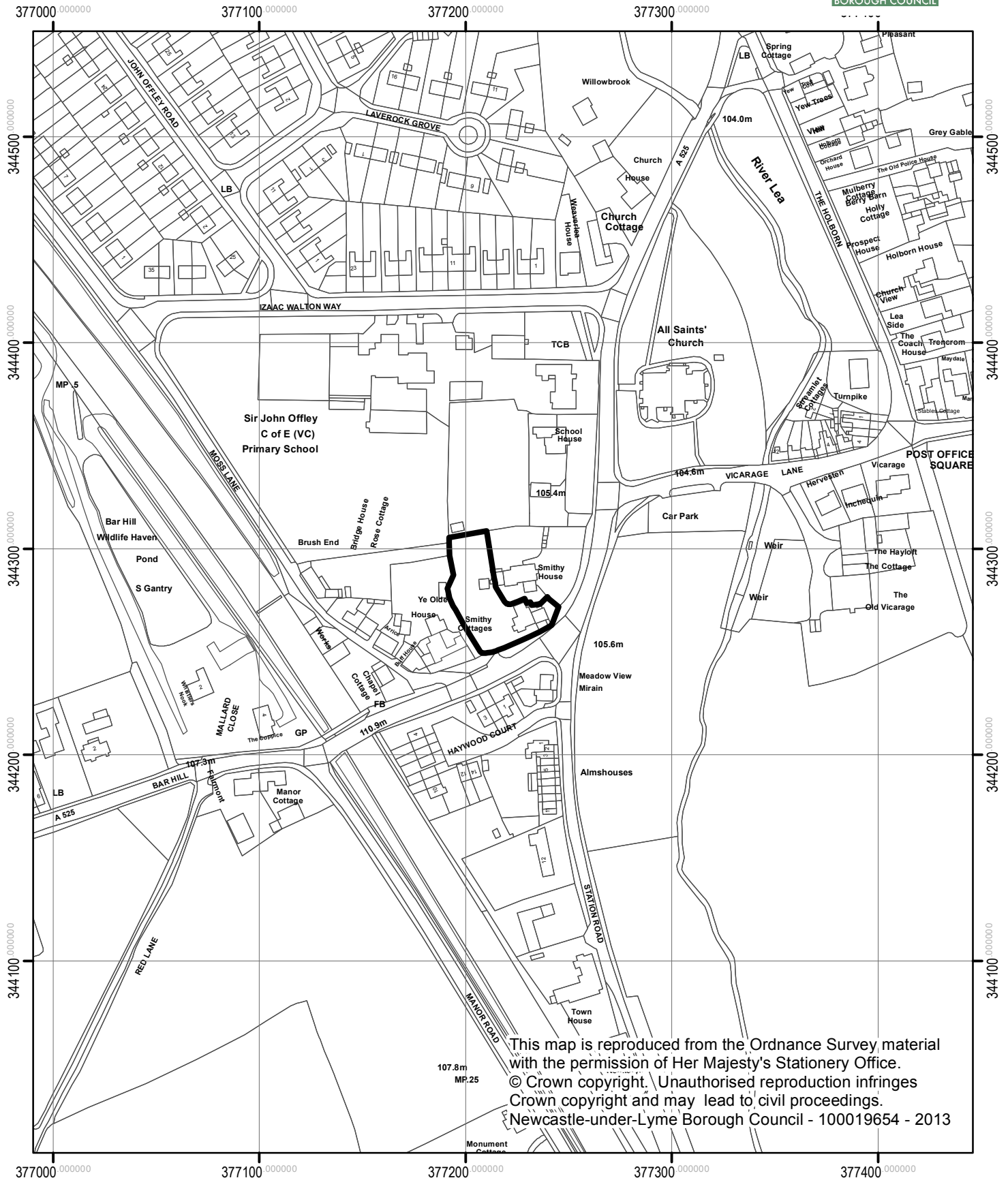
Date report prepared

2nd June 2016

**Smithy Cottages, Smithy Corner
Bar Hill, Madeley.
CW3 9PN**



16/00226/FUL



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4 HIGHWAY LANE KEELE NEWCASTLE
MRS WENSLIE NAYLON

16/00368/FUL

The application seeks planning permission for a single storey side extension measuring 2.4 metres by 2.2 metres in floor area, with a roof ridge height of 3.5 metres.

The application site lies within the Conservation Area of Keele Village and the North Staffordshire Green Belt as defined by the Local Development Framework Proposals Map. Number 4 Highway Lane also features on the Councils Register of Locally Important Buildings and Structures.

The statutory 8 week determination period for the application expires on 21st June 2016.

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Time limit.**
- 2. In accordance with the approved plans.**
- 3. Materials.**

Reason for recommendation

The proposed development is considered to be appropriate development within the Green Belt which would not harm the special character and appearance of the Conservation Area or be harmful to neighbouring living conditions.

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

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

KEY ISSUES

Full planning permission is sought for the erection of a single storey side extension. The site is within the village envelope and Conservation Area of Keele Village, as indicated on the Local Development Framework Proposals Map. Number 4 Highway Lane also features on the Councils Register of Locally Important Buildings and Structures. The key issues in the determination of the application are considered to be:

- Is the development appropriate development in the Green Belt?
- Is the impact of the development on the character area including the special appearance of the Keele Conservation Area acceptable?
- Is the impact upon residential amenity acceptable?

Is the development appropriate development in the Green Belt?

Paragraph 79 of the recently published 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 further details in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The planning history suggests that the property has not been extended since 1948, if at all, and as such it is considered to be all original. The proposed extension is very modest in its scale and volume compared to the existing, original dwelling and therefore represents a proportionate addition over and above the size of the original building. In light of this it is appropriate development within the Green Belt and as such it is not necessary to assess whether there are very special circumstances, which are required to justify inappropriate development in the Green Belt.

Is the impact of the development on the character area including the special appearance of the Keele Conservation Area acceptable?

The National Planning Policy Framework 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 CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

The National Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Permission should be refused where a development will lead to substantial harm or total loss of significance of a designated heritage asset.

Saved Policies B9, B10 and B13 of the Local Plan all seek the prevention of harm to Conservation Areas, and the requirement to preserve or enhance their character.

Policy H18 of the Local Plan seeks to ensure that household extensions have an appropriate design in the context of the dwelling itself and the immediate locality.

Policy N19 of the Local Plan indicates that the Council will seek to maintain the high quality and characteristic landscapes in Landscape Maintenance Areas. Where development can be permitted, it will be expected to contribute to this aim. Within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

The extension proposed is very modest in scale. It is sensitively designed and positioned in the context of the host property. Contrary to the views of the Conservation Advisory Working Party it is not considered that amendments to introduce a brick base to avoid the full height glazing for the walls proposed is justified in the absence of any demonstrable harm. Subject to the appropriate use of materials the proposal has an acceptable impact to the appearance of the property itself and also to the important views within the Conservation Area boundary. In addition, given its location within a domestic curtilage it will not erode the character or harm the quality of the landscape.

Is the impact upon residential amenity acceptable?

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on development including the need for privacy, daylight standards, and environmental considerations. The development complies with the advice of the SPG and neighbouring living conditions would not be harmed as a result of the proposal.

APPENDIX

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

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt
Policy H18: Design of Residential Extensions, Where Subject to Planning Control
Policy N19: Landscape Maintenance Areas
Policy B5: Control of development affecting the setting of listed buildings
Policy B9: Prevention of harm to conservation areas
Policy B10: The requirement to preserve or enhance the character or appearance of a conservation area.
Policy B13: Design and Development in Conservation Areas

Other material considerations include:

National Planning Policy Framework (March 2012)
Planning Practice Guidance (2014)
Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010)

Relevant Planning History

12/00246/FUL Proposed new window to North East elevation first floor level -permitted

Views of Consultees

Keele Parish Council has not responded by the due date of 24th May 2016 and as such it is assumed that they have no comments.

The **Conservation Advisory Working Party** whilst welcoming the removal of the existing timber lean to feature, considered that the design would be improved by the inclusion of low brick walls in the extension, rather than the proposed full height glazed panels

Conservation Officer has no objections subject to the use of appropriate materials.

Representations

None received.

Applicant/agent's submission

All of the application documents can be viewed at the Guildhall or using the following link.
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00368/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

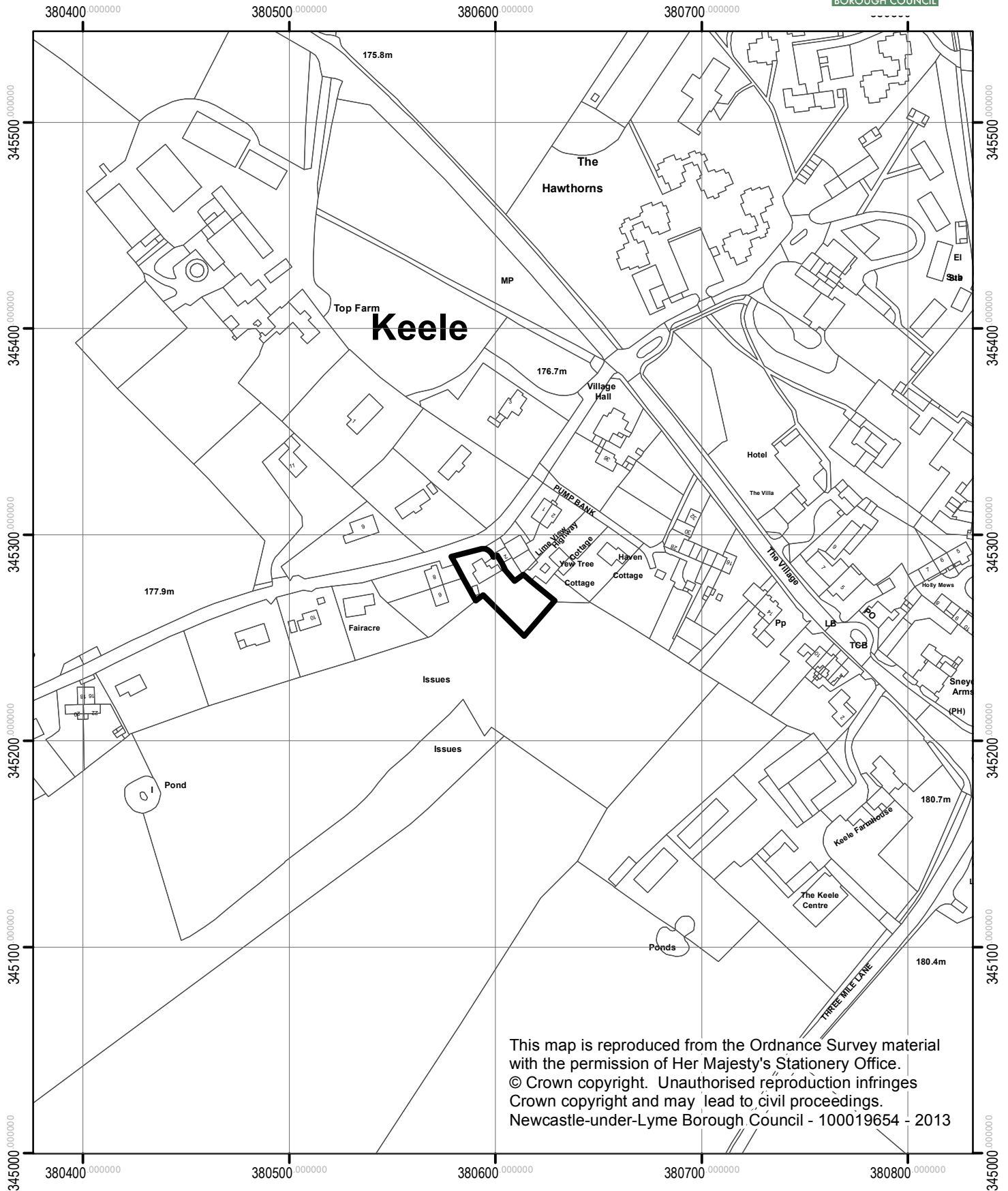
6th June 2016.

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4 Highway Lane
Keele
ST5 5AN



16/00368/FUL



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REPORT TO PLANNING COMMITTEE

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2015/2016

Purpose of the report

To provide members with an end of year report on the performance recorded for Development Management (Development Control) between 1st April 2015 and 31st March 2016. Figures for 2013/14 and 2014/15 are also provided, as are the targets set out within the 2015/16 Planning and Development Service Plan, and performance targets adopted for 2016/17.

Recommendations

- (a) That the report be received
- (b) That the Head of the Planning and Development, with the Development Management Team Manager, by continuing to implement the Development Management Performance Action Plan, seek to maintain performance of the Development Management team where satisfactory and improve the service provided where the level of performance may otherwise fall below targets adopted in the 2016/17 Planning and Development Service Plan
- (c) That the 'Mid-Year Development Management Performance Report 2016/17' be submitted to the Committee around October 2016 reporting on performance achieved for the first half of 2016/17 in relation to these targets, including the 6 indicators considered below and others which are to be introduced for the first time in 2016/17

Reasons

To ensure that appropriate monitoring and performance management procedures are in place and that the Council continues with its focus on improving performance, facilitating development and providing good service to all who use the Planning Service.

1. Background:

An extensive set of indicators is collected to monitor the performance of Development Management. These include both 'National Indicators' and those devised by this Council – 'local indicators'. These indicators have changed over time and officers have sought to ensure that the right things are being measured to enable us to improve performance in every significant area of the work of Development Management. The range of indicators used reflects the objective of providing a *balanced end to end* development management service, including dealing with pre-application enquiries, breaches of planning control, considering applications, and approving subsequent details and delivering development. The focus up to now has been on the speed of performance - this being capable of measurement. A report elsewhere on the agenda for this meeting considers the Council's appeal performance for 2015/16, and reports on the government's measures of the quality of decision making within the Council.

2. Matters for consideration:

There is an Appendix attached to this report:-

APPENDIX 1: 'NATIONAL AND 'LOCAL' PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT 2013/14, 2014/15, and 2015/16: Contains quarterly and annual figures for the 'local' Performance Indicators applicable during 2015/16 (comparative figures for 2013/14 and 2014/15 are also shown).

The first part of this report is a commentary on the performance achieved against the local performance indicator targets as set out in detail in Appendix 1. It follows on from a report that was considered by the Planning Committee at its meeting on the 10th November 2015 which reported on the mid-year performance figures and gave predictions on whether the targets for 2015/16 set in the 2015/16 Planning & Development Service Plan would be likely to be achieved.

The second part of this report refer to steps that have been taken and that need to be taken to maintain, and where necessary improve, performance.

The Council's Finance, Resources, and Partnerships Scrutiny Committee and subsequently Cabinet receives a Quarterly Financial and Performance Management report on a series of performance indicators including currently the three below which related to the speed of determination of planning applications, and any indicators failing to meet the set targets are reported by exception.

3. The performance achieved and the targets for 2016/17:

6 indicators, all measuring speed of performance, were included in the 2015/16 Planning and Development Service Plan relating to Development Management. These are referred to in the commentaries below. Members will note that out of these 6 performance indicators, the target set has been met in 2015/16 in 3 cases, but it has not been achieved in the other 3.

In consultation with the Planning Portfolio holder and the Chair of the Planning Committee there has been a review of the Service's targets and new ones have been set for each of the above 6 indicators for 2016/17 and these will be referred to below, as will others

INDICATOR Percentage of applications determined within the following timescales:-

- (1) % of 'Major' applications determined 'in time'**
- (2) % of 'Minor' applications determined within 8 weeks**
- (3) % of 'Other' applications determined within 8 weeks**

'Major' applications are defined as those applications where 10 or more dwellings are to be constructed (or if the number is not given, the site area is more than 0.5 hectares), and, for all other uses, where the floorspace proposed is 1,000 square metres or more or the site area is 1 hectare or more. 'Minor' applications are those for developments which do not meet the criteria for 'Major' development nor the definitions of Change of Use or Householder Development. 'Other' applications relate to those for applications for Change of Use, Householder Developments, Advertisements, Listed Building Consents, Conservation Area Consents and various applications for Certificates of Lawfulness, etc.

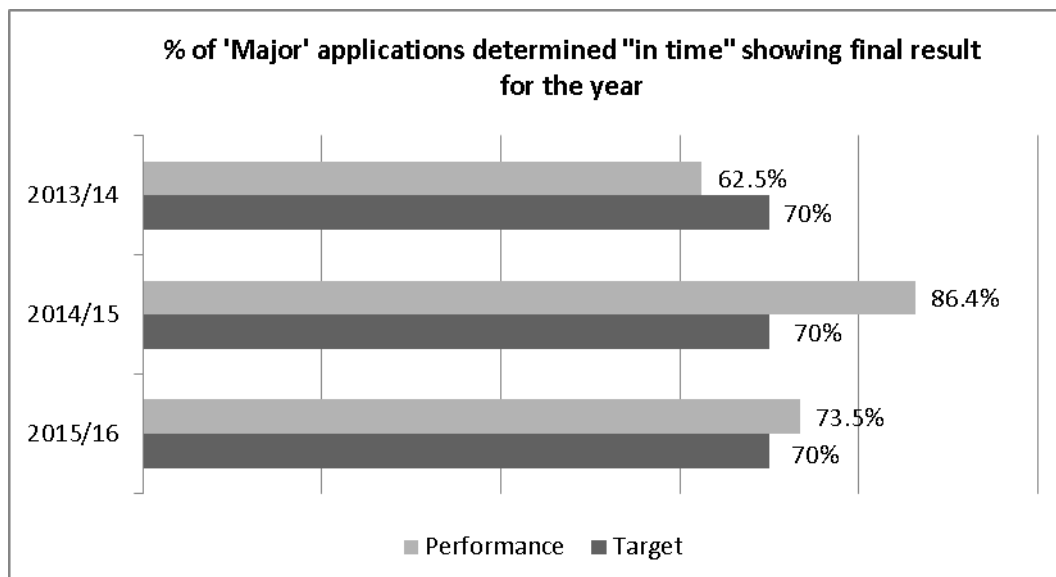
The Government does not set "targets" for the speed of determination of applications, but instead has brought in a system of designation of poorly performing planning authorities – one of the two current criteria for designation is a threshold relating to the speed of determination of Major applications, performance below which designation is likely. Designation as a poorly performing Local Planning Authority would have significant and adverse consequences for the Council. In September 2015 Parliament lifted the designation threshold on Major decisions on time from 40% up to 50% (when originally introduced it was 30%) and the Government has also during the past year amended the definition of what is meant by "in time".

The other designation criterion measures the quality of decision making as demonstrated by appeal performance and the Council's performance in this respect is addressed in the Annual Appeals Performance.

The Government in January 2016 consulted upon details of its proposals to extend its performance regime including to Non-Major applications - both with respect to speed of determination and quality. This consultation was reported to the Planning Committee in February 2016 and the Council submitted comments on the proposals. Its comments and those of others are currently being assessed by Government. With respect to 'speed of determination' the Government are suggesting that where authorities fail to determine 60-70% of applications for non-major development "in time", over a two year assessment period, they will be at risk of designation. They have indicated that they do not, for the moment intend to further raise the 50% in time threshold for Major decisions, but will continue to keep it under review. The targets chosen for 2016/17 have taken into account these proposals.

Regardless of any such targets, the Council is required to determine applications in a timely manner and in the case of each application there is a date after which an appeal can be lodged against the Council's failure to determine it. That date can be extended by agreement with an applicant, but delays in the determination of applications are sometimes quoted by various stakeholders as a symptom of a poor planning system, and the applicant's interests are not the only ones that need to be considered as well – undetermined applications and the resultant uncertainty can have a blighting effect on the proposals for adjacent properties. If an Inspector, in any subsequent appeal, was to conclude that there was not a substantive reason to justify delaying the determination of an application, or that the Council had delayed development which should clearly be permitted, then it would be likely that costs would be awarded.

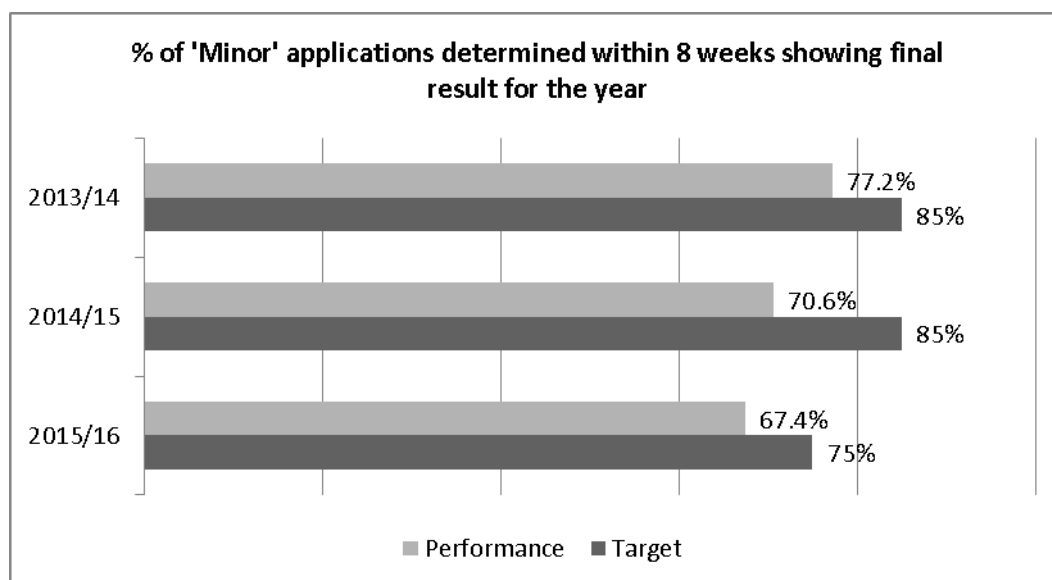
(1) In dealing with '**Major**' applications during 2015/16 we determined 73.5% of the 34 such applications "in time" against a target of 70%. Comparison with performance in previous years is indicated below.



TARGET ACHIEVED

Performance has exceeded the target for dealing with 'Major' applications in a year where the number of such applications determined had increased 34 from 22 in the 2014/15 period. This largely reflects that there is a focus on the obtaining of agreements by applicants to extend the determination period, by the provision of a satisfactory service to them. **To ensure that there continues to be appropriate focus on good performance, to recognise the importance to the economic wellbeing of this area of facilitating developments of this scale, and to avoid any possibility whatsoever of designation, the same 70% target is to be used for this indicator in 2016/17.**

(2) During 2016/17 67.4% of the 267 'Minor' applications were determined within 8 weeks against the 'local' target of 75%. Comparison with performance in previous years is indicated below.



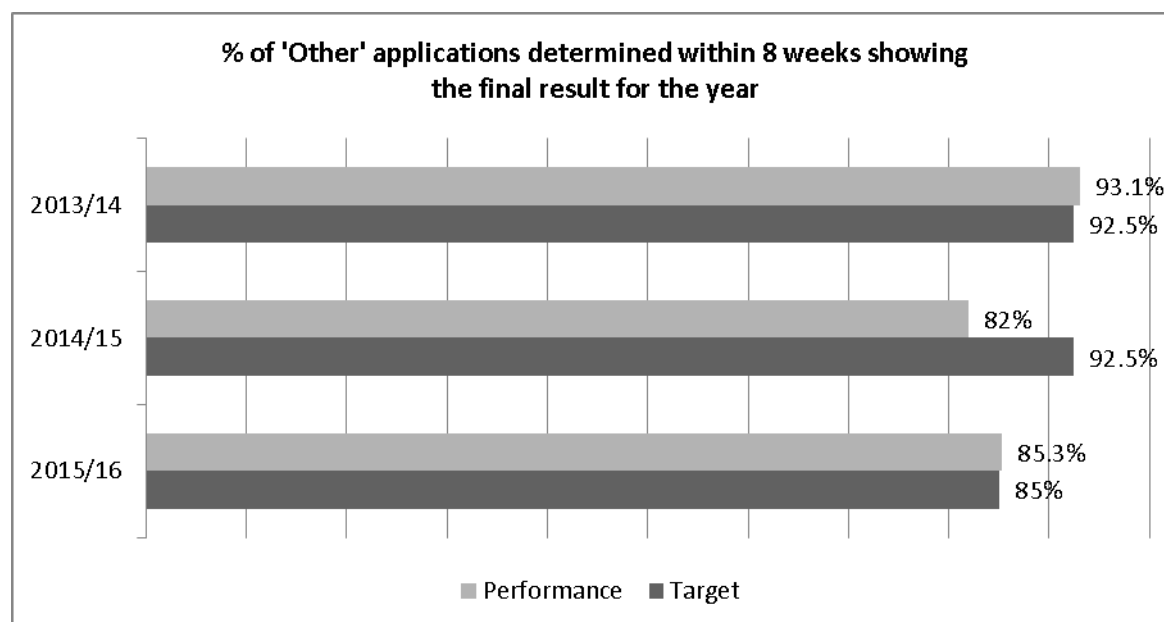
TARGET NOT ACHIEVED

Performance on Minor applications did not achieve the target, falling short by almost 8%, and this has meant that this target has not been met for the fourth consecutive year. This is primarily as a result of staff absences for long periods due to illness. In addition there has been an increase in the number of decisions on Minor applications in this period (218 such applications were determined in 2014/15 compared with 267 in 2015/16). Performance in this area improved in the last quarter of the year due to the use of temporary consultants. Such resources have ensured that the 2016/17 period has started with a very limited backlog of application, all of which were undetermined due to issues with the applications themselves rather than capacity.

With respect to the current year 2016/17 the government are proposing that where authorities fail to determine 60-70% of applications for non-major development “in time” they will be at risk of designation and this performance measure is expected to be brought in within 2016/17. However the performance measure will take into account not only Minor applications but also householder and change of use applications, it also will be concerned with decisions that are made “in time” so for 2016/17 it is **proposed to start collecting and reporting on that new measure of performance with a target of 80%, whilst continuing to measure separately how many Minor decisions (& Other decisions) are decided within 8 weeks, at least for 2016/17.**

With respect to the target for the latter it is recognised that continued failure to achieve a self-imposed target over a very long period suggests that the target may be unnecessarily high and a slight downward adjustment of the target from the present 75% to 70% has been agreed. That will still be demanding of the Service.

- (3) During 2015/16 85.3% of the 374 ‘Other’ applications were determined within 8 weeks. The ‘local’ target was 85%. Comparison with performance in previous years is indicated below.

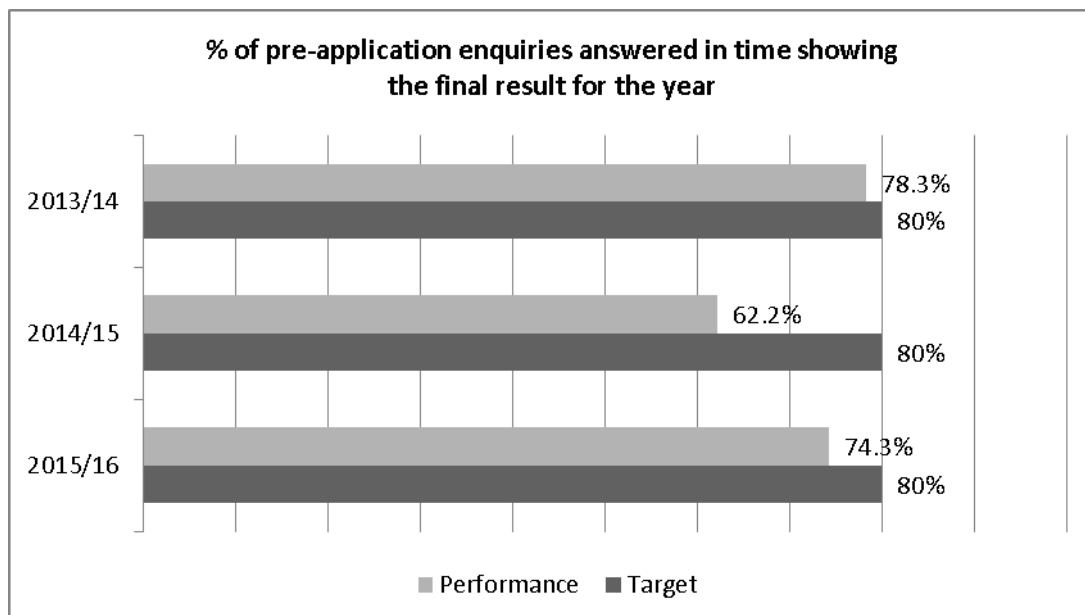


TARGET ACHIEVED

The performance with respect to “Other applications” has been commendable this year showing an improvement in the percentage of such applications determined within 8 weeks compared to 2014/15. As indicated above a new measure/target that will include householder and change of use decisions (part of the “Other” group of applications) within the wider Non-Major group will be introduced with an initial 80% target. In the meantime **at least for 2016/17 information on achievement of “Other” “decisions within 8 weeks will be kept and it is proposed to maintain the current 85% target** in that respect

(4) INDICATOR - Percentage of pre-application enquiries answered ‘in time’

During 2015/16 74.3% of pre-application enquiries were answered ‘in time’. The target for this ‘local’ indicator in 2015/16 was 80%. Comparison with performance in the previous year is indicated below where it can be seen that performance this year improved by over 10% compared to last.



TARGET NOT ACHIEVED

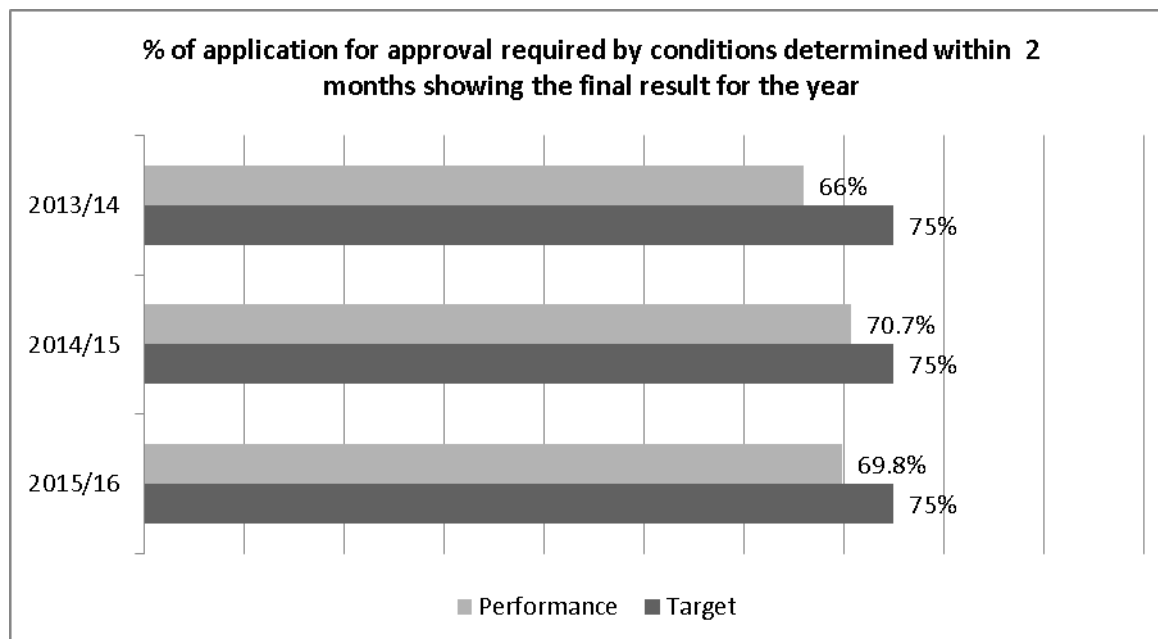
This indicator, introduced in 2013/14, allows for more time for enquiries concerning the more significant proposals, and so more accurately reflects the differing demands which various pre-application enquiries involve. For 'Major' pre-application enquiries the target response time is 35 calendar days, for 'Minor' pre-application enquiries the target response time is 14 calendar days, and for 'Other' pre-application enquiries the target response time is 10 calendar days. The decision as to when an enquiry has been answered can however sometimes be quite subjective, and clarification continues to be provided to officers on this aspect.

To give Members some idea of volume the Service received some 611 such enquiries in 2015/16, of which 33 were 'Major' pre-application enquiries; 184 were 'Minor' pre-application enquiries; and 394 were 'Other' pre-application enquiries.

The performance level achieved was below the 80% target for reasons explained above, but considerably better than in 2014/15. However failure to achieve a self-imposed target over a very long period suggests that the target may be unnecessarily high and a **slight downward adjustment of the target from the present 75% to 70% has been agreed**. That will still be demanding of the Service

(5) INDICATOR - Percentage of applications for approvals required by conditions determined within 2 months

During 2015/16 69.8% of conditions applications were determined within 2 months against a target of 75%. Comparison with performance in previous years is indicated below.

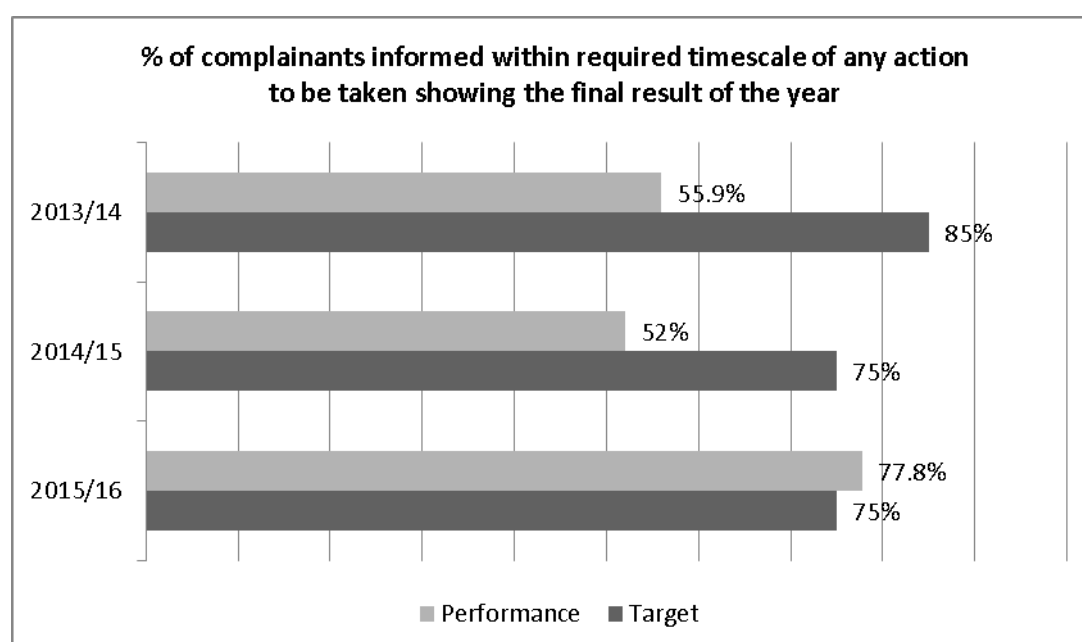


TARGET NOT ACHIEVED

Performance in 2015/16 was similar to that achieved in 2014/15. The number of conditions applications dealt with in 2015/16 at 473 was higher than the number in 2014/15 (450) so the performance achieved was respectable. At national level there has been an increasing focus on local authorities' performance in dealing with applications for approvals required by conditions and the possibility of a deemed approval has been introduced. Information provided to the Committee a couple of years ago suggested that the Council was providing at that time a below national average service on conditions, so despite the fact that there has been a failure to achieve the 75% target over the last 3 years, **it has been agreed that the target should be maintained at 75%**, such is the importance to development of good performance against this measure.

(6) INDICATOR - Percentage of complainants informed within the required timescales of any action to be taken about alleged breaches of planning control.

Performance in 2015/16 was 77.8% compared the 'local' target of 75%. Comparison with previous years' performance is indicated below.



TARGET ACHIEVED

This is a significant improvement and reflects well upon the members of staff involved. There was a slight decrease in the number of new complaints received in 2015/16 (212) compared with the number in 2014/15 (220). **It has been agreed to maintain this 75% target for 2016/17**

4. Measures taken in 2015/16 to maintain performance and future steps:

4.1 As indicated above the Planning Committee at its meeting on the 23rd June 2015 received the annual Development Management and Enforcement Report for 2014/15. The report indicated that only 1 of the 6 targets for 2014/15 had been met.

4.2 At the request of the Committee a report was presented to Planning Committee on 18th August 2015 detailing a Development Plan Performance Action Plan to address issues of performance and its contents were noted.

4.3 During 2015/2016 the Development Management Section had several staff absences for long periods due to ill-health. One of the members of staff who was absent due to ill health subsequently retired In February 2016. That post is currently vacant but there are proposals to seek to fill it. This with the outstanding steps within the Development Management Performance Action Plan will be the focus of management steps.

4.4 Since the Committee's consideration of the Action Plan in August 2015 officers have met twice with the then Chair and Vice Chair of the Committee, and the Planning Portfolio holder, to review progress on the implementation of the Development Management Action Plan. On the accompanying Appendix 2 a progress report on the implementation of the Action Plan is provided.

Date report prepared: 10th June 2016

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APPENDIX 2

Progress Report on implementation of Development Management Performance Action, as at June 2016

Action	Timescale in Agreed August 2015 Action Plan	Officer's responsible	Resource requirements	Progress to date and how action will be progressed in the future.
1. Recruitment of Senior Planning Officer (Enforcement)	Interviews by mid September 2015. In post by date dependent upon notice period	Development Management Team Leader and Head of Planning	Cabinet has agreed to post	The post has not been advertised as yet, however it is anticipated that issues that have delayed progress will be addressed soon and the post will be advertised at least internally by early July.
2. Securing of consultancy assistance	Interviews by end of August 2015 Resource on stream determined by availability	Head of Planning	Cabinet has agreed that up to £20K may be used for this purpose	Two consultants were employed on a part time basis between September 2015 and end of March 2016 to address initially immediate staff absence issues, and subsequently to provide some additional assistance, incurring additional expenditure beyond that originally agreed. The workload of the Section and the performance against targets are being closely monitored to quickly identify when further assistance is required.
3. Recruitment of Practice Manager for the Service as a whole	Interviews by mid October.2015 In post by date dependent upon notice period	Head of Planning	Cabinet has agreed funding of post	This 0.5 FTE post has not yet been advertised.
4. Reacting to continued sickness absence of planning officer/ support officer by seeking approval for additional consultancy assistance/ and other options if necessary	August/September 2015	Head of Planning	Would require EMT approval	As 2.
5. Review of delegated report structure to see if efficiencies can be achieved	September 2015	Senior Planning Officers	Time	Task started but not completed due to competing work priorities. Task to be prioritised with an anticipated completion date of end July 2016
6. More proactive management of planning officers including holding of regular "1 st " and "2 nd " meetings with them to identify decision blocks earlier on	Ongoing	Development Management Team Leader and Senior	Time	Such meetings taking place more regularly. Consideration is being given to the introduction of a 'triage' process at such meetings where those applications that require negotiation and officer

		Planning Officers		time, and those that can be determined without much officer input, are quickly identified
7. Additional use of support officers within team if capacity becomes available as a result of publicity and notification changes brought about by agreed Statement of Community Involvement, and quicker review of other time consuming procedures within Development Management including provision of hard copy consultations to Parish Councils	Ongoing	Development Management Team Leader and Head of Planning	Nil	No new tasks have been identified for support officers and it is anticipated that during the process of preparing for the move to the Civic Hub, it is unlikely that they will have significant capacity for additional tasks. Hard copy consultations to Parish Councils continue to be provided and this issue needs to be addressed as a priority. Reduction in capacity from 5.8 FTE to 5.2 FTE as from April 2016 due to flexible retirement of one of the post holders has been a further factor
8. Reduction in number of conditions where appropriate and reduced use of conditions requiring approval prior to commencement of development – longer term benefit	Ongoing	Senior Planning Officers and Planning Officers	Nil,	Being done and will continue to be done, although little benefit evident to date, due to the long timescale over which developments receive their initial consent and approvals are then sought of their details
9. Reduced use of informatives in Decision Notices to save time	Ongoing	Senior Planning Officers and Planning Officers	Time saving	Being done and will continue to be done.

REPORT TO THE PLANNING COMMITTEE 21st JUNE 2016

ANNUAL REPORT ON PLANNING AND RELATED APPEALS

1st APRIL 2015 – 31st MARCH 2016

Introduction

1. Appeal decisions are reported upon receipt to the Planning Committee, as are decisions on the award of costs in appeal proceedings. In addition, an annual report on planning and related appeals is produced for consideration by Members, intended to identify general issues relating to the Local Planning Authority's (LPA's) appeal performance, and to encourage an approach that reflects upon and learns from such appeals.

Appeal Performance

2. Well-considered decisions on planning applications are a key part of delivering an effective planning service. People should have confidence in the quality of the development decisions being made by the Authority – that all relevant considerations are being taken into account, and that the weight being given to different considerations is reasonable in the context of national and local policies. Appeals can be made both against the refusal of permission, but also against conditions attached to permissions. There are many cases where following a refusal of an application, discussions are held with an applicant and as a result the applicant decides either to no longer pursue the proposal or to submit revised proposals. In this way difficulties can be more effectively, quickly and cheaply resolved. Your officers would always seek to encourage such discussions. As advised in the National Planning Practice Guidance (2014), appeals should only be made when all else has failed.
3. An applicant has currently in most cases up to 6 months to lodge an appeal (from receipt of the decision notice), and given the time some appeals take to be determined (particularly as there is currently a significant backlog at the Planning Inspectorate), there is often a significant period of time between the LPA's original decision and the appeal decision. For householder applications, the time limit to appeal is 12 weeks and the time period for submitting an appeal where the same or substantially the same development is subject to an Enforcement Notice is just 28 days.
4. Appeals can also be made within a specified time against Enforcement Notices on various specific grounds. If an appeal is lodged the Notice does not come into effect until the appeal has been determined. If no appeal is lodged the Notice comes into effect.
5. During the 12-month period from April 2015 to March 2016, 20 appeals against decisions by the Borough Council as the LPA were determined. During this period 2 appeals were withdrawn. A list of the appeal decisions is attached as Appendix 1. 19 were decided in the previous year 2014/15.
6. The Government publishes data on the performance of local planning authorities against published criteria for assessing under-performance under Section 62B of the Town and Country Planning Act 1990. Performance in relation to Major appeals is one of the two criteria upon which the Government is currently basing designation of under-performing Local Planning Authorities, the other measure being based on the speed with which Major applications are dealt with. The threshold for designation is currently where 20% or more of an authority's decisions on applications for Major development made during the assessment period are overturned at appeal.

7. As was reported to the Planning Committee at its meeting on the 29th March the Government has recently consulted both on a revised threshold for assessing the quality of performance on applications for major development and on a new threshold for the quality of decisions on non-major development (that is applications for minor developments, for changes of use (where the site area less than 1 ha) and for householder developments). As announced by the Chancellor in his Autumn 2015 Statement they are proposing that the threshold for designation on the basis of the quality of decisions will be reduced down from 20% to 10% of decisions for major development overturned at appeal. The threshold for designation in relation to non-major development is proposed to be where authorities have had more than 10-20% of their decisions on applications for non-major development overturned at appeal. When the government will make their final decisions on these thresholds is unknown but it will be enacted through the secondary legislation that will follow the Housing and Planning Act which recently gained Royal Assent. The indications are that the earliest that the first designations on the basis of the revised and new thresholds would be in the final quarter of 2016.
8. The measure used in each case for assessing the quality of decisions is the percentage of decisions on applications of that type that have been overturned at appeal once nine months have elapsed following the end of the assessment period. The nine months lag is used to enable the majority of decisions on planning applications made during the 24 month period to be followed through to subsequent appeals that may be lodged and for the outcome of those appeals to be known. Whether or not the Council will be designated in the future thus depends upon decisions that are now being made.
9. The latest information available at a national level relates to decisions made by the Borough Council in the 24 months ending in December 2014, so it reflects the quality of decisions that were made during that particular period (i.e. some considerable time ago). However as a means of comparing Councils' quality of decision making the information is of interest. In relation to Major planning applications, the Borough was ranked 317th out of 337 authorities with 7.3% of decisions overturned at appeal (with a low ranking representing "good" performance). On the face of it such a position should be of concern. Whilst this performance was significantly below the current 20% designation threshold however it is much closer to the proposed revised threshold of 10% that the government is almost certainly going to bring in. The number of Major applications determined per annum by this authority is low and therefore just one or two appeal decisions can make a very significant difference to the figures. That fact however would not protect the Council from designation. Table 1 below shows the performance of all the Staffordshire districts and Stoke-on-Trent.

Table 1

Planning Authority	Ranking	% Major decisions overturned at appeal
Cannock Chase	21 st	0
Stoke-on-Trent	79 th	0
Stafford	95 th	0.7
South Staffordshire	161 st	1.7
East Staffordshire	245 th	3.8
Lichfield	316 th	7.3
Newcastle-under-Lyme	317 th	7.3
Staffordshire Moorlands	319 th	7.5

10. In relation to 'Non Major decisions', the Borough was ranked somewhat better at 237th with 1.3% of decisions overturned at appeal. Table 2 below shows how this compares to the other Staffordshire districts and Stoke-on-Trent.

Table 2

Planning Authority	Ranking	% Non-Major decisions overturned at appeal
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Stoke-on-Trent	12 th	0.3
Cannock Chase	22 nd	0.4
Lichfield	78 th	0.6
East Staffordshire	136 th	0.8
South Staffordshire	194 th	1.1
Stafford	205 th	1.1
Newcastle-under-Lyme	237 th	1.3
Staffordshire Moorlands	296 th	1.8

11. Turning now to the appeal decisions received this year, in 2015/16, of the 20 appeals that were determined, 75% were dismissed and 25% were allowed. If an appeal is allowed it is in effect “lost” by the Council. If an appeal is allowed, that is a judgement, normally by the Inspector appointed by the Secretary of State to determine the appeal, that the Council’s case has been found wanting. Losing only 25% of appeals would be considered to be ‘good performance’ (the latest national figure for January to March 2016 is 31%), and such performance if it were to be maintained would improve over time the Council’s position in the above national rankings.
12. The Council has performed better over the most recent 12-month period than in previous years, and there has been a marked improvement from last year (2014/15) when 53% of appeals were allowed. In the 12 months prior to that (2013/14) 35% of appeals were allowed and in 2012/13 69% of appeals were allowed. Performance has varied quite considerably therefore but given the relatively low number of appeal decisions received each year, just one or two decisions can make a significant difference in the figures.
13. Given that the number of decisions received in the last year has been so low, the cumulative figure for the last 3 years has been assessed. During the 3 year period of April 2013 to March 2016, a total of 62 appeal decisions have been received. Of those 62 decisions 37% were allowed – a figure which is above the national one of 31% referred to above.
14. Table 3 below, looks at the different development types of the appeals decided in 2015/16. All planning and related applications, and appeals, are categorised by development type. For dwellings, a Major development is where the number of dwellings to be constructed is 10 or more. Where the number of dwellings to be constructed is not known, any residential development with a site area of more than 0.5 hectares is categorised as a Major development. For all other uses a Major development is one where the floorspace to be built is 1000 square metres or more, or where the site area is 1 hectare or more. Applications for Minor development are those which are not for Major development although within the “Other” category are domestic extensions, changes of use, advertisements, listed building consent applications and similar.

Table 3

Development Types	Number Allowed	% Allowed	Number Dismissed	% Dismissed
“Major” Appeals	1	50%	1	50%
“Minor” Appeals	4	27%	11	73%
“Other” Appeals	0	0%	3	100%
Total appeals	5	25%	15	75%

15. In recent years there has been a decrease in the number of householder appeals and an increase in the number of appeals against Minor dwelling proposals. Last year (2014/15) 53% of the appeals determined related to Minor dwellings proposals and this year the proportion is even greater with 65% of the appeals determined relating to Minor dwellings proposals. Of those 13 appeals, 4 were allowed, and they are as follows:

- Rowney Farm, Market Drayton Road, Loggerheads
- Land adj. Old Farm, Main Road, Wrinehill

- Former garage site, Queensway, Newcastle
- Centurion House, West Street, Newcastle

16. In the case of Rowney Farm which concerned a conversion (not the more recently reported decision on 9 dwellings), the Inspector acknowledged that the occupiers of the proposed dwelling would be reliant on travel by private car to access local services but attached weight to the fact that the property was already occupied as an annex to the main farmhouse and concluded that the development would not result in a material difference to the number of vehicle movements. In allowing both the Queensway and Centurion House appeals, the Inspector concluded that contrary to the view of the Council, the proposals would not be harmful to the character and appearance of the surrounding area. Given the varied nature of these appeals, it is not considered that there are any particular lessons to be learnt.

17. In the case of Main Road, Wrinehill, which is in the Green Belt, the Inspector concluded that the development proposed was appropriate as it involved limited infilling in villages (a form of appropriate development that was in effect created by the NPPF). In determining future infill housing applications beyond village envelopes, the key consideration needs to be the context of the site itself with less focus being placed on whether the site is located within the village envelope as defined within the development plan.

18. Table 4 below, indicates the percentage of appeals allowed and dismissed according to whether the application was determined under delegated powers or by the Planning Committee.

Table 4

Decision Type	Number allowed	% Allowed	Number dismissed	% Dismissed
Delegated	3	21%	11	79%
Committee	2	33%	4	67%
Total	5	25%	15	75%

19. During the period April 2015 to March 2016 a greater proportion of applications determined by Committee have been allowed on appeal (33%) than those determined under delegated powers (21%) but both are low and given that the numbers are so limited it is not possible to draw any conclusions. There is probably no statistically significant difference in the performance.

20. With respect to Committee decisions, Table 5 below provides information on the officer recommendation in these cases.

Table 5

Decision Type	Number allowed	% Allowed	Number dismissed	% Dismissed
Committee decisions contrary to Officer Recommendation	0	0	2	100
Committee decisions in line with Officer recommendation	2	50	2	50
Total	2	33	4	67

21. These six decisions were;

- Planning application and application for Conservation Area Consent at The Hawthorns and Keele Campus, Keele – both recommended for approval, refused and the subsequent appeals dismissed

- Land adjacent to Slaters, Stone Road, Hill Chorlton – recommended for refusal, refused and appeal dismissed
- Former garage site, Queensway, Newcastle – recommended for refusal, refused and appeal allowed
- St Quentin Residential Home, Sandy Lane, Newcastle – recommended for refusal, refused and appeal allowed
- Land adjacent Cotswold, Newcastle Road, Loggerheads – recommended for refusal, refused and appeal dismissed

As above, the numbers are so few that it would be inappropriate to draw any wider conclusions.

22. More generally insofar as the Planning Committee is concerned it needs to be recognised that, although less significant developments can end up being determined by the Planning Committee (for example as a result of call-ins), the decisions of the Planning Committee will tend to be both about the more significant developments (to the Borough), and those which are more likely to be determined by hearing or public inquiry with the additional associated costs of such procedures. That said most of the above appeals did not involve the holding of a public local inquiry. The employment of appropriate legal representation and witnesses to defend the Council's position can involve both considerable cost and also substantive time by the officers involved in such inquiries. Costs are also incurred in appeals determined by hearing and written representations procedures. It is currently expected that at least two appeals in 2016/17 will be the subject of Public Local Inquiries – those against the decisions with respect to Hamptons and Tadgedale Quarry.
23. Members' attention is drawn to the detailed proposals which the Government has consulted upon (in February this year), as part of a package of changes, to reduce new in-year allocation payments of New Homes Bonus to individual authorities where residential development is allowed on appeal. To give members some idea of the importance of New Homes Bonus to the Council the Bonus this year represents (at £2.161m) about one quarter of the sum provided by non-specific central government grants and retained business rates. The government's response to the results of the consultation is currently awaited but is expected soon. The Borough Council made representations in response to this consultation.

Awards of Costs

24. Of particular importance in terms of the Local Planning Authority learning lessons from appeal performance, are those appeals that have resulted in an award of costs against the Council. In planning appeals the parties normally meet their own expenses and costs are only awarded when what is termed "unreasonable" behaviour is held to have occurred and the affected party has incurred additional costs in the appeal proceedings. The availability of costs awards is intended to bring a greater sense of discipline to all parties involved. Table 6 below indicates those appeals decided between April 2015 and March 2016, where costs claims have been made against the Borough Council.

Table 6

App No.	Address	Appeal Decision	Costs decision
15/00308/FUL	Former Garage site, Queensway, Newcastle	Appeal Allowed	Refused
15/00579/FUL	Dales Green Farm, 14, Dales Green Road, Mow Cop	Appeal Dismissed	Refused

25. There have been only 2 claims for costs made against the Council, and neither was successful. This indicates that even in the case where the Council's case was found

wanting (15/00308/FUL), the Inspector did not consider that the Council had demonstrated unreasonable behaviour resulting in unnecessary or wasted expense.

26. No claim for costs was made by the Council against an appellant between April 2015 and March 2016.

Conclusions

27. The number of appeals determined in the period April 2015 to March 2016 is relatively low and such low numbers make it difficult and indeed inappropriate to draw any conclusions. Notwithstanding this it remains your Officer's view that there are a number of steps which could be taken to further improve upon the existing situation and these are detailed below. The Committee has previously passed a number of resolutions when considering similar reports in previous years.

Recommendations: -

1. That internal management procedures within the Service including the assessment of case officers' recommendations by more senior officers continue to be applied;
2. That, as previously resolved, Members of the Committee, and their substitutes, draw to Case Officers' attention any concerns that they have with an application, coming to the Committee for determination, as soon as possible having received notice of the application in the weekly list, so that potential solutions to the concerns are sought with the applicant in line with the requirements of the National Planning Policy Framework;
3. That, as previously resolved, full advantage be taken of the use of conditions in planning permissions to make developments acceptable;
4. That, as previously resolved, Members of the Committee, and their substitutes, who are disposed to move refusal of a proposal contrary to recommendation be urged to contact the Head of Planning no less than 24 hours before the Committee, with details of the reasons they are minded to give for such a refusal;
5. That, as previously resolved, when a proposal to refuse to grant planning permission is made at the Committee contrary to the officer's recommendation, advice be sought as to the most appropriate way to meet the requirement to work in a proactive and positive manner with applicants;
6. That, as previously resolved, the mover and seconder of a resolution of refusal contrary to officer recommendation be identified by the Chair and recorded in the Minutes and in the event of an appeal being lodged there be an expectation that those members will make themselves available as witnesses on behalf of the Council in the appeal proceedings should either the Head of Planning or the Head of Business Improvement, Central Services and Partnerships or their representatives deem that appropriate; and
7. That, as previously resolved a proactive approach be taken by officers to appeal handling with early holding of case conferences where appropriate, the strength of the case being continually reassessed in the light of any new evidence received, and that in the case of matters being determined by means of public inquiries the Head of Business Improvement, Central Services & Partnerships or his representative takes charge of the matter.

Appendix 1 – Appeal Decisions 1 April 2015 – 31 March 2016

Application No.	Address	Description	LPA decision date	Decision	Appeal Decision Date
13/00424/FUL	The Hawthorns and Keele Campus, keele	Student accommodation with car parking (Keele Campus) and residential development of 92 dwellings with school drop-off point, shop and greenspace (The Hawthorns)	13.12.13	Dismissed	20.7.15
13/00425/CON	The Hawthorns and Keele Campus	Demolition of existing buildings	16.12.13	Dismissed	20.7.15
14/00884/FUL	Rowney Farm, Market Drayton Road, Loggerheads	Change of use from granny annex to detached dwelling	27.2.15	Allowed	26.8.15
14/00970/FUL	Eardley Hall Kennels, Eardley Hall Cottage, Cross Lane	Proposed extension and new pitched roof to replace existing flat roof	12.2.15	Dismissed	26.8.15
14/00765/FUL	Land adj. 86, Buckmaster Avenue, Newcastle	Erection of 4 semi-detached houses and 1 detached house	26.11.14	Dismissed	1.10.15
15/00127/FUL	22, Boon Hill, Bignall End	2-storey extension and alterations to rear	13.4.15	Dismissed	27.10.15
14/00875/OUT	Land adj. Slaters, Stone Road, Hill Chorlton	Residential development of up to 8 dwellings	10.2.15	Dismissed	9.11.15
15/00397/FUL	Shetland Rise, Top Rock Road, Ashley	Replacement dwelling	4.8.15	Dismissed	23.12.15
15/00155/FUL	Dairy House, Hungerford Lane, Madeley	Retention of internal alterations to form two separate dwellings	27.4.15	Dismissed	23.12.15
15/00079/OUT	Land adj. Old Farm, Main Road, Wrinehill	Proposed bungalow and garage	28.5.15	Allowed	7.1.16
15/00579/FUL	Dales Green Farm, 14, Dales Green Road, Mow Cop	2-storey 3 bedroom detached house	14.9.15	Dismissed	28.1.16
15/00175/FUL	Former Telephone Exchange, Blore Road, Hales	Conversion and alteration of disused telephone exchange into single dwelling	12.5.15	Dismissed	1.2.16
15/00504/FUL	Sulby, Den Lane, Wrinehill	Alterations to previously approved plans and elevations	11.8.15	Dismissed	5.2.16
14/00792/FUL	40A Sands Rd, Harsiahead	Agricultural building	5.3.15	Dismissed	6.2.16
15/00525/OUT	Land adj. Cotswold, Newcastle Rd, Loggerheads	Detached dwelling	26.8.15	Dismissed	11.2.16
15/00203/FUL	Centurion House, west Street, Newcastle	Demolition of existing building and erection of 9 no. 2-bed residential units with office accommodation	19.5.15	Allowed	14.2.16

		on ground floor			
15/00595/FUL	64, Basford Park Road, Basford	Two-storey side and single-storey side extensions, porch and garage	14.9.15	Dismissed	2.3.16
14/00543/FUL	St Quentin Residential Home, Sandy Lane, Newcastle	Erection of 2-storey extension to provide a 24 no. bedroom EMI unit and replacement conservatory	29.10.14	Allowed	3.3.16
15/00308/FUL	Former garage site, Queensway, Newcastle	Demolition of existing garages and construction of 4 no. 2-bed semi-detached houses	26.6.15	Allowed	15.3.16
15/00404/OUT	Land of Mucklestone Wood Lane, Loggerheads	Two dwellings	9.7.15	Dismissed	16.3.16