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PLANNING COMMITTEE

8 July 2008

Present:- Councillor Fear in the Chair

Councillors Mrs Beech, Mrs Burke, Miss Cooper, Daniels, Mrs Heames, Huckfield, MacMillan, Maskery, Mrs Morris, Mrs Moss, Miss Reddish, Mrs Salt, Studd, Tagg, Tomkins and Williams

Councillor Gorton in attendance during consideration of planning application 08/358/REM only.

180. * **MINUTES OF PREVIOUS MEETINGS**

Resolved:- That the minutes of the meetings of this Committee held on 7 May and 29 May 2008 be approved as correct records.

181. * **CERTIFICATE OF APPROPRIATE ALTERNATIVE DEVELOPMENT
LAND NORTH OF KEELE ROAD, KEELE
MR A WITHEY. 08/250/AAD**

Resolved:- (a) That the Certificate be issued as it is the opinion of the Local Planning Authority that planning permission would have been granted for the following development, in addition to the development for which the land is to be acquired, if it were not proposed to be acquired by the Authority possessing compulsory purchase powers:-

- (i) A golf course.
- (ii) A golf driving range.
- (iii) A cricket ground or football club with ancillary buildings.

(b) That the applicant be advised that planning permission would have been granted for the above development subject to the following conditions:-

- (i) Prior approval of engineering works to form the golf course or driving range, such works to be minimal and which would not erode the landscape quality in this Green Belt location and within an Area of Landscape Maintenance. All engineering works to be carried out in accordance with the approved plans.
- (ii) Prior approval of the means of access to the site, and if such an access is off the A525 the access shall be designed in such a way as to minimise the visual impact of the engineering works required to ensure that it would not erode the landscape quality in this Green Belt location and within an Area of Landscape Maintenance. The access to be provided in accordance with the approved plans prior to the use commencing.
- (iii) Prior approval of any associated buildings, any buildings proposed to be of a small scale and only provide essential facilities to ensure that such buildings are appropriate in this Green Belt location. Any buildings to be built in accordance with the approved plans.

- (iv) Prior approval of any associated car parking facilities which shall be of a small scale to ensure that such facilities are appropriate in this Green Belt location. The car parking to be provided in accordance with the approved plans prior to the use commencing.
- (v) Prior approval and implementation of a scheme of landscaping.
- (vi) Prior to the commencement of the development submission of existing levels of the site.
- (vii) No material to be exported from the site without the prior written consent of the LPA.
- (viii) Tree protection measures.

(c) That the applicant be advised that planning permission would not have been granted now or in the future for the following uses:-

- (i) A garden centre.
- (ii) Residential development.
- (iii) A business use.
- (iv) A residential institution.

182. * **RESIDENTIAL DEVELOPMENT (20 DWELLINGS)
FORMER FORGE GARAGE, 320 SILVERDALE ROAD, SILVERDALE
MR N WHITELEY. 08/358/REM**

Resolved:- That reserved matters approval be granted subject to the undermentioned conditions:

- (i) Approval to be linked to the outline permission.
- (ii) Highways matters.
- (iii) Approval of surfacing materials.
- (iv) Approval of boundary treatments.
- (v) Refuse storage and collection arrangements.
- (vi) Approval of the Surface and Foul drainage.
- (vii) Tree protection measures.
- (viii) Implementation of the landscaping scheme.
- (ix) Approval of details of a management plan for the areas of landscaping not within the private gardens of the proposed dwellings and including the management of the brookcourse.

183. * **REMOVAL OF CONDITION B24 AND VARIATION OF CONDITION B16
ATTACHED TO PLANNING PERMISSION 06/337/OUT FOR ENGINEERING
AND REMEDIATION WORKS IN PREPARATION FOR REDEVELOPMENT
FOR HOUSING, COMMUNITY USES AND GREEN SPACE FOLLOWED BY
ERECTION OF BUILDINGS FOR RESIDENTIAL AND COMMUNITY USES.
FORMER SILVERDALE COLLIERY, SCOT HAY ROAD, SILVERDALE
ENGLISH PARTNERSHIPS. 08/435/OUT**

During the discussion on this application it was indicated that the applicant had withdrawn the application to remove condition B24.

Resolved:- (a) That subject to a S106 obligation being completed by 21 August 2008 to secure an appropriate financial contribution towards improvements in public transport off site:-

Permit the application and vary condition B16 (iv) of planning permission 06/337/OUT to read as follows:-

“The provision of bus stops within the development site and the means of providing footway/footpath connections between the dwellings and the bus stops.”

(b) That the variation of condition B16(iv) be subject to all other conditions attached to 06/337/OUT remaining the same.

(c) That failing the securing of the above S106 Obligation by 21 August 2008, the Development Control Manager be authorised to refuse the application on the grounds that without such an obligation the development would fail to achieve the required level of sustainability and would be contrary to relevant policies within the development plan and national guidance.

184. * **REAR EXTENSION AND DETACHED GARAGE/GARDEN ROOM
189 NANTWICH ROAD, AUDLEY
MR M COLCLOUGH. 08/343/FUL**

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

- (i) Materials to match the existing dwelling.
- (ii) The removal of permitted development rights.

185. * **REAR CONSERVATORY
17 MEYNELLFIELDS, LOGGERHEADS
MR L SHEPHERD. 08/346/FUL**

Resolved:- That permission be granted subject to the removal of permitted development rights.

186. * **DEVELOPMENT CONTROL AND ENFORCEMENT PERFORMANCE REPORT
2007-2008**

Consideration was given to a report setting out the Performance Indicators for the Development Control and Enforcement Services for 2007/08.

Resolved:- (a) That the Executive Director (Regeneration and Development) and Service Manager continue to operate mechanisms to maintain and improve the service provided for those procedures where performance levels still need to be addressed.

(b) That the next ‘Mid-Year Development Control and Enforcement Performance Report’ will be submitted to Committee around November/December 2008. This report will contain figures for all Performance Indicators being monitored during 2008/09, including those contained in the new National Indicator set, and will report on the ‘actual’ figures achieved for the first half of the year against the targets set where applicable and where possible. Predicted results for the complete financial year 2008/09 will be forecast and appropriate targets will be set for 2009/10, 2010/11 and 2011/12.

187. * **THE 2006/07 BEST VALUE CUSTOMER SATISFACTION SURVEY – BVII**

Consideration was given to a detailed report setting out the results of a survey undertaken by the Council to evaluate the quality of its Planning Service during 2006/07.

The survey established the percentage of applicants satisfied with the service which, in turn, had been used to prepare Best Value Performance Indicator BVIII.

The areas of the service where improvement needed to be made were identified in the report and recommendations for action, numbered 1 to 17, made as appropriate.

Resolved:- That the report be received and recommendations 1 – 17 contained therein be adopted.

188. * **2007/08 CUSTOMER SATISFACTION SURVEY (CONTRIBUTORS)**

Consideration was given to a comprehensive report setting out the results of a survey of applicants, agents and of those who had made comments either for or against a proposal for planning permission in 2007/08.

The structure of the survey was different to that used for previous applicants and agents surveys in that recipients had been asked a series of questions in order to ascertain how satisfied they were with various aspects of the service and about the importance they attached to each aspect. A weighting had then been applied so that responses relating to the more important aspects had more of a bearing on the overall satisfaction score and the subsequent focus on improvements could be steered towards principal areas where it was felt that the service fell short of expectation.

Accordingly, for the future the results of this survey for 2007/08 would act as a baseline and steer resources to the areas considered to be most in need of improvement.

Resolved:- That the report be received and recommendations 1 – 10 contained therein be adopted.

189. * **TOWN HOUSE, 14 STATION ROAD, MADELEY (08/09004/HBG)
APPLICATION FOR FINANCIAL ASSISTANCE – HISTORIC BUILDINGS
GRANT
CONSERVATION AND HERITAGE FUND**

Consideration was given to an application for financial assistance from the Conservation and Heritage Fund towards the cost of re-roofing this Grade II Listed Building with Staffordshire clay tiles.

The total cost of the works was reported to be £16,680 towards which a maximum grant of £3,336 could be awarded.

Resolved:- That a grant of £3,336 be approved subject to the appropriate standard conditions.

190. * **APPEAL DECISION – CONVERSION OF BARN INTO A SINGLE DWELLING AT ROOK HALL FARM, TRENTHAM ROAD, BUTTERTON MR S ELLIS**

It was reported that an appeal lodged with the Planning Inspectorate in respect of the Council's decision not to grant planning permission for the above development had been dismissed.

Resolved:- That the information be received.

191. * **PLANNING COMMITTEE – PROCEDURAL REFORMS**

Consideration was given to proposals put forward by Councillors Fear and Studd recommending procedural changes to the way in which Planning Committee and its site visits were conducted to achieve greater efficiency and transparency.

The proposed changes related to:

- (i) Operation of a guillotine for representations/amendments of submitted plans.
- (ii) Public speaking at Planning Committee.
- (iii) Withdrawal from the Planning Committee of "Called-in" applications.
- (iv) Voting on Planning Applications where a site visit has been held.

The proposal concerning the operation of a guillotine for representations was considered in conjunction with the supplementary report prepared by the officers which had been circulated to Members before the meeting.

Consideration of (i) to (iv) above was also undertaken in conjunction with a separate supplementary report that had been prepared by the officers dealing with the implications of introducing these initiatives.

Resolved:- (a) That the proposed procedural changes be supported as set out below:

(i) Guillotine for representations/amendment of submitted plans

For any application brought to the Planning Committee for determination the following rules shall apply –

- (a) In order to allow the Council Officers to be able to give a considered response, there will be a cut-off date at the close of business four working days prior to the meeting where an application is to be determined for any representations made about said applications, save for representations made by the Council's statutory consultees.
- (b) In order that due consideration be given to an application, and that time for reflection on it be available to committee members, no alteration is permitted to plans submitted for determination from the close of business four working days prior to the meeting where the application is to be determined.

(ii) Public Speaking

Public representations are allowed at the Development Control meetings of the Newcastle-under-Lyme Borough Council Planning Committee subject to the following regulations. In cases where a planning application is brought to full Council, the same rules concerning the *supporter* and the *objector* shall apply as would for a meeting of the Planning Committee.

1. Those allowed to speak

Apart from Members of the Planning Committee, the following shall be allowed to make a representation at the relevant Planning Committee meeting:

- a. Councillors of the ward where an application has been made.
- b. One *supporter* of, and one *objector* to, any given application, save those listed as excluded in paragraph 9 below.

(i) A *supporter* of an application is defined as a resident of the Borough who has made a submission in writing concerning an application prior to notifying the council of a wish to make an oral representation on that application to committee. The applicant speaking *in person* is entitled to be the *supporter* regardless of domicile.

(ii) An *objector* to an application is defined as a resident of the Borough who has made a submission in writing about an application prior to notifying the Council of a wish to make an oral representation about that application to the Committee.

If more than one request to make a representation in favour or against an application is made, it is requested that potential supporters/objectors determine amongst themselves who is to speak. If agreement cannot be reached, the individual who made the earliest written representation to the Council shall be given the right to speak. In the case of supporters, if the applicant indicates a wish to speak, the right to speak shall be given to the applicant.

2. Request to speak

Requests to speak must be made no later than the end of business three working days before the advertised Planning Committee/Full Council meeting whose published agenda contains the application concerned.

This request must be made in writing or sent via email to the Senior Planning Officer of the Council.

The request must list the specific agenda item on which the representation is to be made and indicate whether the speaker wishes to be the *supporter* or *objector* as defined in b(i) and b(ii) above.

3. Attendance

The *supporter* and *objector* must arrive at the Civic Offices 30 minutes prior to the beginning of the relevant Planning Committee/Full Council

meeting and make themselves known to the Planning Committee Chair/Mayor or the senior officer present at the meeting. Failure to do so will forfeit the right to make a representation.

The *supporter* and *objector* will be invited into the chamber when the application with which they are concerned is about to be considered by the Committee/Council. After their respective representations they will be asked to leave the chamber. They may retire to the public gallery.

Normally it will be expected that the Planning Committee will move items where either/or a *supporter* and *objector* wish to make representations to the head of the agenda.

4. Nature of representations

Ward councillors, the supporter, and the objector may make an oral representation to the committee. This oral representation is the sum of representation permitted.

No facilities for the projection of any material will be made available.

No material may be circulated or distributed to members of the Committee by ward members, the *supporter*, or the *objector*.

It is not permitted for officers or committee members to question those making representations.

5. Length of representations

Ward councillors, the *supporter* and the *objector* will be given 5 minutes to make their representations.

They shall be advised by the chair of the meeting when four minutes have elapsed.

6. Content of representations

Representations must be made in a seemly manner. Failure to conduct oneself in this way will forfeit, *immediately*, the right to speak.

Under no circumstances must personal, malicious or frivolous remarks, insults, or libellous comments be made. These will *immediately* forfeit the right to speak.

Speeches should address material planning concerns. Those who are unsure of these are strongly advised to seek advice in advance of speaking.

Speeches should address issues directly concerned with the specific application under consideration.

Speaking from notes is permitted. However in no circumstances will more than five minutes for a representation be granted.

Ward councillors, the *supporter* and the *objector* may not ask direct questions of the committee or Council Officers, though they may suggest questions that members of the committee may feel ought to be put to officers.

7. Procedure

Each item on any given Planning Committee agenda shall be dealt with in the following sequence:

- i. The officer's report on the item.
- ii. Ward members' representations (if any).
- iii. The *Objector's* representation (if any).
- iv. The *Supporter's* representation (if any).
- v. Comments by Officers on the *Objectors/Supporters* representations.
- vi. Debate on the item by the Committee and its determination.

8. Deferrals

If an item is deferred, the *supporter* and the *objector* at the initial debate shall have the right to make representations at the meeting when the item is debated once more.

9. Exclusions

No public representations shall be permitted on items dealing with the following:

Any item included in the closed section of any agenda: namely items subject to the paragraphs 1, 2 and 6 in Part 1 of Schedule 12A of the Local Government Act 1972, or successor legislation.

Planning Enforcement matters.
Proposed litigation
Financial interests or other member interests.
Matters delegated to officers of the Council.

(iii) Withdrawal of Call-In Requests

Members can at any time withdraw, in writing or via email, a call-in request made by themselves on any application.

All members who called in the application must sign the withdrawal notice and give their reasons for withdrawing the call-in.

Once the finalised officer recommendation on a called-in application has been decided, a letter will be sent immediately by first class post to the members who have called in the application.

If the withdrawal request is made prior to the publication of the Committee agenda, the item will be removed from the list of items to be placed upon the agenda.

If a withdrawal request is received from a member or members after the Committee agenda is published, Committee will still determine the application, but the withdrawal will be reported orally to Committee.

(iv) Site Visits

In order that an application where a site visit has been held be determined by those with the fullest knowledge of the application the following rules shall apply:

1. The officer presiding over a site visit will take a formal list of members in attendance.
2. This list will be taken at the formal opening of the meeting.
3. When the application subject to the site visit is brought to the Planning Committee for determination, only members who are listed as having attended the site visit shall be eligible to vote upon its determination.
4. Members who did not attend the site visit shall be entitled to take part in the debate concerning the item's determination, but not vote upon that determination.

(b) That the proposals relating to the introduction of a guillotine be applied to planning applications received by the Council on or after 1 August 2008 and that the proposals for public speaking, withdrawal of call-in requests and site visits be also effective from 1 August 2008

(c) That all of the above procedural changes be reviewed by the Planning Committee six months after they came into force.

192. * DISCLOSURE OF EXEMPT INFORMATION

That the public be excluded from the meeting during consideration of the report (green paper) because it is likely that there will be disclosure of exempt information as defined in Paragraphs 1, 2 and 6 in Part 1 of Schedule 12A of the Local Government Act 1972.

193. * ENFORCEMENT REPORT

Consideration was given to a report updating Members on the position with regard to enforcement matters currently being pursued by the Council.

During consideration of the report Members expressed concern at the lack of progress made on a number of the matters contained therein.

Resolved:- That the information be received.

**A T FEAR
Chair**