

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
31st March 2015

Agenda item 5

Application ref. 15/00047/COU

10 Sidmouth Avenue, Newcastle under Lyme

A total of 44 letters of representation have been received in total about the application, however 39 had been received at the time the agenda report was finalised. A further 5 letters of representation have been submitted following the publication of the agenda including a letter from the Residents at Gower, Granville and Sidmouth (R.A.G.G.S) Association. The additional concerns raised relate to:-

- Lack of transparency and consultation by the applicant.
- The Human Rights Act indicates that a public authority should try to ensure that policies or decisions do not interfere with peaceful enjoyment of possessions and if it decides that it is necessary to interfere there must be an objective and reasonable justification for that.
- Neighbours were not notified in writing of the proposed change of use and the residents who had objected were not informed until 20th March of the date of the Committee whilst the applicant was informed on 5th March.
- Some of the neighbouring occupiers have children with particular disabilities which make them susceptible to anxiety and regular medical attention. Noise problems arising from the proposed use would have a negative impact on the well-being of those dependants.
- Increases in traffic hold ups next to the Birches entrance will hinder ambulance emergency services gaining access to relevant properties.
- The intensification arising from the new use would cause harm to the character of the area.
- The development is contrary to the Councils objectives of improving housing stock and residential environments.
- The proposal is an over intensive use of the property.
- The management plan statement submitted by the applicant following the request of the Planning Committee cannot be relied upon as a factual document and should not be accepted as such. In particular the use of electric gates and CCTV requires additional expense which is unlikely to happen if permission is granted.

Your officer's views

The matters raised have largely been addressed within the main agenda report.

In response to the reference to the Human Rights Act there are limited cases where it has successfully impinged upon planning decision as it has generally been found that the normal planning balancing exercise is sufficient to satisfy its requirements. In this particular case all the key issues are addressed within the main agenda report and weighed in the balance and it is considered that a decision to permit the application would not be a breach of the Act.

The other fresh matter raised by the representations, in respect of the greater impact of the development on certain residents with particular disabilities than others, cannot be given sufficient weight to justify refusal of the application.

The RECOMMENDATION remains as set out in the agenda report which is to PERMIT with the conditions set out in the report and with additional conditions.

