

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
28th February 2017

Agenda item 4

Application ref. 16/00880/FUL

The Homestead, May Place, May Bank, Newcastle under Lyme

As set out in the main agenda report, the recommendation is to refuse the planning application, and to take the necessary enforcement action to seek the removal of the balustrading if the scheme does not otherwise revert back to the glass balustrading that was originally permitted within 2 months of the date of the permission.

Since the preparation of the main agenda report it has become apparent that the report does not cover whether it is expedient to take enforcement action, therefore this supplementary addresses this issue.

The Environmental Health Division has commented that the balustrading that has been installed would not provide for the appropriate noise levels on the terrace. Inappropriate noise levels on the terrace will result in harm to the residents who use this terrace area to meet their outdoor amenity needs. For some residents, the terrace area may be one of few places that they can access due to health reasons. Therefore not meeting appropriate noise levels in this area will be contrary to the aims of the National Planning Policy Framework, in particular the objective of creating healthy communities, and the objective of paragraph 123 which states that planning policies should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

It is therefore considered expedient to take enforcement action, unless the balustrading is removed from the terrace and replaced with the originally permitted glass balustrading within 8 weeks of the date of the decision on this planning application, or unless a planning application is submitted within the same period. The enforcement notice should require the removal of the balustrading and its replacement with the originally permitted glass balustrading within 3 months of the date of the enforcement notice. This time period is considered reasonable and necessary in all respects to achieve a sustainable development that complies with the aims and objectives of the National Planning Policy Framework 2012.

Officer recommendation

The Members be advised that it is considered expedient to take enforcement action against the metal balustrading for the reasons outlined above, and that the recommendation be amended as follow:

RECOMMENDATION

(1) REFUSE for the following reason:

The retention of the metal railing balustrading would not provide sufficient noise mitigation for the terraced area from the traffic noise on Brampton Road/ Sandy Lane. As such, the railings are considered to conflict with the aims and objectives of the National Planning Policy Framework 2012, specifically paragraphs 69 and 123, which concern the promotion of healthy communities and avoiding adverse noise impacts.

(2) That members resolve that it is expedient to take enforcement action for the following reasons:-

(a) it appears that the breach of planning control has taken place within the last four years;

- (b) the retention of the metal railing balustrading does not provide sufficient noise mitigation for the terraced area from the traffic noise on Brampton Road/Sandy Lane and as such the development conflicts with the aims and objectives of the National Planning Policy Framework 2012, in particular the aim for the creation of healthy communities and the requirement to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;**
 - (c) that planning permission should not be granted for the retention of the metal railing balustrading as planning conditions could not overcome the objections to the development;**
 - (d) that the enforcement notice should require that the metal railing balustrading be removed and replaced with glass balustrading as approved by the Local Planning Authority within 3 months from the date that the enforcement notice takes effect.**
- (3) Should the metal railing balustrading not be removed and replaced with the permitted glass balustrading within 8 weeks of the decision on this application; or a further planning application for alternative balustrading, supported by a noise assessment that demonstrates appropriate noise levels, is not submitted within the same period, the Council's solicitor be authorised to issue the enforcement notice for the reasons as set out above and/or any other notices and to take and institute any proceedings on behalf of the Council and any and all action authorised by the Town and Country Planning Act 1990 to secure the removal of the metal railing balustrading.**