

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

Since the preparation of the main agenda report and the first supplementary report, the agent has now withdrawn the terraced area balustrading from the planning application. As such the application now only includes the minor changes to the roof over the kitchen.

Their reasoning for the withdrawal of the terraced area balustrading from the application is to enable time to undertake further dialogue between the applicant's Acoustic Consultants and the Local Authorities Environmental Health Officers in order to address any outstanding concerns regarding noise levels on the terrace itself.

They propose to submit a new variation of condition 2 application (varying of the approved plans) once the outstanding matters are resolved.

As indicated within the main agenda report there are no planning objections to the kitchen roof alterations and as such, now that the balustrading has been withdrawn from the application, the planning application should be permitted.

As the balustrading that has been installed is unacceptable, it still remains necessary to reach a decision with regard to any enforcement action to secure the removal or replacement of the balustrading.

The RECOMMENDATION is therefore amended as follows:

(1) PERMIT the application and vary condition 2, which lists the approved plans, to include the plan which includes the alterations to the design of the roof over the kitchen and subject to the imposition of all other conditions of 14/00476/FUL that remain relevant at this time.

(2) That members resolve that it is expedient to take enforcement action against the unauthorised balustrading, requiring 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, 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;**

(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 and then subsequently approved, 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.