

Public Document Pack

Date of meeting **Tuesday, 21st August, 2012**

Time **7.00 pm**

Venue **Council Chamber, Civic Offices, Merrial Street,
Newcastle Under Lyme, Staffordshire ST5 2AG**

Contact **Peter Whalan**

Supplementary Information to the Planning Committee

AGENDA

PART 1– OPEN AGENDA

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|-----------|--|-----------------------|
| 18 | Land Between Treacle Row and Moffatt Way, Silverdale
12/000/23 | (Pages 1 - 2) |
| 19 | Former Blue Bell Public House, Wrinehiill 12/00357/FUL | (Pages 3 - 4) |
| 20 | 36 Repton Drive, Newcastle 12/00354/FUL | (Pages 5 - 8) |
| 21 | Quarterly Report on Extensions to Time Periods Within Which
Obligations Under Section 106 Can be Entered Into | (Pages 9 - 10) |

Members: Councillors Miss Baker, Boden, Cairns, Clarke (Vice-Chair), Fear (Chair),
Hambleton, Mrs Hambleton, Howells, Jones, Matthews, Miss Reddish,
Stringer, Studd, Sweeney, Williams and Mrs Williams

'Members of the Council: If you identify any personal training / development requirements from the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Committee Clerk at the close of the meeting'

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

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**LAND BETWEEN TREACLE ROW AND MOFFATT WAY, SILVERDALE
GLADEDAL (NORTH-WEST) LTD 12/00023/OUT (item 6 on main agenda)**

The Key Issues section of the report concerned with “Compliance with planning policy relating to access to play areas” refers to the North Staffordshire Urban Greenspace Strategy which provides local guidance in respect of the provision of all types of Play Areas – including the desired maximum walking time to different types of facilities. The play area off Buxton Road is classified as a NEAP (Neighbourhood Equipped Area for Play). The Greenspace Strategy indicates that the desired maximum walking time to such a facility is 21 minutes or a distance of 800 metres.

With the link it would take about 6 minutes to walk between the middle of Treacle Row and the Buxton road play area, without the link it takes about 8 minutes (685 metres). Residents of Treacle Row with the development of the former Silverdale colliery site can also access the even closer Local Equipped Area for Play on that development. This information all supports the conclusion within the report that in terms of accessibility to open space the provisions of the link is not critical.

The recommendation therefore remains one of approval as set out in the report.

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FORMER BLUE BELL PUBLIC HOUSE WRINEHILL

C LITTLETON AND SONS 12/00357/FUL (Item 9 on main agenda)

Since the preparation of the agenda report the consultation response from the **Highway Authority** has been received. They have no objections to the proposal subject to the imposition of conditions relating to revision to the proposed access to provide a minimum access width of 5 metres for the first 6 metres from the highway boundary; 6 metre radius each side of the proposed access; the provision of the 1.5 metre footway; provision of parking and turning within the site; surface water drainage; surface materials; position of any gates; the closure of redundant accesses and Construction Method Statement including site compound details, temporary parking arrangement, wheel wash facilities etc.

They are also requesting some off site work to be carried out to include the provision of a 2 metre wide footway across the A521 (Main Road) frontage of the site; an improvement to the junction of Checkley Lane and main Road as indicated on the submitted details.

Officers comments

The recommendation on the agenda report is to refuse the proposal on three grounds one being that the proposal represents inappropriate development within the Green Belt and no very special circumstances (VSC) exist that warrant setting aside this fundamental concern.

The Highway Authority are recommending some off site highway work to be carried out and therefore consideration has been given as to whether such improvements would be sufficient to provide the required VSC that would justify granting planning permission. The Highway Authority has advised that there have been limited highway incidents in the area and that the Checkley Lane junction was not a contributing factor in any accident recorded. Whilst the off site highway works would generally improve highway safety for those using the junction this is not to an extent where it could be considered that it provides the required very special circumstances to warrant setting aside the Green Belt concerns set out in the main report.

Given the above the recommendation remains the same as the agenda report to refuse for the reasons outlined.

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26 REPTON DRIVE, NEWCASTLE

MR T BEARD 12/00354/FUL (Item 12 on main agenda)

Since the preparation of the agenda report a further four letters of representation have been received which raise the following additional concerns/ objections to those already detailed and considered in the main agenda report;

- A front upstairs window would result in a loss of privacy to neighbours
- The upstairs lounge has the potential to become two extra bedrooms after permission is given
- The submitted car parking plan would appear as a car parking forecourt and not a front garden, this being out of keeping with the street scene.
- The proposal would lead to increased noise from occupiers of the proposals and loss in amenity to neighbours

The applicant has submitted a car parking plan whilst also submitting a letter in response to letters of representation received which object to the application. The applicant details the following;

- The extension is only 750mm larger than the previously proposed extension
- The property will be occupied by the applicant, his partner, son and elderly father
- The property will not be used for business purposes
- Privacy safeguards have been imposed by the Council
- The attached car parking plan shows 6 spaces + 1 garage space
- The balconies to be installed are Juliet balconies that have minimal protrusion from the external surfaces
- There are properties in the area that have had similar loft conversions.
- The fence erected by the neighbour is not appropriate and is located on the applicants land
- Consultation was carried out with neighbours prior to the planning application but neighbours have decided to lobby against his family.

Your officers comments

In terms of the additional comments made by representations it is not considered that the front window referred to would result in a significant and unacceptable loss of privacy to neighbouring properties on the opposite side of the road. It would also not be contrary to the guidance detailed within the SPG.

The comments about the internal layout are noted but if the upstairs lounge was to be converted to two bedrooms once permission is given, would not result in a material change to the impact of the proposal on residential amenity, or result in a requirement to provide more parking spaces than can be acceptably accommodated on the site. Furthermore, internal alterations do not require planning permission unless a material change of use occurs. It is not considered that this is the case in this instance.

As the proposal does not introduce a non-domestic use it is not considered that there will be a material increase in noise as a result of the development.

As detailed the applicant has submitted a car parking plan which was a requirement of condition 6 of the previous planning application 11/00306/FUL. The applicant was in breach of this condition because he did not submit it prior to the development commencing. Whilst the submitted plan shows six spaces, it is considered that the central two spaces are not usable. However, the four other spaces are acceptable and as detailed within the main agenda report four off road car parking spaces are satisfactory for the size of dwelling.

Whilst the car parking plan would result in a hard surface in much of the front garden, residential properties have permitted development rights to carry out these works without planning permission, as long as the hard surface is of a porous material or water run off is directed to a porous area. It is not considered appropriate to refuse an application on these grounds.

An issue that was not covered in the main agenda is the addition of two velux windows in the side roof slope that would face towards no. 24. These again will need to be obscure glazed and top hinged if opening. This can be covered in the condition already recommended.

The recommendation therefore remains as set out in the agenda report but the car parking area should be of a bound porous material. This can be secured via condition and would replace the condition recommended for the submission of a car parking plan.

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QUARTERLY REPORT ON EXTENSIONS TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO. (Item 16 on main agenda)

The agenda indicates that an update would be given on a number of applications that are addressed within the report.

Application ref 11/00284/FUL – Silverdale Goods Yard (Reliant Building Contractors)

It becoming apparent that the 15th August deadline referred to in the agenda report would not be met and your officer being minded to grant a further extension of time, the Chairman and the Vice Chairman have been consulted, as per the 6th March Planning Committee resolution. There had been no material change in planning circumstances in the interim and the delay (in securing the obligations sought by the Committee with respect to this application) is as a result of the Council failing to progress the matter further since the 25th July. As such your officer considered it unreasonable to exercise his delegated authority to refuse planning permission at the conclusion of the previously agreed period. Following the consultation with the Chairman and Vice Chairman your officer decided to extend the period to 5th September.

The extension of time was given in the knowledge and understanding that the applicant has agreed to extend the period within which an appeal against non-determination cannot be lodged, and subject to your officer retaining the right, if he considers there to have been any material change in planning circumstances, to bring the matter back to the Planning Committee for reconsideration regardless of the stage the Section 106 negotiations have reached at that point.

Application 12/00127/OUT - Land South Of West Avenue, West Of Church Street And Congleton Road And North Of Linley Road, Butt Lane, (Revelan Developments)

As referred to in the agenda report the deadline for the securing of the Section 106 obligations sought by the Committee with respect to this application was 10th August. These obligations were not secured by this date. The applicants are actively pursuing completion of the obligations and there are ongoing discussions about the terms of an agreement with particular respect to the issue of phasing. It is also possible that an issue that the Council had previously indicated it was prepared to deal with by a condition attached to the planning permission (relating to improvements to an offsite footpath) may instead be addressed by an obligation. Your officer is proceeding on the assumption that this would be acceptable to the Planning Committee.

There has been no material change in planning policy in the interim and in the circumstances your officer has agreed to extend the period (for the securing of the obligations) until the 10th September subject to the applicant similarly extending the period within which they cannot appeal against the non-determination of the application and subject to your officer retaining the right, if he considers there to have been any material change in planning circumstances, to bring the matter back to the Planning Committee for reconsideration regardless of the stage the Section 106 negotiations have reached at that point.

Application ref 11/00627/FUL – Kidsgrove Ski Centre (North Staffordshire Ski Club)

As referred to in the agenda report the deadline for the securing of the Section 106 obligation sought by the Committee with respect to this application was 9th August. The obligation was not secured by this date. The delay with the completion of the agreement containing this obligation has been as a result of the Council not progressing the matter further. On this basis, noting that there has been no material change in planning policy in the interim, your officer has considered it unreasonable to exercise his delegated authority to refuse the application and has agreed to an extension of the period to complete the obligation until 24th August 2012. This further extension of time is given on the basis that the applicant agreed to extend the

period of time within which an appeal cannot be made against the non-determination of the planning application and subject to your officer retaining the right, if he considers there to have been any material change in planning circumstances, to bring the matter back to the Planning Committee for reconsideration regardless of the stage the Section 106 negotiations have reached at that point. Some positive progress has been made since the 9th August.