

Public Document Pack

Date of meeting	Tuesday, 4th December, 2012
Time	7.00 pm
Venue	Council Chamber, Civic Offices, Merral Street, Newcastle Under Lyme, Staffordshire ST5 2AG
Contact	Peter Whalan

Planning Committee

AGENDA

PART 1– OPEN AGENDA

- 1 Apologies for Absence**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 Application for Major Development - Block B, Upper School Site, Newcastle-under-Lyme School, Lancaster Road. Newcastle-under-Lyme School. 12/00646/FUL** **(Pages 1 - 6)**
- 4 Stoke-on-Trent and Staffordshire Local Enterprise Partnership Planning Charter Mark** **(Pages 7 - 10)**
- 5 Application for Financial Assistance (Historic Buildings Grants) From the Conservation and Heritage Fund - Clod Hall, Little Heath Green, Almington. 12/13003/HBG** **(Pages 11 - 12)**
- 6 Mid Year Development Management Performance Report 2012-13** **(Pages 13 - 18)**
- 7 Half Yearly Report on Planning Obligations - December 2012** **(Pages 19 - 22)**
- 8 Trees at Former Police Station, Long Row, Kidsgrove. TPO No 145(2012)** **(Pages 23 - 26)**
- 9 URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

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.

Agenda Item 3

BLOCK B, UPPER SCHOOL SITE, NEWCASTLE UNDER LYME SCHOOL, LANCASTER ROAD NEWCASTLE-UNDER-LYME SCHOOL. 12/00646/FUL

The Application is for full planning permission for the demolition of the western side of the quadrangle of "Block B" of this independent day school and the infilling of the courtyard and formation of a new western facing elevation. External alterations are also proposed to part of the southern facing elevation of Block B. The development would provide new science classrooms, a new replacement library and a multi-functional social area – a net increase of some 808 m². External hard landscaping works are also proposed immediately adjacent to the building overlooking the adjacent Multi Use Games Area.

The application site is located within the urban area of Newcastle-under-Lyme whilst also being within the Stubbs Walk Conservation Area as shown on the Local Development Framework Proposals Map.

The 13 week determination period expires on 24 January 2013.

RECOMMENDATION

Permit subject to the following conditions relating to the following matters:-

- (i) Standard time limit.
- (ii) Approved plans.
- (iii) External materials

Reason for Recommendation

The proposal would create a high quality development that would benefit the character and appearance of the Stubbs Walk Conservation Area. There are no other concerns that would justify refusal of the application. The proposed development therefore accords with Policies D2 and NC19 of the Structure Plan, Policies B9, B10, B13 and B14 of the Local Plan, Policies CSP1 and CSP2 of the Core Spatial Strategy as well as the aims and objectives of the NPPF.

Policies and Proposals in the Approved Development Plan Relevant to This Decision:-

West Midlands Regional Spatial Strategy 2008 (WMRSS)

- Policy QE1: Conserving and Enhancing the Environment
- Policy QE3: Creating a high quality built environment for all
- Policy QE5: Protection and enhancement of the historic environment

Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 (SSSP)

- Policy D1: Sustainable Forms of Development
- Policy D2: The Design and Environmental Quality of Development
- Policy NC19: Conservation Areas
- Policy T18A: Transport and Development

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

- Policy SP3: Spatial Principles of Movement and Access
- Policy CSP1: Design Quality
- Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan 2011 (NLP)

- Policy N17: Landscape Character – General Considerations
- Policy T16: Development – General Parking Requirements
- Policy B9: Prevention of harm to Conservation Areas
- Policy B10: The requirement to preserve or enhance the character and appearance of the Conservation Area

Policy B13: Design and development in the Conservation Areas
Policy B14: Development in or adjoining the boundary of the Conservation Areas

Other Material Considerations Include:

National Planning Policy Framework (March 2012)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

The Secretary of State's Announcement of His Intention to Abolish RSS

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

Relevant Planning History

N14983 Conversion and alteration to form library – permitted 21 January 1986

Views of Consultees

The **Conservation Officer** raises no objection to the proposals specifying that elements will actually enhance the building.

The **Highway Authority** raises no objection to the proposals indicating that there are no highway implications.

The **Conservation Advisory Working Party** has no objections.

The views of the **Environmental Health Division** have been sought and if received will be reported.

Representations

At the time of writing this report no representations have been received however the publicity period does not end until 30 November.

Applicants/Agents Submission

The requisite application forms and plans were submitted along with a Design and Access Statement incorporating a heritage statement. These documents are available for inspection at www.newcastle-staffs.gov.uk/planning/nulschool

Key Issues

As stated above the application is for part demolition of the western side of the quadrangle, and the subsequent infilling of the courtyard and the formation of a new western elevation – at Block B which is on the Lancaster Road frontage. Some existing UPVC cladding would also be removed on the southern elevation and replaced with larger windows and horizontal louvres to maximise natural light and control solar glare. The application site is located within the urban area and is within the Stubbs Walk Conservation Area.

Conservation area consent is not required for these works of partial demolition of an unlisted building within the Conservation Area.

The key issues in the determination of the development are:

- Design of the proposals and the impact on the visual amenity of the area and Stubbs Walk Conservation Area.
- Would the development lead to any other consequences that would require mitigation.

Design of the proposals and the impact on the visual amenity of the area and the character and appearance of the Stubbs Walk Conservation Area

The Local Planning Authority has a duty to preserve or enhance the character and appearance of a Conservation Area in the exercise of its planning duties. The existing library which is to be demolished is a part of this building which was extensively altered in the mid 80's. It is not especially attractive in architectural terms. The new western elevation – with its contemporary glazing system and projecting upper floor section will enhance this elevation providing a stronger contrast between the traditional and contemporary build. The new element – a full two storey - does have a flat roof at about the level of the eaves of the remainder of the building. From most views this feature will be fully hidden by the taller pitched roof of the surrounding traditional building. Due to the context, scale and location of the proposal in relation to public vantage points, it would not be a prominent addition, with some views from Mount Pleasant and Stubbs Walk Park. It must be noted however that these views would be from a lower level and in the main glimpses through gaps in mature tree cover. It is therefore considered that no adverse impact upon the Stubbs Walk Conservation Area would ensue as a result of the proposals.

The infilling of the proposed courtyard would not have an adverse impact upon the character of the building or the visual amenity of the Conservation Area due to it being an internal hidden feature. The existing courtyard is not in any case a particularly inviting or designed space and the existing internal elevations are of no particular architectural merit. Accordingly nothing of design merit would be lost but a more useful environment would be created for the students.

The proposed alterations to the southern elevation which is a more visible frontage from public vantage points on Lancaster Road are to be welcomed. Not only would they replace an unsympathetic and incongruous addition to the building with a more modern and high quality feature but the design (use of louvres) would also provide protection from the solar glare that is received on this south facing elevation thus making the building more thermally stable and sustainable.

Although the proposed external materials appear acceptable in principle, it is considered that due to the scale and nature of the proposals within the Conservation Area samples of the external materials to be used should be provided in this instance for the Planning Authority's approval. This could be done through an appropriately worded condition unless otherwise agreed prior to the determination of the application.

Would the development lead to any other consequences that would require mitigation ?

The school do not appear to anticipate an increase in overall pupil numbers as a result of development. There is almost certainly a correlation of some form between pupil numbers, traffic generation and parking demand, albeit a fairly complex one, and notwithstanding the position of the school close to the town centre and bus station. Although the development does notionally add a further 880 m² of accommodation – this is a small addition relative to the size of the school as a whole, and there are reasons to consider that no increase in pupil numbers is likely to result in this particular case by reason of the content of the new development – the enhancement of the school's library, the provision of a covered social/multi functional space and that the two new science classrooms are in place of four existing ones. The scheme is presented primarily as an improvement in the quality of facilities rather than of their quantity. Although once floorspace has been created subsequent changes in the exact use of internal space lies outside the scope of planning control (unless there is a material change of use) the likelihood of this happening appears remote in this particular case given the design.

The existing classrooms which would be vacated are on Vessey Street, another part of the school's campus and the agent has indicated that the long term aspiration of the school would be to demolish that building but in the interim it is likely to be used as additional storage or ancillary space – and that no increase in pupil numbers would be associated with that use. Whilst clearly there is the possibility that the freed up space could increase the capacity of the school, again it is understood that the floorspace involved is not that significant. If the future use of Block M was a concern to Members it would be possible for the Local Planning Authority to bring that use within the scope of planning control (by an appropriately worded condition), but your Officer does not consider that to be necessary.

In this connection it is to be noted that the Highway Authority have no objections to the proposal and they do not ask for any conditions to be attached to an approval – indicating their view that the proposal will help facilitate the existing running of the school and there are no highway implications. Similarly they do not indicate that any contribution towards the Newcastle urban Transport and Development Strategy (NTADS) is required - presumably for the same reason, and because educational developments are unlikely to generate traffic during the afternoon peak hour (17:00 to 18:00) – the basis for the agreed method of calculation of NTADS contributions.

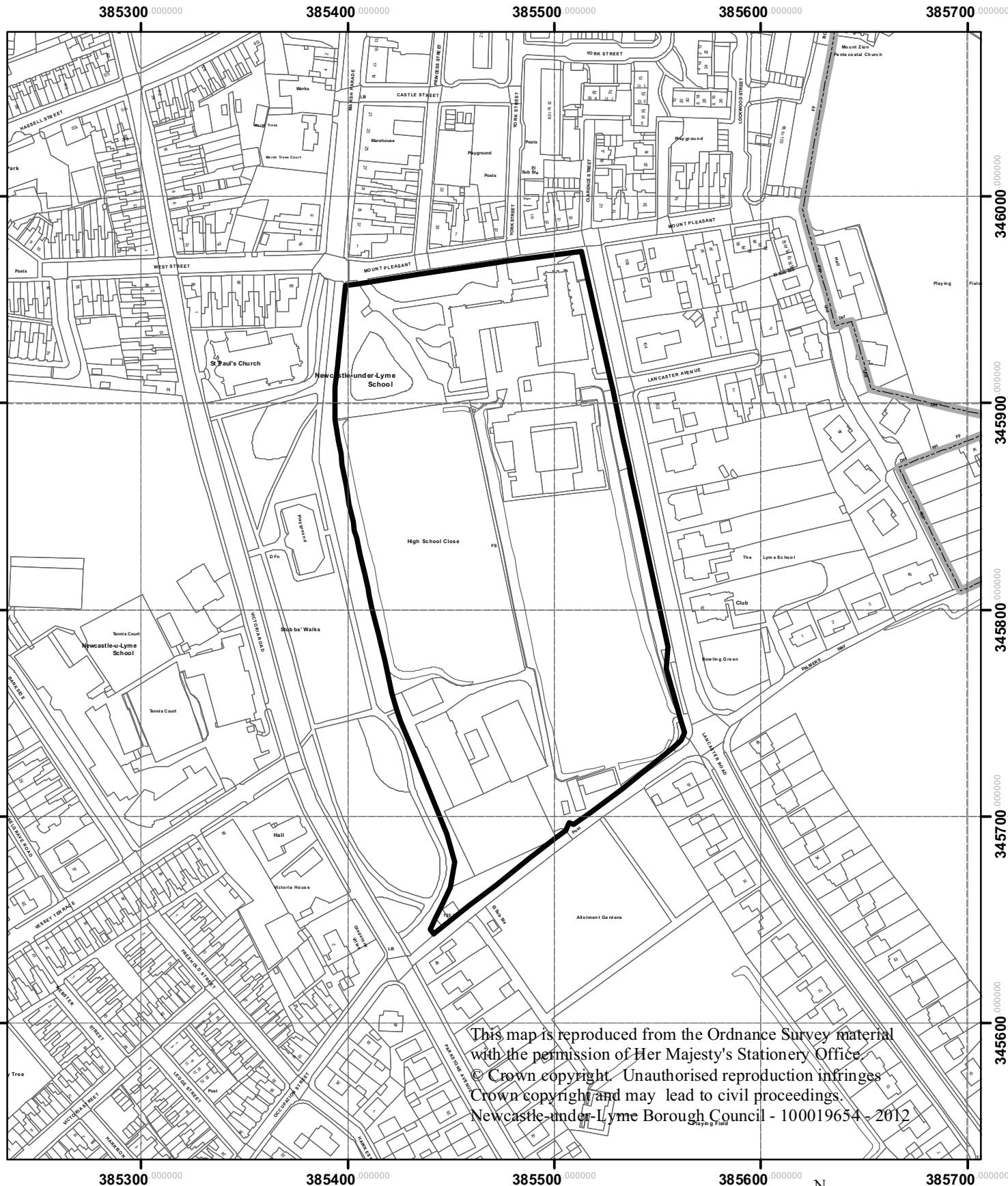
In conclusion your Officer's view is that there are no material traffic generation or parking demand implications arising from this proposal.

Background Papers

Planning files referred to
Planning Documents referred to

Date Report Prepared

19 November 2012



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STOKE ON TRENT AND STAFFORDSHIRE LOCAL ENTERPRISE PARTNERSHIP PLANNING CHARTER MARK

Purpose of this Report

This report invites the Planning Committee to comment upon a proposal to be considered by Cabinet that the Council sign up to aspire to achieve a Planning Charter Mark that has been developed by the Stoke on Trent & Staffordshire Local Enterprise Partnership (LEP). The LEP is seeking commitment from local authorities to adopt the 'Red Carpet approach' to businesses by delivering against a set of five outcomes – Clarity and consistency, Effort & focus, Competence & respect, Accuracy & fairness, and Dialogue & understanding.

RECOMMENDATION

That the Planning Committee recommend to Cabinet that it signs up to the LEP's Planning Charter Mark as set out in this report, on the condition that it be made clear that it is for the Planning Committee to determine how its meeting are conducted, in the context of the Council's constitution, and the Council should not accept the imposition of a rigid LEP approach to the checking of accuracy for material facts.

1. Background

- 1.1 Members will be aware that Local Enterprise Partnerships are the relatively new bodies that promote enterprise and deliver economic growth and jobs following the abolition of the Regional Development Agencies. These bodies are business-led and include representation from local authorities. This Council is part of the Stoke-on-Trent & Staffordshire LEP. Councillor Boden, the Deputy Leader is a member of the LEP Board.
- 1.2 Last year the Stoke on Trent and Staffordshire Local Enterprise Partnership (the 'LEP') announced an intention to devise what they termed a Planning Charter Mark which would be awarded to Local Authorities that have met its requirements. They held a seminar/workshop in October 2011 for LEP members and representatives from Local Planning Authorities across Staffordshire at which they presented evidence from the experience of the Stoke on Trent and Staffordshire business community with the planning system. One of the purposes of the seminar was to explore the potential of a Charter Mark. The seminar was attended by the then Planning and Regeneration Portfolio holder, accompanied by the Executive Director, Regeneration and Development and the Head of Planning. At their meeting on 14 December 2011 the LEP adopted the Planning Charter Mark, and this was formally launched at an LEP event held on 9 February 2012.
- 1.3 The LEP see the proposed Planning Charter Mark as a process that will encourage economic growth and job creation in the LEP area.
- 1.4 The Borough Council has been invited to sign up to this process.
- 1.5 The LEP seeks certain 'outcomes' to be delivered by the Local Authorities. The LEP do say that they are not being prescriptive about exactly how these outcomes will be delivered but they have suggested proposals which are detailed below that they consider meet the needs of businesses, based upon a confidential survey they undertook of businesses.
- 1.6 The Stoke and Staffordshire Red Carpet is described as a process which provides single points of contact, individual case officers and a streamlined process for business development, inward investment and planning
- 1.7 The LEP indicate that the red carpet approach "*requires the whole organisation to acknowledge the importance of sustainable economic growth.*"
- 1.8 With respect to planning they suggest that "*every part of the planning process from initial enquiry to issuing the decision should be focussed on the importance of securing economic growth, and that this should ensure that incoming and existing businesses will receive clear advice so that they can plan for their future needs and secure the permissions that they need in a timely fashion.*"

1.9 The LEP has put together the following proposals as a way of meeting the concerns of businesses.

“Outcome 1 – Clarity and consistency

A clear statement of the Local Planning Authority’s strategy for economic growth that business can be rely on to be followed in every case and a single point of contact for guidance and advice.

Outcome 2 – Effort and focus

Local Planning Authorities to have a process review with a customer feedback element. The review should address ways to prioritise applications that deliver jobs and growth and help applications succeed rather than find reasons for them not to succeed. Ideally the process will deliver pre-application advice within 4-6 weeks, focus on business needs and explore all avenues for a satisfactory outcome, even if it results in refusal. There should be dialogue to identify potential sticking points and resolve them.

Outcome 3 Competence and respect

LPAs to adopt a formal training regime to support all committee members and ensure that they have an adequate and up to date knowledge of the planning system and an understanding of appropriate demeanour at planning committee. Special training and support for Chairs of Planning Committees.

Outcome 4 Accuracy and fairness

LPAs to ask if there are any disputed matters of fact after debate at committee, before making the decision.

Outcome 5 Dialogue and understanding

Central to the whole initiative, the LEP will promote face to face workshops with officers and members of the LPAs and representatives of the business community to build mutual understanding. This will enable closer and more co-operative working and lead to more appropriate and better quality schemes being brought forward”.

2. The Next Steps

2.1 Local Authorities are invited to sign up to the process. If they do so they will receive the Red Carpet Charter Mark when they have adopted measures to deliver the ‘outcomes’, and thereafter in subsequent years retention of the Charter Mark will depend upon sustained and measurable improvements in the service experienced by businesses.

2.2 The LEP indicate that they are seeking commitment from Local Authorities to adopt the red carpet approach by delivering the outcomes set out above. They say these outcomes are not definitive and that other action and existing good practice that can be demonstrated to deliver these outcomes would be equally welcomed by them.

3. Consideration

3.1 Members will be aware of the Planning for Growth Statement issued by the Minister of State for Decentralisation in March 2011. The approach set out in the LEP’s Planning Charter Mark is consistent with the Government’s approach to encouraging sustainable economic development.

3.2 With respect to the outcomes identified by the LEP it is difficult to dispute that they are desirable and would be considered to be the qualities of a good planning service.

3.3 Whilst the adoption of a ‘red carpet approach’ to businesses in the sphere of economic regeneration – with the emphasis on a streamlined and effective response to enquires - is perfectly reasonable and indeed has been the approach of this Authority for many years, caution does need to be exercised with respect to the determination of planning applications. Local Planning Authorities are required by law to determine planning applications in accordance with the provisions of the approved development plan and any other material planning considerations relevant to the development. It would be important for the Council to avoid any impression being given that favourable consideration will automatically be given to proposals from businesses, as that could lay it open to challenge, particularly in cases where such proposals are contrary to important development plan policies.

- 3.4 Giving an explicit priority to the determination of applications that deliver jobs and growth, and similarly to enquiries for such types of development, whilst it could well lead to concern by other applicants and enquirers, is a matter for the Council to decide to do if it wishes. In practice it may be somewhat difficult to determine which types of development do not fall within this category – in that almost all forms of proposals have some economic impact. Business applications would undoubtedly include both employment generating uses and housing developments.
- 3.5 The proposal seeks active and positive engagement by the Authority with the business community to seek to resolve problems with proposals where this is achievable within the context of relevant planning policies. On that basis it would be appropriate for the Council to aspire to the LEP Planning Charter Mark.
- 3.6 The likely resource implications of so doing will be a matter which will be addressed within the report to Cabinet.
- 3.7 With respect to the *detailed* proposals advanced by the LEP some further comments are considered necessary.
- 3.8 The LEP refer in the context of Outcome 3 (Competence and respect) to the need for members to be provided with training so that they have both an adequate and up to date knowledge of the planning system and “an understanding of appropriate demeanour at Planning Committee”. The LEP in later correspondence with South Staffordshire District Council have elaborated as follows.

“The reference to appropriate demeanour at planning meetings has come directly from the initial business evidence. Unfortunately at some Planning Committee, members have been known to behave inappropriately with pre-determination, inappropriate comments, not reading reports, etc. I am sure that nothing like this happens at South Staffordshire, but it does happen in Staffordshire and the LEP has to try and improve this”

The Planning Committee has already agreed that there should be the provision of mandatory training for members of the Planning Committee, although it is some time since that occurred and the need to move forward on that is recognised by your Officer. In the context of such mandatory training it may not always be necessary for additional special training to be undertaken by the Chairman of the Committee as the LEP seeks.

- 3.9 It is noted that the LEP suggest with respect to Outcome 4 (Accuracy and fairness) that Local Planning Authorities should introduce a procedure whereby applicants are given an opportunity, at the end of the Committee’s debate, to challenge any matters of fact which they dispute. Again in subsequent correspondence with South Staffordshire the LEP maintain that there is evidence of planning decisions being made on inaccurate material facts, and an example is quoted. The LEP have clarified that they are asking that *“in committee, after the debate, the Chairman checks for accuracy of material facts, with the applicant and objector, before the planning officer sums up and before the vote”* This would be a significant change from the Planning Committee’s existing procedures. If something that is plainly factually incorrect has been said during the debate whether by a Member of the Committee or by a member of the public i.e. an immaterial consideration has been referred to and may be taken into account by members, it is already the responsibility of the attending case officer to draw this to the attention of the Committee, and for the Chairman to permit such a correction to be made. Your Officer’s view is that the suggested procedural change is unnecessary, and may lead to unnecessary delays and the re-opening of debate.
- 3.10 It would be important in indicating this Council’s intention to aspire to the LEP Planning Charter Mark to make clear this position to the LEP.

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Agenda Item 5

APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANTS) FROM THE CONSERVATION AND HERITAGE FUND

Purpose of Report

To consider an application for financial assistance towards the cost of the repair of the following building of special architectural and historic interest.

Recommendation

That the Committee approve a grant of £3,912 for the Clod Hall, Almington, subject to the appropriate standard conditions.

Clod Hall, Little Heath Green, Almington, (Ref: 12/13003/HBG)

Clod Hall is a modest timber framed building and is Grade II listed. The application is for the complete rethatching of the building which is required due to a number of leaks into the main property. The Council gave a small grant of £940 towards the overthatching of the property in 2002 but this has not lasted and it is necessary to properly re-thatch from scratch the building.

As the building is Listed it is eligible for a grant of up to 20% towards the cost of the work which has been quoted at costing £19,560.

Financial Implications

There is sufficient funding to meet this grant application at over £68,000 in the fund, which allows for commitments.

Conclusions

This grant application meets all the Council's criteria for the repair and restoration of the heritage asset. The Conservation Advisory Working Party is supportive of the application...

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Agenda Item 6

MID-YEAR DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2012/2013

Purpose of the Report

To provide members with a mid-year report on the performance recorded for Development Management (Development Control) between 1 April 2012 and 30 September 2012. Figures for 2010/11 and 2011/12 are also provided for comparison as are targets set within the Planning and Development Service Plan for 2010/11 to 2013/14.

RECOMMENDATIONS

- (a) **That the report be received.**
- (b) **That the Head of the Planning and Development continue to operate mechanisms to maintain current high performance levels and improve the service provided for those procedures where our level of performance still needs to be addressed.**
- (c) **That the next 'Development Management Performance Report' be submitted to Committee around May 2013 reporting on performance for the complete year 2012/13.**

Reasons for Recommendations

To ensure that appropriate monitoring and performance management procedures are in place and that the Council continues with its focus on improving performance, facilitating development and providing good service to all who use the Planning Service.

1. Background

- 1.1 For many years an extensive set of indicators have been collected to monitor the performance of the Development Control or Development Management Service. These include both "National Indicators" and those devised by this Council – "local indicators". These indicators have changed over time and officers have sought to ensure that the right things are being measured to enable us to improve performance in every area.

2. Matters for Consideration

- 2.1 There is an Appendix attached to this report.

APPENDIX 1: 'NATIONAL AND 'LOCAL' PERFORMANCE INDICATORS FOR DEVELOPMENT CONTROL, 2010/11, 2011/12 and 2012/13: Contains quarterly and annual figures for the national and 'local' Performance Indicators applicable during 2012/13 (comparative figures for 2010/11 and 2011/12 are also shown).

National Indicators (NI) 157(a), (b) and (c) are also reported to Cabinet within the quarterly Financial and Performance Management Report.

This report is a commentary on the national and local performance indicators as set out in detail in Appendix 1.

3. The Performance Achieved

Eight non-financial indicators were included in the 2011/12 – 2013/14 Planning and Development Service Plan relating to Development Management. 7 of these indicators have "targets" for 2012/13. It is currently predicted that the target set is likely to be met in only one case, in a further 5 it is predicted that the target is unlikely to be achieved, and in one case it is not possible to predict the likely outturn figure.

INDICATOR - NI 157: Percentage of applications determined within timescales:-

- (a) ***75% of 'Major' applications determined within 13 weeks***

- (b) **85% of 'Minor' applications determined within 8 weeks**
- (c) **95% of 'Other' applications determined within 8 weeks**

National Indicator NI157 relates to the three categories of applications as above. The above challenging "top quartile" targets for 2012/13 have been set 'locally', although the targets set by Government (60%, 65% and 80% respectively) still currently remain. 'Major' applications are defined as those where 10 or more dwellings are to be constructed (or if the number is not given, the site area is more than 0.5 hectares), and, for all other uses, where the floorspace proposed is 1000 square metres or more or the site area is 1 hectare or more. 'Minor' applications are those developments which do not meet the criteria for 'Major' developments nor the definitions of Change of Use or Householder Development. 'Other' applications relate to those for Change of Use, Householder Developments, Advertisements, Listed Building Consents, Conservation Area Consents and various applications for Certificates of Lawfulness, etc.

- (a) In dealing with '**Major**' applications during 2011/12 we determined 81.8% within 13 weeks against the then 'local' target of 75% (and the Government's target of 60%). That was comfortably "top quartile" performance. Performance for the first half of 2011/12 was 70% which is below the local target. The predicted result for the year 2012/13, based on performance up to the end of October, the applications in hand, and the limited number of application for Major development expected to be received over the next 6 months, is that we will fall significantly short of achieving the 75% target, but still above the national target of 60%. The latest national information available (for the year ending March 2012) indicates that top quartile performance that year was anything over 68% (national performance on Majors having declined) so that figure should be borne in mind.

Performance figures for this category can fluctuate significantly as they are based on only a relatively small number of applications. The Council has to avoid unreasonable behaviour in its decisions whether to allow more time for the securing of planning obligations (Section 106s) where a proposal is acceptable provided a planning obligation is secured, and in most but not all cases it is the need to do this which is the reason for the failure to determine the application within time. Various strategies and procedures are being employed to reduce the risk of this happening, and a quarterly report is provided to the Committee on decisions to extend the periods within which such obligations can be secured

TARGET FOR 2012/13 UNLIKELY TO BE ACHIEVED

- (b) During 2011/12 91.9% of '**Minor**' applications were determined within 8 weeks against the 'local' target of 85% (Government target is 65%). That it is now known was comfortably 'top quartile' performance, anything of 80% or over being "top quartile".

Performance for the first half of 2012/13 was 88.9% and the predicted result for the year against the 'local' target of 85%, taking into account actual performance up to the end of October, is that this target is likely to be achieved, although there are still 5 months to go. If so the performance will have been very creditable indeed.

TARGET FOR 2012/13 LIKELY TO BE ACHIEVED

- (c) During 2011/12 94.8% of '**Other**' applications were determined within 8 weeks. That it is now known was comfortably 'top quartile' performance, anything of 80% or over being 'top quartile'

Performance so far this year is running at 94% compared with the 'local' target of 95% (Government target is 80%). The prediction for the year is around 93% which is some 2% short of the local target. Whilst this is somewhat disappointing it does reflect the consequences which a failure to determine a relatively small number of applications has on the performance level achieved. Upon reflection the 95% target is probably unrealistic. 93% would still be a very creditable performance.

TARGET FOR 2012/13 UNLIKELY TO BE ACHIEVED

Our performance generally in relation to the speed of determination of applications is good, and our performance for all three NI157 indicators has again exceeded the national targets. When the local targets were originally set by Cabinet the intention was to achieve top-quartile performance. As

indicated above it can now be confirmed that the Council achieved top quartile performance in 2011/12 in all three categories. For Majors our national ranking position out of 345 Authorities for this period was 18th, for Minors 9th and Others 20th. It is unlikely that the outturn figures for 2012/13 will be as good, but the position, in relation to other authorities, will not be known until much later on in 2013 when the national figures are released.

Members may be aware that the Government is pursuing its Planning Guarantee proposals. As part of this they have published a Planning Guarantee monitoring report which focussed on the percentage of all decisions made within 26 weeks, and the percentage of decisions on applications for major development made within 26 weeks. The figures for this Council were 99% and 91% respectively. 88% of all Local Planning Authorities determined 95% of all cases within 26 weeks, whilst 6% of all Local Planning Authorities determined 95% of Majors within 26 weeks. For all decisions our national ranking position was 52nd and for Major decisions 50th. Both represent 'top quartile' performance.

The Growth and Infrastructure Bill introduced to Parliament in October, and now at Committee Stage in the House of Commons, includes proposals to give applicants an option to choose to have their applications determined by the Secretary of State, rather than by the Local Planning Authority, where the Authority in question has been designated as a poorly performing planning authority.

In the Bill's Impact Assessment now published the Government has indicated that while the indicators to be used to assess whether a planning service is a good one have yet to be finalised, for the purposes of the assessment they have used

- **Timeliness**, defined as the average number of major applications decided within 13 weeks as a percentage of all major decisions, assessed over a two year period.
- **Proportion of major decisions overturned**, defined as the number of appeals involving major development that are lost, as a percentage of all major decisions made (and again assessed over a two year period).

With regard to the precise benchmarks for designating authorities as 'poor performing' these it is indicated will be subject to consultation but, for illustrative purposes only, they have assumed that the authorities whose timeliness measure is less than 30%, **or** whose proportions of major applications overturned is greater than 20%, will be subject to these measures. They have not published information on which Authorities would fall within this group.

Because of the potential importance of these measures to the Authority your officers intend to submit a further report to the Committee as soon as the Government's proposals become clearer.

INDICATOR - Percentage of applicant/agents satisfied with the development management service received

In some previous years the Council has undertaken an indepth survey of the satisfaction or otherwise of agents and applicants with the development management service received. Because of the resource implications and the view that new approaches to obtaining applicants and agents opinions should be used, the proposal to undertake the Council's own survey in 2011/12 as the Service Plan envisaged was withdrawn. As an alternative the Council participated in a 4 week benchmarking exercise run by the national Planning Advisory Service which included an applicants' postcard satisfaction survey. PAS have however not advised the Council of the results of that survey – apparently because of the limited number of responses to it.

The Service Plan for 10/11 to 13/14 does not envisage a survey of applicants and agents this year. The Council is participating in a further PAS benchmarking exercise that is now underway, and this again will include a light touch survey of applicants' and agents' opinions of the service that they have received.

NO TARGET FOR 2012/13

INDICATOR - Percentage of community who are satisfied with the development management service provided

This information is obtained by a survey directed at those individuals who made comments on applications ('contributors') and the survey asks a series of questions aimed at ascertaining the level of service provided e.g. in bringing the application to their attention, dealing with their queries and informing them of the eventual decision etc. No such survey was undertaken in 2011/12.

It is intended to undertake such a survey in 2012/13 and the results of this will be the subject of a separate report to the Planning Committee. It is not possible to predict the result of that survey

SURVEY YET TO BE UNDERTAKEN

INDICATOR - Percentage of pre-application enquiries answered within 15 working days

Performance for this local indicator recorded for 2011/12 was 70.5%. The figure so far this year is 69.2% and the predicted outturn for the whole year is around 70% although it is very difficult to be confident about such a prediction. The target, which is set in the current Service and Financial Plan is 85%. The Service puts a considerable emphasis on the provision of appropriate pre-application guidance and the shortfall relative to the target is a matter for some concern. Were proposals to be developed for charging for pre-application advice the timeliness of that advice could be the subject of complaint more often than it is now. Pre-application enquiries vary considerably in their nature. To give members some idea of volume the Service received some 600 such enquiries in the first 6 months of 2012/13.

TARGET FOR 2012/13 UNLIKELY TO BE ACHIEVED

INDICATOR - Percentage of applications for approvals required by conditions determined within 2 months

The figure for 2011/12 was 64.4%. The figure so far this year is 64.3% and the prediction for the year is around 75% (performance improving following some procedural changes). The target for 2012/13 within the existing Service Plan is 80%. The Service received some 180 such applications in the first 6 months of 2012/13.

TARGET FOR 2012/13 UNLIKELY TO BE ACHIEVED

INDICATOR - Percentage of complainants informed within the required timescales of any action to be taken about alleged breaches of planning control.

Performance in this area was 85.4 % in 2011/12, and performance recorded so far this year is 79.3% compared with the 'local' target of 85%. The current prediction is that, as a result of reduced levels of support staff who "log in" complaints, it may well not be possible to achieve the target and the predicted performance is 80%.

TARGET FOR 2012/13 UNLIKELY TO BE ACHIEVED

APPENDIX: 'NATIONAL' AND 'LOCAL' PERFORMANCE INDICATORS FOR
DEVELOPMENT MANAGEMENT 2010/11, 2011/12 AND 2012/13

Indicator Ref No	Indicator	Year	Target for year	<-----Actuals----->					Predicted result for 2012/13	Targets contained in 2011/12 - 2013/14 Service Plan*			
				April - June	July - Sept	Oct - Dec	Jan - Mar	Actual Performance (at 30.9.12)		2011/12	2012/13	2013/14	
NI157(a) <i>DC_5d</i>	% of 'Major' applications determined within 13 weeks	2012/13	75% (60%)	50%	100%			(70%)	65%	75% (60%)	75% (60%)	75% (60%)	
		2011/12	75% (60%)	85.7%	60%	85.7%	100%	81.8%					
		2010/11	80% (60%)	88.9%	63.6%	62.5%	83.3%	73.5%					
NI157(b) <i>DC_5e</i>	% of 'Minor' applications determined within 8 weeks	2012/13	85% (65%)	87.5%	90.2%			(88.9%)	88%	85% (65%)	85% (65%)	85% (65%)	
		2011/12	85% (65%)	97.4%	94.2%	92.5%	84.6%	91.9%					
		2010/11	85% (65%)	87.2%	90.2%	89.1%	78.8%	87.0%					
NI157(c) <i>DC_5f</i>	% of 'other' applications determined within 8 weeks	2012/13	95% (80%)	93.4%	94.4%			(94%)	93%	95% (80%)	95% (80%)	95% (80%)	
		2011/12	95% (80%)	93.9%	92.9%	97.0%	96.2%	94.8%					
		2010/11	94% (80%)	97.1%	95.2%	93%	90%	94%					
<i>DC_5h</i>	% of applicants satisfied with the service they received	2012/13		no survey this year						80%	No survey this year	85%	
		2011/12	80%	***	***	***	***	***					
		2010/11	80%	***	***	***	***	***					
DCS50 <i>DC_5i</i>	% of community who are satisfied with the service provided	2012/13	80%	**	**					No survey this year	80%	No survey this year	
		2011/12		no survey this year									
		2010/11	78%	***	***	***	***	***					
DCS52 <i>DC_5b</i>	% of pre-application enquiries answered within 15 working days	2012/13	90%	68.7%	70%			(69.2%)	70%	85%	85%	85%	
		2011/12	85%	57.7%	78.3%	75.5%	71.7%	70.5%					
		2010/11	80%	65.3%	72.3%	63.5%	74.9%	70.2%					
DCS54 <i>DC_5c</i>	% of applications for approval required by conditions determined within 2 months	2012/13	85%	54.8%	78%			(64.3%)	75%	80%	80%	80%	
		2011/12	80%	73.4%	66.0%	83.2%	41.0%	64.4%					
		2010/11	75%	56.4%	74.0%	78.7%	83.9%	72.8%					
ECS2 <i>DC_5a</i>	% of complainants informed within required timescale of any action to be taken	2012/13	85%	75%	84.6%			(79.3%)	80%	85%	85%	85%	
		2011/12	85%	87.8%	77.1%	97.1%	83.3%	85.4%					
		2010/11	80%	86.4%	81.0%	76.9%	36.5%	71.4%					

* These targets are currently being reviewed for inclusion in the next Service/Business Plan

Target achieved for complete year

Predicted result* for 2012/13 will achieve target set

() The main target has been set 'locally'. Figures in () are those targets set by Government.

** Survey is being carried out during the second half of the financial year

*** Information not available

Target not set

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Agenda Item 7

HALF YEARLY REPORT ON PLANNING OBLIGATIONS – DECEMBER 2012

Purpose of the Report

To provide Members with a report on planning obligations which have been secured over the last 6 months, works that have been funded in part or in whole by planning obligations and compliance with their requirements

Recommendations

(a) **That the report be noted**

(b) **That the Head of Planning and Development report on a half yearly basis to the Planning Committee on planning obligations which have been secured over the preceding six months, works that have been funded during that period in whole or in part by planning obligations and compliance with their requirements.**

Introduction

Members may recall reports have been previously presented to the Planning Committee about the procedures for securing planning obligations and related issues. One of those areas of work related to the production and the ongoing maintenance of a database relating specifically to planning obligations whether achieved by agreement or by undertaking. These are sometimes known as Section 106 agreements or undertakings – being entered into pursuant to Section 106 of Town and Country Planning Act 1990, as amended. This database is continually being developed and updated and this is proving to be invaluable in providing information in the monitoring of planning obligations where previously this monitoring was carried out in rather adhoc manner. The database has enabled the information in this report to be compiled.

An Internal Audit report recommended that upon completion of the database the Planning Committee should receive regular reports with regard to planning obligations. One of the purpose of this report is to provide Members with information on what planning obligations have been secured over the six month period (April 2012 – September 2012). Some of the developments will be familiar to the Committee given they have come before the Planning Committee for decision, but others the Committee may not be familiar with because they have been determined under delegated authority. The Council's present scheme of delegation gives to the Planning Committee the authority to create by agreement planning obligations. Where applications are accompanied by obligations by unilateral undertaking then they do not have to be determined by the Planning Committee unless for some other reason. Planning obligations may relate to the payment of financial contributions but others have no financial contribution requirement but have been entered into to control or restrict the development in question in some way when it has been considered planning conditions are not the appropriate method of dealing with such issues.

The information is provided on a number of Tables which come after this page.

It is proposed to provide Members with regular half yearly reports in approximately late spring/early summer and late autumn/early winter of each year and it is also envisaged that as the database develops additional information/details will be reported. The format of the report may also change and members may wish to indicate whether there is information which they wish this report to provide.

Table 1 - Developments where planning obligations have been entered into (April 2012 – September 2012)

The following Table identifies developments where planning obligations by agreement or undertaking have been entered into. These cases involve both applications which have come before the Planning Committee for determination and those which have been determined under delegated authority. The cases involve both financial contributions, the provision of development such as affordable housing and those which restrict the use of a development e.g. non-severance of ancillary accommodation. Contributions are usually payable upon commencement of the development (the payment “trigger”), but that can vary. If a development is not undertaken it follows that there is no requirement to pay the contribution.

Permission reference	Location of development	Development	Purpose of the obligation(s)	The level of contribution(s) payable when development trigger achieved
12/00069/FUL	140 Gloucester Road, Kidsgrove, Stoke-on-Trent.	Care Home for the elderly.	Monitoring sum for Travel Plan.	£2,100 (index linked).
11/00430/FUL	Milliners Green Site, Keele Road, Newcastle-under-Lyme, Staffordshire.	Erection of 61 dwellings (amended layout including 13 additional dwellings).	Open space enhancement, improvement and maintenance.	£38,259 (index linked).
			Newcastle (urban) Transport and Development Strategy (NTADS).	£8,000 (index linked)
11/00627/FUL	Kidsgrove Ski Centre, Bathpool Park, Kidsgrove, Stoke-on-Trent ST7 4EF.	Extension of existing ski slope.	Open Space maintenance sum.	£4,490 (index linked).
12/00148/OUT	Land Adjacent 261, Dimsdale Parade West, Newcastle-under-Lyme, Staffordshire.	Erection of a detached dwelling - (plot A).	NTADS.	£500 (index linked).

Permission reference	Location of development	Development	Purpose of the obligation(s)	The level of contribution(s) payable when development trigger achieved
12/00169/DEEM4	Land Adjacent 19 Grove Avenue, Kidsgrove, Stoke-on-Trent, Staffordshire.	Erection of a pair of semi-detached dwellings with associated parking.	NTADS.	£1,000 (index linked).
12/00197/FUL	35 Apedale Road, Chesterton, Newcastle-under-Lyme-Staffordshire ST5 6BH	Construction of pair of semi detached dwellings & new vehicular access.	NTADS.	£1,000 (index linked).
12/00258/FUL	Heaton Court, Heaton Terrace, Porthill, Newcastle-under-Lyme, Staffordshire.	Retention of 6 no. one bedroom residential units.	NTADS.	£2,000 (index linked).
12/00225/OUT	261 Dimsdale Parade West, Newcastle-under-Lyme, Staffordshire ST5 8HS.	One detached dwelling on "Plot B".	NTADS.	£500 (index linked).
12/00036/FUL	Charter Road, Cross Heath, Newcastle-under-Lyme Staffordshire.	Residential Development.	NTADS.	£44,401 (index linked).
			Education.	£77,217 (index linked).
			Public Open Space improvement/enhancement/ maintenance.	£167,751 (index linked).

Table 2 - Development where financial contributions have been made (April 2012 – September 2012)

The following Table identifies the development where the planning obligation requires the payment of a financial contribution and the trigger for payment has been reached and payments have been made. The sum of the contribution may differ from that originally secured due to it being a phased payment of the contribution.

Permission reference	Location of development	Development	Purpose of the obligation(s)	Contribution made
09/00600/OUT	Lower Milehouse Lane Phase 2.	Residential Development.	NTADS.	£42,985
			Public Open Space improvement/enhancement/ maintenance.	£418,720
12/00036/FUL	Charter Road, Cross Heath, Newcastle-under-Lyme.	Residential Development.	NTADS.	£44,401
			Education contribution.	£77,217
			Public Open Space improvement/enhancement/ maintenance.	£167,751

Table 3 - Development where financial contribution have been spent. (April 2012 – September 2012)

The following Table identifies the development where payment of the financial contribution has been made and the spending authority have advised the Planning Authority that they have spent the financial contribution received. These figures may differ from the contribution made, given the contributions may be targeted to a number of projects or an on-going project. **Please note**, at present, this Table does not include any expenditure by the Council County because that information has not yet been provided in a format that can be reliably reported – the intention however is to report this information to the Committee in future.

Permission reference	Location of development	Development	Amount of and purpose of contribution	How the contribution has been spent
06/01180/OUT	Newcastle College/ Sainsburys, Liverpool Road, Newcastle-under-Lyme Staffordshire.	New college, sports facilities, Superstore, Petrol Filling station, offices, housing, parking, landscaping and associated engineering works.	£ 88,012 – Sport Pitch Provision and maintenance.	The Wammy Neighbourhood Park.
07/00127/OUT	Former GEC, Lower Milehouse Lane, Newcastle-under-Lyme Staffordshire.	Phase 1 - Extra Care PrimaryCare Centre and Residential Development.	£ 78,048 – Public Open Contribution.	The Wammy Neighbourhood Park.
Permission reference	Location of development	Development	Amount of and purpose of contribution	How the contribution has been spent.
04/00563/FUL	Depot (former ICL), Stanier Street, Newcastle.	Erection of 42 apartments.	£34,756 – Public Open Space contribution.	Castle Motte Heritage Works.
11/00129/FUL	Land Off Grange Lane, Wolstanton, Newcastle under Lyme Staffordshire.	Residential development.	£14,803 – Open Space enhancements.	Wolstanton Marsh Funding.

Table 4 - Development where apparent breaches of planning obligation has been identified (April 2012 – September 2012)

The following Table identifies a development where either the triggers for the payment of financial contribution have been achieved and no payment has been made or there is some other breach in terms of the obligation/undertaking.

Permission reference	Location of development	Development	Purpose of the obligation and description of the apparent breach	Action taken and to be taken to resolve the apparent breach.
03/01033/OUT	Former Evans Halshaw, Hassell Street, Newcastle-under-Lyme.	Residential Development.	Public Open Space contribution (£900 x 45 units) £40,500 – Apparent non payment of the contribution.	Legal Services have identified some of the owners of the development and informed them of the apparent breach. Next step - to recover outstanding monies.

Agenda Item 8

TOWN & COUNTRY PLANNING ACT 1990

TOWN & COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

TREE PRESERVATION ORDER NO.145 (2012) TREES AT THE FORMER POLICE STATION, KIDSGROVE, LONG ROW, KIDSGROVE, ST7 4ER

Submitted by: Head of Operations

Purpose

To advise Members of the Planning Committee that the above order was made using delegated powers on 17 August 2012, and to seek approval for the Order to be confirmed as amended.

Recommendation

That subject to Tree Preservation Order 145 (2012) being modified so as to exclude an area of land measuring 37 sq metres located in the south-western corner of the site, and which was included in the original Order Plan when made, the Order be confirmed in accordance with the amended plan on display at the meeting.

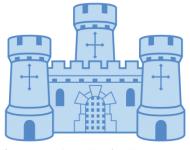
1. Background

- 1.1 In July 2012 your officers received an emailed request from councillor Stringer requesting that trees at Kidsgrove Police Station be protected by a Tree Preservation Order. The use of the building by Staffordshire Police will shortly cease and concern was been expressed that should the land be sold then new owners may wish to fell the trees.
- 1.2 Your officers inspected site and found that four individual Beech trees and the area of woodland (of approximately 2550m²) was worthy of protection. An Interim Tree Preservation Order was made to safeguard the long-term visual amenity that the trees provide, following concern for their future through felling.
- 1.3 Kidsgrove Police Station is situated at a busy crossroads on Liverpool Road on one of the main routes that passes through Kidsgrove town.
- 1.4 The individual Beech trees make up part of a visually prominent line of mature roadside trees which are a foremost feature in the wider landscape setting.
- 1.5 The woodland area adjoins an existing woodland which is protected by Tree Preservation Order number T9/43 W1 (1988), and provides a prominent visual backdrop to the surrounding landscape setting.
- 1.6 The trees make a valuable contribution to the local landscape. The loss of these trees would have a detrimental affect on the visual amenity, not only of the site but also to the locality.
- 1.7 The Borough council received 1 objection from Mr Carl Norman of 17 Ravenscliffe Road, who wrote to convey his objection due to his garden forming part of the protected woodland area.
- 1.8 Part of the woodland area covers a small section of land that is owned by Mr Norman (around 37m²). This land was sold to Mr Norman by Staffordshire County Council on in May 1991 and has since been used as garden. Mr Norman's use of the site as garden is now considered legitimate due to the length of time that the land has been used for this purpose.
- 1.9 Your officers consider that new woodland orders are not always appropriate in gardens. In this case a woodland order would be unsuited to Mr Norman's garden due its small size and lack of alternative recreational space.
- 1.10 The affected section of Mr Norman's garden contains ornamental shrubs, some small saplings and one mature Sycamore (which has previously suffered some considerable damage). Your officers do not consider that any of the trees, when considered as individuals, are of a sufficient quality to protect under a Tree Preservation Order.

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 <p>NEWCASTLE UNDER LYME BOROUGH COUNCIL</p> <p>D.A. ADAMS. EXECUTIVE DIRECTOR - OPERATIONAL SERVICES CIVIC OFFICES, MERRIAL STREET NEWCASTLE, STAFFORDSHIRE. ST5 2AG</p>	<p>TITLE: Trees in former Police Station, Long Row, Kidsgrove, Stoke on Trent, Staffordshire</p>	<p>SCALE: 1:1000</p>
	<p>DESCRIPTION: TREE PRESERVATION ORDER NO 145 (2012)</p>	<p>DATE: July 2012</p>
		<p>DRAWN BY: J.H.</p> <p>DRAWING NO. TPO 145</p>

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