Public Document Pack

Date of meeting	Tuesday, 10th June, 2014
Time	7.00 pm
Venue	Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact	Julia Cleary

Planning Committee

AGENDA

PART 1 - OPEN AGENDA

- 1 Apologies
- 2 DECLARATIONS OF INTEREST

To receive Declarations of Interest from Members on items included on the agenda.

3	MINUTES OF PREVIOUS MEETING(S)	(Pages 3 - 6)				
	To receive the minutes of the previous meetings held on 13 th May 201	14.				
4	Application for Major Development - Land at High Street/Marsh Avenue and Silverdale Road, Wolstanton; Gladman; 14/00217/FUL	(Pages 7 - 14)				
5	Application for Minor Development - Telecommunications mast, Whitmore Road, off Snape Hall Road; Vodafone; 14/00326/FUL	(Pages 15 - 20)				
6	Application for Other Development -Lymes Farm, Butterton Road, Butterton; CTIL & Vodafone Ltd; 14/00312/TDET	(Pages 21 - 26)				
7	End of Year Development Management and Enforcement Performance Report 2013/2014	(Pages 27 - 32)				
8	URGENT BUSINESS					
	To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972					

Members: Councillors Bailey, Baker, Fear, Hambleton, Mrs Hambleton, Matthews, Miss Reddish, Stringer (Vice-Chair), Sweeney, Turner, Williams and Mrs Williams

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

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

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

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

PLANNING COMMITTEE

Tuesday, 13th May, 2014

Present:- Councillor Michael Clarke – in the Chair

Councillors Bailey, Hambleton, Mrs Hambleton, Matthews, Stringer, Studd, Turner, Williams and Mrs Williams

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. APOLOGIES

Apologies were received from Cllr Baker, Cllr Miss Reddish, Cllr Sweeney, Cllr Fear and Cllr Howells.

3. MINUTES OF PREVIOUS MEETING

4. APPLICATION FOR MAJOR DEVELOPMENT - HOLDITCH ROAD, CHESTERTON; AIR MANAGEMENT & DESIGN / PHILIP GRATTON; 14/00134/COU

Resolved: That the application be approved subject to the following conditions:

- 1. Standard time limit condition
- 2. Prior approval of revised access details for one way system, including signage and road markings.

5. APPLICATION FOR MINOR DEVELOPMENT -LAND REAR OF 24 TO 36 HEATHCOTE ROAD, MILES GREEN; MR KEV RYDER/MILWOOD LTD; 14/00247/FUL

Resolved: That the application be refused on the grounds that the design is not tenure blind.

6. APPLICATION FOR MINOR DEVELOPMENT -22 CHURCH LANE, MOW COP; MRS C WHITEHURST; 14/00147/FUL

Resolved: That the application be approved subject to the following conditions:

- 1. Standard time limit condition
- 2. Development to be carried out in accordance with the approved listed plans
- 3. Prior approval of materials to be utilised (surfacing of track, facing and roofing materials) and implementation of approved details
- 4. Prior approval of any external lighting implementation of approved details.
- 5. Non commercial use only
- 6. No jumps and similar features

7. APPLICATION FOR MINOR DEVELOPMENT -FORMER VICTORIA COURT, MAY BANK; ADF CONSTRUCTION AND DEVELOPMENTS; 13/00985/FUL

Resolved: That the application be refused for the following reasons:

1. The form and design of the development is inappropriate in the context of its surroundings and fails to take advantage of the opportunities available to improve the image of the area.

2. There is insufficient information to demonstrate the development would not lead to unnecessary tree loss which would have a negative impact on the appearance of the area.

3. The development provides insufficient private rear garden space. In addition, in the absence of an obligation the development fails the make an appropriate contribution towards primary school provision having regard to the likely additional pupils arising from the development

8. APPLICATION FOR OTHER DEVELOPMENT - KEELE HALL, KEELE UNIVERSITY

Resolved: That the application be approved subject to the following conditions:

- 1. Standard time limit
- 2. Approved plans
- 3. Materials

9. APPLICATION FOR OTHER DEVELOPMENT - TELECOMMUNICATIONS MAST, AUDLEY ROAD, CHESTERTON; MONO CONSULTANTS; 14/00239/TDET

Resolved:

- a) That approval be required
- b) That approval be granted

10. APPLICATION FOR OTHER DEVELOPMENT - LAND CORNER OF PIT LANE AND DIGLAKE CLOSE; MONO CONSULTANTS; 14/00241/TDET

Resolved: That approval not be required

11. APPLICATION FOR OTHER DEVELOPMENT - GRASS VERGE ADJACENT TO THE SQUARE, PILKINGTON AVENUE; MONO CONSULTANTS; 14/00243/TDET

Resolved:

- a) That approval be required
- b) That approval be given

12. APPLICATION FOR OTHER DEVELOPMENT - CORNER OF MINTON STREET AND HIGH STREET, WOLSTANTON; MONO CONSULTANTS; 14/00252/TDET

Resolved:

- a) That approval be required
- b) That approval be refused on the grounds of adverse impact on the streetscene

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13. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - NEWCASTLE CONGREGATIONAL CHURCH

Resolved: That a grant of £5000 be agreed subject to standard conditions.

14. APPEAL DECISION - 2 NURSERY GARDENS, BUTTERTON

Resolved: That the decision be noted

15. APPEAL DECISION - THE LODGE, STATION ROAD, ONNELEY

Resolved: That the decision be noted

16. URGENT BUSINESS

COUNCILLOR MICHAEL CLARKE Chair

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Agenda Item 4

LAND AT HIGH STREET, MARSH AVENUE AND SILVERDALE ROAD, WOLSTANTON GLADMAN CARE HOMES LTD 14/00217/FUL

The application is for full planning permission for the variation of planning permission 13/00487/FUL - to change the number of apartments within this development from 62 to 64 and amend the list of approved plans as set out in condition 6 of that permission, securing approval for a revised Silverdale Road elevation in the process.

The footprint of the development is unaltered - a 'U' shape, fronting onto High Street, and extending along the Marsh Avenue and Silverdale Road frontages. The proposal involves elevational changes on the Silverdale Road elevation and in that the development has already been undertaken the application is retrospective in nature. No changes to the on-site car park or internal landscaped courtyard are proposed.

Vehicular access to the site would remain from Marsh Avenue with pedestrian access from the street into the building from two points - at the junctions of Silverdale Road/High Street and Marsh Avenue/High Street.

The site is within the Newcastle Neighbourhood and urban area and partly within the Wolstanton District Centre as defined on the Local Development Framework Proposals Map.

The 13 week period for this application expires on 13th June 2014. An extension to the statutory period is being sought.

RECOMMENDATIONS

1. Subject to the receipt by no later than 10th July 2014 of a completed unilateral undertaking that achieves restriction of the occupancy of the accommodation so that it falls within the C2 Use Class, vary condition 6 so as to refer to the submitted revised plans.

2. Failing receipt by that date of the above unilateral undertaking, that the Head of Planning and Development be given delegated authority to refuse the application on the grounds that, in the absence of such an obligation, the proposal would be contrary to policy on the provision of affordable housing and open space for housing developments; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendations

The principle of this specialised type of development on this site has already been accepted. Although the rhythm and proportions of the approved Silverdale Road elevation have been changed the Design Review Panel see merit in this given the previous scheme could be considered repetitive in the context of an area which otherwise displays considerable variety. No other material considerations or issues have been identified to justify refusal of the application, although a revised unilateral undertaking restricting the occupancy of the development would be required, as it was previously.

<u>Statement as to how the Local Planning Authority has worked in a positive and proactive</u> <u>manner in dealing with this application</u>

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework no amendments have been considered necessary.

Policies and Proposals in the approved development plan relevant to this decision:-

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

Policy CSP1:Design QualityPolicy CSP5Open Space/sport/recreationPolicy CSP6:Affordable housing

Policy CSP10: Planning obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H13:Supported HousingPolicy C4:Open space in new housing areas.Policy IM1:Provision of Essential supporting Infrastructure

Other material considerations include:

National Planning Policy and guidance

National Planning Policy Framework (March 2012) National Planning Practice Guidance (March 2014)

Supplementary Planning Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD Developer Contributions SPD (2009) Affordable Housing SPD (2007)

Supplementary Planning Guidance

Space around dwellings

North Staffordshire Green Space Strategy

Relevant Planning History

There have been several previous decisions relating this site which are outlined below however the most relevant is 13/00487/FUL which is the permission which this current application looks to vary. Permission 13/00487/FUL approved the variation of condition 25 of planning permission 10/00102/FUL so as to change the elevations, floor plans, turret and balcony details. This "approved" scheme is viewable via the following link www.newcastle-staffs.gov.uk/planninggladmanwolstanton13

Other relevant planning decisions

07/00155/OUT – Outline application for sheltered residential accommodation comprising 76 units and car parking – refused 30th July 2007.

Appeal subsequently allowed 27th March 2008. Costs were awarded against the Council in part because it failed to provide relevant evidence to support its decision to refuse the application on design grounds.

08/00765/FUL – Development of Use Class C2 residential accommodation with care comprising 56 apartments for persons aged 55 and over. Approved 28th November 2008.

10/00102/FUL – Full planning permission for the development of Use Class C2 residential accommodation with care comprising sixty five 1, 2 and 3 bedroom apartments for persons aged over 55 with associated works – approved 24th June 2010.

Views of Consultees

Highways Authority - no objections on Highway grounds to this proposal.

Conservation and Urban Design Officer - comments that the Silverdale Road elevation is far more pleasing in its design and massing compared to the High Street. What the change does is alter the

proportions of the projecting elements and by giving it (the projection) more height it appears narrower. The rhythm of the elevation has been affected to the detriment of the streetscene especially when viewed down the road. When viewed up the hill at closer proximity to the development the impact is not so noticeable. It is the more distant and wider angled views which are more noticeable and the interruption of the rhythm is more obvious. The approved elevation (on Silverdale Road) appears to follow design principles – with a set back, a prominent corner turret and stepping down to (the) existing dwellings but one could argue that the change to the centre gable has confused this accepted set of principles, introducing a different element with raises the roof, eaves height – which is out of character with this side of the development and the render makes it more prominent and highlights the differences in the three gables which are the same width. To stand out as a specific feature this would need to have been designed into the original design and better thought out, not just (by) adding a storey and changing the roof to a hip.

The **East Newcastle Locality Action Partnership** having not responded by the due date must be assumed to have no observations

The Urban Vision Design Review Panel advise that having visited the site they consider that the deciding factor in assessing the change to the approved scheme should be whether it creates any visual harm in its setting. They note in particular that the existing buildings in the vicinity of the site comprise a variety of forms including gables, bays, and eaves roofs, the materials being mainly red brick with some rendered elements. Although it was disappointing that the scheme had been built at variance with the approved scheme ultimately they recognise that it is necessary to consider the proposal as it is and not give any weight to the fact that it has been built. The approved scheme with its 3 three storey projecting gabled bays could be regarded as repetitive and the change in one of these to a four storey hipped bay introduces an element of variation. The buildings in the vicinity have a good deal of variety in their elevations and the replacement of a gabled bay with a hipped bay could not be regarded as detrimental to the visual appearance of the building as a whole nor does it conflict with the built character of its setting. The change is acceptable from an urban design point of view. Noting that there are established hedges elsewhere in Silverdale Road the Panel thought that the use of evergreen hedging on the boundary landscaping would help soften the appearance of the building, give a firm structure to the site boundary and help integrate the development within its setting. Whilst the Panel were of the view that there had been no adverse impact for nearby occupiers they did suggest that their views be sought

Representations

No comments on this application have been received from third parties, the application having been publicised by means of both site notices and a press notice

Applicant/agent's submission

A covering letter from the Project Manager explains the reasoning behind the changes.

"Construction of Adlington House is progressing well and we are well on target for completing the scheme in June this year. Whilst we have always been aware of a high demand for this type of accommodation within the Newcastle area, we could never have predicted the interest prior to completion. Last week we hosted an information day and had over 250 people attend and have 28 apartments with reservations.....

.....As you are aware the previous consent (10/001202) for the scheme was for 65 apartments. Last year we applied for a Variation to Condition 25 to reflect internal changes. The result of the new consent 13/00487 was that whilst the footprint of the building remained unchanged, the number of apartments was reduced to 62 due to an increase in the communal areas.

..... Experience gained from, our very successful, scheme in Heaton Chapel (now complete and almost fully occupied) has led us to make further changes to improve the accommodation for our residents. It has become apparent that the quiet lounge is not being utilised at our two other similar developments, as residents prefer to be in the larger lounge or in their own apartments, therefore in order to maximise the opportunity for the site we now wish to revert this space back to a one bedroomed apartment......

.....In addition to the above and to further optimise the development and maximise the operational efficiency of the scheme we are also looking to amend the third floor layout. This involves an increase of floor space of 19.9 m^2 than that previously approved......."

With the submission of the application to the Urban Vision Design Review the applicants prepared a Design Report explaining the design principles behind the changes, noting that the gables in the approved scheme on the Silverdale Road are unequally spaced, with a change in building alignment responding to established building lines and the road frontage as it descends down hill, that the treatment of the revised four storey element is consistent with similar four storey elements on the internal courtyard elevations of the approved scheme, and commenting that the "informal varied rhythm successfully accommodates the amended treatment" and that photographs show that it "responds to the established character of the area". They have provided photographs and photomontages showing the development as built from all main viewpoints and comparing the 'as built' with the 'approved' from the 2 key viewpoints on Silverdale Road and the High Street.

The application documents are all available for inspection both at the Council Offices, and at www.newcastle-staffs.gov.uk/planning/GladmanWolstanton14

KEY ISSUES

As compared to the existing permission 13/00487/FUL the present proposal would produce two extra flats (up from 62 to 64). One would be on the ground floor in place of the approved quiet lounge; there would be no external alterations for this alteration. The second would be on the third floor, and is achieved by taking the approved three storey projection on the Silverdale Road elevation up a further floor, and altering the elevational treatment of that elevation. The external works have already been undertaken so the application is retrospective

The main issues to address in the determination of the application are as follows:-

- Do the external alterations have an adverse impact upon the streetscene?
- Do the 2 additional units raise any issues with respect to onstreet parking demand?
- Would there be any materially greater and unacceptable impact upon the residential amenity of adjoining occupiers or the occupants of the development itself?
- Are restrictions on the occupancy of the apartments justified and necessary, and if so how could these be achieved?

Do the external alterations have an adverse impact upon the streetscene ?

The approved scheme features 3 storey gabled and light coloured rendered projections each of which extends to around two thirds of the height of the principal building – three on Silverdale Road and three on Marsh Avenue – those on the Marsh Avenue elevation are evenly spaced, whilst those on the Silverdale elevation are not evenly spaced (along the elevation), the face of the building itself turns slightly as it follows the bend in the road. On the corner of Silverdale Road with High Street is a turreted feature attached to a full four storey corner element under a hipped roof. Further away from the High Street the Silverdale Road elevation goes down to two storeys with a gabled projection. All of the gable projections have a balcony at each level. Photographs of the development as built will be available for the Committee to consider, and in advance of the meeting can be viewed in the applicant's design report – one of the documents associated with the application on the website.

The application seeks consent for material changes to the appearance of the elevation by extending the central projection on the Silverdale Road elevation upwards by a further floor (to make it four storey). The element has a hipped rather than gabled roof which extends up to the level of the main ridge.

Development Plan policy in the form of CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle's unique town and landscape. New development should also inter alia contribute positively to an area's identity in terms of scale,

density and layout and be safe, uncluttered, varied and attractive. The policy recognises that good design is both about the architecture of a building and the spaces within which the development sits, and the quality of the relationships between the development and the surrounding area. In determining a planning application the starting point is whether the development accords with the relevant provisions of the development plan.

The NPPF, a significant material consideration, identifies as one of the core planning principles that it should always seek to ensure high quality design. It is indicated that the Government attaches great importance to the design of the built environment, with good design being a key aspect of sustainable development, indivisible from good planning and something that should contribute positively to making places better for people. It goes onto indicate that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Paragraph 60 does however warn that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or style. Visual appearance and the architecture of individual buildings is recognised as a very important factor, although the NPPF is careful to indicate that securing high quality and inclusive design goes beyond aesthetic considerations. The NPPF indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

A further material consideration is the Urban Design Guidance SPD although that tends to be more concerned with urban design – buildings and the spaces between them rather than with specific individual elements of buildings.

In the opinion of the Council's Conservation and Urban Design Officer the rhythm of the elevation and its proportions has been affected - the change being to the detriment of the streetscene especially when viewed down the road (from Wolstanton High Street). When viewed up the hill (from Silverdale Road) at closer proximity to the development (the curvature and narrowness of the built form along Silverdale Road prevents longer distance views) the impact is not so noticeable.

Whether or not such concerns are such as to justify refusal is another question. The Authority has in the past been unable to substantiate concerns regarding the design of the development on this site at appeal (and had costs awarded against it). In that case the decision of the Council was expressly contrary to the views of the Urban Vision Design Review Panel. The NPPF talks about the importance of local authorities using local design review arrangements like the Urban Vision Design Review Panel and indicates that in assessing applications, local planning authorities should have regard to the recommendations from such Panels – i.e. give them appropriate weight. The Panel in this case (some 5 design professionals) rather than expressing any concern about the new design, actually see it as a positive improvement upon the previously approved scheme – in that it introduces an element of variety on the Silverdale elevation. Your Officer notes that there is on Silverdale Road, compared with say Marsh Avenue, quite considerable variety and given the clear view expressed by Urban Vision accepts that the change that has been made is not an unacceptable one.

The supplementary point made by the Panel about the importance of achieving appropriate landscaping in this scheme has been noted by both the applicant and officers - a formal submission of landscaping details is being prepared for submission to the LPA and there will thus be the opportunity to take these points into account at that time.

Do the 2 additional units raise any issues with respect to onstreet parking demand?

Whilst no change in onsitecar parking provision is proposed, the number of car parking spaces is the same as was considered acceptable for the original proposal which had 65 units, whilst 64 units are now proposed. In the circumstances no sustainable objection on parking demand grounds could be made. Members will note that the Highway Authority have no objection to the proposal.

Would there be any materially greater and unacceptable impact upon the residential amenity of adjoining occupiers, or the occupants of the development itself?

The additional new apartment lies opposite commercial premises with residential accommodation above. It is not considered that the current proposal would lead to any materially greater impact on the amenity of the occupiers of that accommodation than the already approved scheme which was considered acceptable in accordance with the principles contained within the Supplementary Planning Guidance 'Space around Dwellings'.

The decision of the developer to provide less communal space within the building is considered to be a matter which, in the absence of a clear public interest, is primarily a decision for them to make – and in any case the original approved scheme envisaged a similar level of communal space anyway.

Are restrictions on the occupancy and use of the apartments justified and necessary, and if so how could these be achieved ?

The previous development granted by 13/00478/FUL to which this one relates was not considered to require a contribution towards affordable housing and open space as a unilateral undertaking was entered into ensuring that it fell within Use Class C2 (residential institutions) for which it was and is policy that no contributions are sought. Any approval of the current application is in effect the granting of a new permission. It is therefore considered necessary to ensure that a revised unilateral undertaking is provided by the applicant to ensure that the use falls within Use Class C2 otherwise there would be limited controls as to the future use of the flats for unrestricted residential use which would be considered unacceptable without the relevant contributions. This was the approach previously taken. The applicant has been made aware of this requirement and is currently looking into amending the previous undertaking to reflect the current application.

Background Papers

Planning Policy documents referred to Planning files referred to

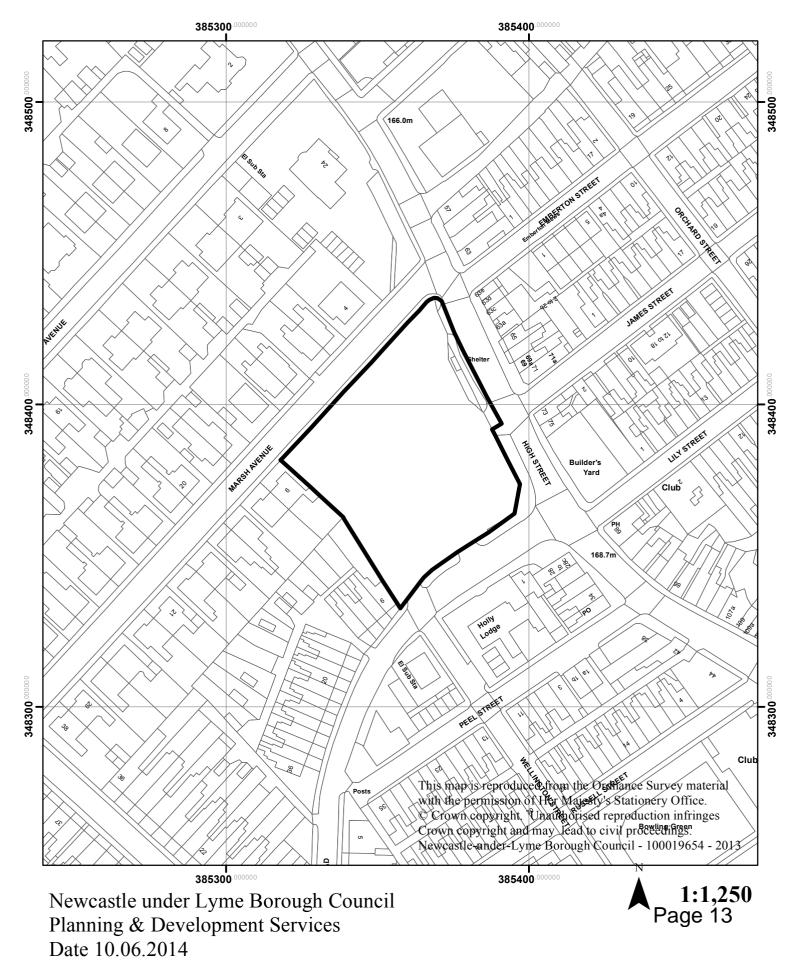
Date report prepared

29th May 2014

Land at High Street/ Marsh Avenue and Silverdale Road, Wolstanton

14/00217/FUL





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WHITMORE WOOD OFF SNAPE HALL ROAD, BALDWINS GATE VF UK LTD

14/00326/FUL

The application is for full planning permission for the extension in height of an existing telecommunications mast and the addition of two ground based equipment cabinets at Whitmore Wood. The proposal would be a shared structure between mobile phone operators Vodafone and O2 (Telefonica).

The site is located within the open countryside on land designated as North Staffordshire Green Belt and an Area of Landscape Maintenance (N19) as defined on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expires on the 24th June 2014.

RECOMMENDATION

Permit subject to conditions relating to:-

- i) Standard time limit
- ii) Approved plans
- iii) Equipment cabinets to be coloured Green
- iv) Submission of Arboricultural Impact Assessment and Method
 - Statement to BS5837:2012

Reason for Recommendation

The proposed development is considered to represent inappropriate development within the Green Belt due to the increased height and additional equipment proposed. However, the proposals would upgrade an existing structure and there is a clear technical need for the development and such matters provide the very special circumstances required to outweigh the limited harm to the openness of the Green Belt that would arise from the development. The proposals would also not harm the character and quality of the landscape or the visual amenity of the area in general, nor would they result in the loss of trees, subject to conditions. The proposed development therefore accords with Policies S3, T19, N12, N17 & N19 of the Newcastle under Lyme Local Plan 2011 and policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the requirements of the National Planning Policy Framework.

<u>Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application</u>

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework. No amendments were therefore considered necessary.

Policies and Proposals in the Approved Development Plan relevant to the decision:-

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

Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development in the Green Belt Policy T19: Telecommunications Development – General Concerns Policy T20: Telecommunications Development – Required Information Policy N12: Development and the Protection of Trees Policy N13: Felling and pruning of trees Policy N17: Landscape character – general considerations Policy N19: Area of Landscape Maintenance

Other Material Considerations

National Planning Policy

National Planning Policy Framework (March 2012) National Planning Practice Guidance (March 2014)

Supplementary Planning Guidance/Documents

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

Planning History

04/00624/FUL 20m high slimline lattice telecommunications Permitted 2004 structure with 4 antennas, two 600mm dishes and two equipment cabinets at ground level with ancillary development

Views of Consultees

Whitmore Parish Council raises no objections

Landscape Development Section no objections subject to submission of an Arboricultural Impact Assessment and Method Statement to BS5837:2012 for the construction phase of the scheme

Highway Authority has not responded to the consultation and as the period for comments has passed (30.05.2013), it is assumed that they have no comments to make on this application.

Environmental Health Division raises no objections

Representations

No letters of representation have been received.

Applicants/ Agents submission

The agent has submitted a supporting statement in relation to the above proposal. A summary of the key points are as follows;

- The proposed site is located on Snapehall Road in a wooded area to the north of the road
- The proposal is for an upgrade to an existing 20.6m (top of antenna) lattice column and will facilitate the use of the site by both Vodafone and O2.
- The existing 20m lattice mast is to be upgraded with a 2m section thus taking the height to 23.6m (to top of the antenna).
- This is not a new additional mast but an upgrade replacement to the existing. The mast benefits from a back drop of mature trees at approx. 20m in height. The trees will shield the mast from many locations.
- Although it is accepted that the height will be increased, it is felt that such a minor increase in the overall bulk would not detract from the character of the area.
- The site is required to provide enhanced coverage and capacity for O2 and Vodafone

The key points of The Code of Best Practice on Mobile Network Development (July 2013) has been summarised along with the key points of the NPPF, in particular section 5.

The full document is available for full inspection at the Guildhall and on the Council's website

The applicant has declared that the proposal conforms to International Commission on Non-Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines.

Key Issues

Planning permission is sought for the extension in height of an existing telecommunications mast and two ground based equipment cabinets at Whitmore Wood which is located within the open countryside on land designated as North Staffordshire Green Belt and an Area of Landscape Maintenance (N19) as defined on the Local Development Framework Proposals Map.

Saved Policy T19 of the Local Plan supports proposals for telecommunications development that do not unacceptably harm the visual quality and character of sensitive areas and locations such as the countryside and do not adversely affect the amenity of nearby properties. Such development is also supported provided that there are no other alternative suitable sites available.

Taking into account the above locational factors and policy considerations, the main issues for consideration in the determination of this application are as follows:

- Is the proposal appropriate development within the Green Belt?
- The design of the proposals and the impact on the character and quality of the landscape
- The impact on trees
- Does the proposal comply with current guidance on health concerns?
- If not appropriate do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

Paragraph 90 of the NPPF indicates that certain other forms of development, than the construction of new buildings, are inappropriate within Green Belt unless they preserve the openness of the Green Belt.

It is considered that the proposed telecommunications equipment does not fall within one of these exceptions and the increase in height of the structure and the additional ground based equipment would not preserve the openness of the Green Belt.

Therefore the proposed telecommunications equipment would represent inappropriate development within the Green Belt and should not be approved except in very special circumstances.

The design of the proposals and the impact on the character and quality of the landscape

The proposal represents an upgrade to the existing 20 metre high lattice tower (21.6m to top of antenna). The proposals would increase the overall height of the structure to 23.6 metres (to top of antennas) which would be an increase of 2 metres. Two additional ground based equipment cabinets are also proposed.

The area is designated as an area of landscape maintenance (policy N19) within which development should maintain the high quality and characteristic landscapes.

The existing lattice tower has a back drop of mature trees that have a height of approximately 20 metres. The coverage requirements require the antennas to be above the tree line to maintain and improve the network service provided. The increase in height would enable this

although a large section of the tower would be lost against the tree line. Therefore the proposal would have a very limited impact on the visual amenity of the surrounding area and the landscape in general. The proposal would be an upgrade which would maintain the character and quality of the landscape which would be in accordance with policy N19 of the local plan and would represent a sustainable form of development as required by the NPPF.

The impact on trees

Policy N12 of the local plan details that the council will resist development that would involve the removal of any visually significant tree unless the need for development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting and design. It also details that where trees are to be lost through development then replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

The proposal would upgrade the existing structure and the Landscape Section has raised no objections subject to conditions regarding the submission of an Arboricultural Impact Assessment and Method Statement to BS5837:2012 for the construction phase of the scheme due to the potential impact on trees during these works.

Does the proposal comply with current guidance on health concerns?

The application is accompanied by a certificate of compliance with the ICNIRP guidelines for public exposure and the NPPF advising that the LPA should therefore accept that the proposal meets the International Commission guideline for public exposure. Furthermore, no objections have been raised by the Environmental Health Division.

If not appropriate do the required very special circumstances exist?

The NPPF details that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The NPPF advises that local planning authorities should support the expansion of electronic communications networks, including telecommunications. It also encourages the use of existing masts, buildings and structures unless the need for a new site is justified. New sites should be sympathetically designed and camouflaged where appropriate. Local planning authorities should determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

As discussed the proposal is for the upgrade of an existing structure that would result in the height being increased by an additional 2 metres. This would take the antenna above the tree line and would improve the network coverage for both O2 and Vodafone customers within the area.

Due to the nature of the development the actual harm to the openness of the Green Belt would be limited and such harm would be outweighed by the technical benefits and improvements of the proposed development. It is therefore felt that the support for facilitating the growth of new and existing telecommunications systems represents the very special circumstances for the proposed development.

Background Papers

Planning File Planning Documents referred to

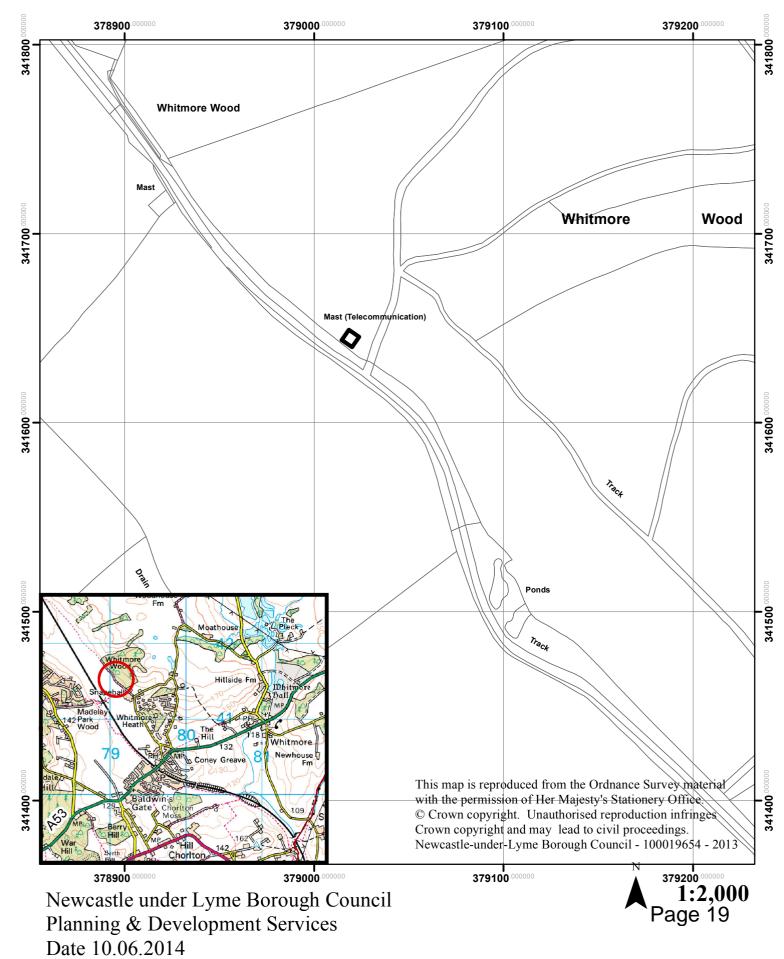
Date Report Prepared

28 May 2014.

Telecommunications mast – Whitmore Wood, off Snape Hall Road



14/00326/FUL



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Agenda Item 6

LYMES FARM, BUTTERTON LANE, BUTTERTON CITL & VODAFONE LTD

14/002312/TDET

The application is for a determination as to whether prior approval is required for the siting and appearance of replacement telecommunications equipment resulting in the increase in height of the existing monopole and headframe (20.7m) to 20.9 metres with 3 no. antenna at Lymes Farm in Butterton.

The proposal site lies within the open countryside on land designated as North Staffordshire Green Belt and an Area of Landscape Maintenance (N19) as defined on the Local Development Framework Proposals Map.

Unless a decision on this application is communicated to the developer by the 23rd June 2014 the development will be able to proceed as proposed.

RECOMMENDATION

(a) Prior approval is not required, however

(b) Should the decision on (a) be that prior approval is required the recommendation is to PERMIT.

Reason for Recommendation

It is considered that the development in this instance does not require the benefit of prior approval as it is considered that its appearance and siting would not have a significant impact upon the landscape in which it would be located. However should it be determined that the proposal does require the benefit of prior approval, it is considered that prior approval should be granted for the same reasons. The proposal would also be an upgrade to an existing structure to meet the network requirements and would support the expansion of the communications network in this area. The proposal would therefore meet the guidance and requirements of the NPPF and it would also comply with policy T19 of the Newcastle under Lyme Local Plan as well as policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS).

Policies and Proposals in the approved development plan relevant to this decision:-

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

CSP1: Design Quality

Newcastle Under Lyme Local Plan 2011(NLP)

Policy S3: Development in the Green Belt Policy T19: Telecommunications Development – General Concerns Policy T20: Telecommunications Development – Required Information Policy N17: Landscape character – general considerations Policy N19: Area of Landscape Maintenance

Other Material Considerations include:

National Planning Policy Framework (March 2012) National Planning Practice Guidance (March 2014)

Relevant Planning History

03/00425/FUL 18m slimline telecommunications monopole, 3 antennaes, radio equipment housing and ancillary development Permit

Views of Consultees

Whitmore Parish Council raises no objections

Representations

No letters of representation have been received.

Applicant/agent's submission

The agent has submitted a supporting statement in relation to the above proposal. A summary of the key points are as follows;

- The proposal is for an upgrade to an existing 18m column (20.7m to top of antenna).
- This is not a new mast but an upgrade replacement to the existing.
- Although this site is for Vodafone only the installation will feed into the O2/ VF network and the site sharing principles of the NPPF and local policy have been considered.
- The site is designated as being Green Belt with agricultural land uses to the north, east, south and west
- Any other proposal to satisfy the identified requirement would result in the addition of a separate ground based column elsewhere

The key points of The Code of Best Practice on Mobile Network Development (July 2013) has been summarised along with the key points of the NPPF, in particular section 5.

The full document is available for full inspection at the Guildhall and on the Council's website

The applicant has declared that the proposal conforms to International Commission on Non-Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines.

KEY ISSUES

The application is for a determination as to whether prior approval is required for the siting and appearance of replacement equipment which will result in the height of the existing structure being increased from 20.7 metres to 20.9 metres with replacement 3 no. antennas.

The recently published National Planning Policy Framework (NPPF) at paragraph 42 details that

"Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services."

At paragraph 43 it goes on to the state that LPAs should support the expansion of electronic communications networks, including telecommunications and high speed broadband.

As such there is national policy support in principle for telecommunications development and this must be taken into consideration when reaching an initial decision on whether prior approval is required, and if so into the consideration as to whether prior approval should be granted.

Is prior approval is required?

Prior approval is only required where local planning authorities judge that a specific proposal is likely to have a *significant* impact on its surroundings.

The application is for the replacement of existing telecommunications apparatus which will primarily result in the head frame at the top of the existing monopole being replaced which would increase its bulk slightly and its height to a total height of 20.9m above ground level, an additional 200mm above the height of the existing. Two equipment cabinets would be located inside the existing equipment cabin

The site is located within the North Staffordshire Green Belt on land designated as an area of landscape maintenance (Policy N19). The land use is rural in character but in close proximity to the M6 motorway. The proposed amendment to the existing monopole is considered to be very minor and would not result in a significant impact on its surroundings. Therefore the prior approval for its siting and appearance is not deemed to be required in this instance.

However, acknowledging that the decision of the Planning Committee may be that prior approval is required, this report will also address whether prior approval should be given.

Should prior approval be granted?

Policy T19 of the Local Plan supports proposals for telecommunications development that do not unacceptably harm the visual quality and character of sensitive areas and locations such as the countryside and do not adversely affect the amenity of nearby properties. Such development is also supported provided that there are no other alternative suitable sites available.

The main issue for consideration in the determination as to whether prior approval should be granted is the design of the proposals and the impact on the visual amenity of the area.

The proposal is for the upgrade of an existing structure and as discussed would only result in a slightly larger head frame and increase in height of 200mm.

The existing 20.7 metre high monopole and ground based equipment are located within the open countryside and received planning permission in 2003 (03/00425/FUL). In the determination of the application it was considered that the proposal would not harm the appearance of the landscape and the application was permitted.

As discussed the site is located within an area of landscape maintenance and policy N19 states that development will be expected to contribute to the aim of maintaining the high quality and characteristic landscapes in these areas.

It is considered that the proposal represents an upgrade of an existing facility with the harm to the landscape and visual amenity of the area being minimal. The proposal is therefore considered to comply with local and national telecommunications policies and that prior approval should be granted.

Background Papers

Planning File referred to Planning Documents referred to

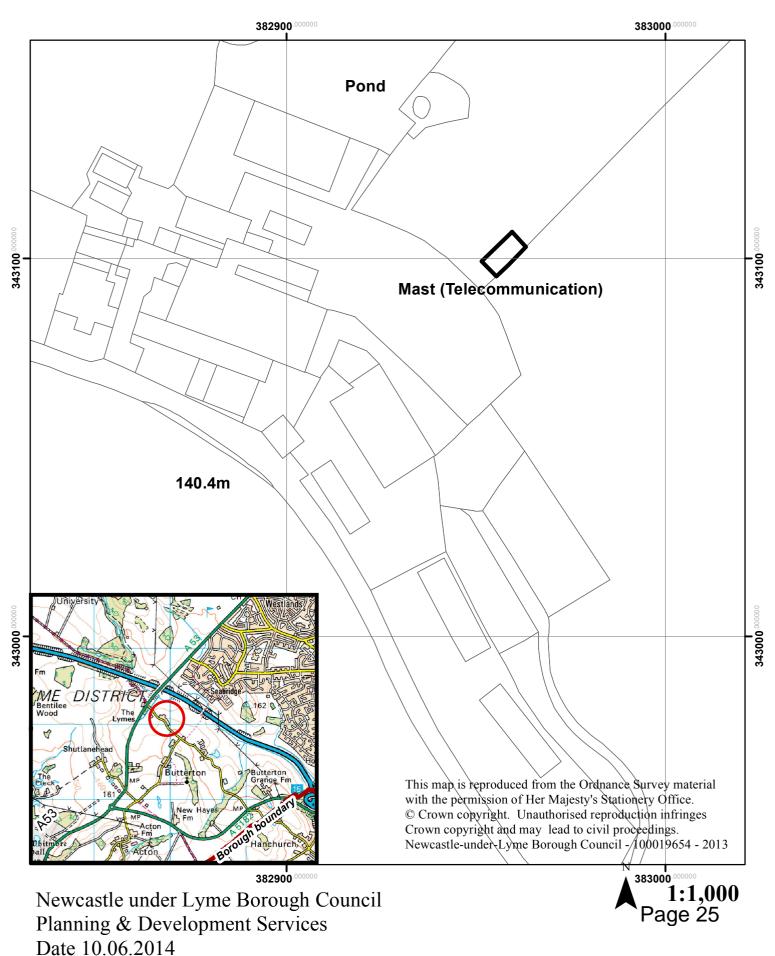
Date report prepared

28th May 2014

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14/00312/TDET





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Agenda Item 7

REPORT TO PLANNING COMMITTEE

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2013/2014

Purpose of the report

To provide members with an end of year report on the performance recorded for Development Management (Development Control) between 1st April 2013 and 31st March 2014. Figures for 2011/12 and 2012/13 are also provided for comparison as are targets set within the Planning and Development Service Plan 2011/12 to 2013/14, as revised in May 2013.

Recommendations

- (a) That the report be received
- (b) That the Development Management Team Manager continue to operate mechanisms to maintain current high performance levels and improve the service provided for those procedures where our level of performance needs to be addressed.
- (c) That the 'Mid-Year Development Management Performance Report 2014/15' be submitted to the Committee in October 2014 reporting on performance achieved for the first half of 2014/15 in relation to targets that will have been set by the Head of Planning in the 2014/15 Service Plan for the Planning Service in consultation with the Planning Portfolio holder

<u>Reasons</u>

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:

For many years an extensive set of indicators have been collected to monitor the performance of Development Management. 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. The range of indicators included reflects the objective of providing a *balanced* end to end development management service, including dealing with pre-application enquiries, breaches of planning control, considering applications, & approving subsequent details and delivering development.

2. Matters for consideration:

There is an Appendix attached to this report:-

APPENDIX 1: 'NATIONAL AND 'LOCAL' PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT 2011/12, 2012/13, and 2013/14: Contains quarterly and annual figures for the national and 'local' Performance Indicators applicable during 2013/14 (comparative figures for 2011/12 and 2012/13 are also shown). This also provides the current draft targets" for 2014/15,..

This report is a commentary on the national and local performance indicators as set out in detail in Appendix 1. It follows on from a report that was considered by the Planning Committee at its meeting on the 10th December 2013 which reported on the mid-year performance figures and gave predictions on whether the targets for 2013/14 would be likely to be achieved.

3. The performance achieved and the likely targets for 2014/15

6 indicators were included in the 2011/12 -2013/14 Planning and Development Service Plan pertaining to Development Management with targets for 2013/14. These are referred to in the commentaries below. Members will note that out of these 6 performance indicators, the target set has been met in 1 case, but it has not been achieved in the other 5 cases.

INDICATOR Percentage of applications determined within timescales:-

- (a) 70% of 'Major' applications determined within 13 weeks
- (b) 85% of 'Minor' applications determined within 8 weeks
- (c) 92.5% of 'Other' applications determined within 8 weeks

The above challenging targets for 2013/14 had been set 'locally'- the fomer national targets for this indicator as set by the previous Government being 60%, 65% and 80% respectively. The current Government no longer sets such "targets', but instead has brought in a system of designation of poorly performing planning authorities as previously reported to the Committee – which includes the setting of a threshold of the speed of determination of Major applications, below which designation is likely. 'Major' applications are defined as those applications 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 for developments which do not meet the criteria for 'Major' development nor the definitions of Change of Use or Householder Development. 'Other' applications relate to those for applications for Change of Use, Householder Developments, Advertisements, Listed Building Consents, Conservation Area Consents and various applications for Certificates of Lawfulness, etc.

(a) Our performance in dealing with **'Major' applications** was that during 2013/14 we determined 62.5% of the 16 such applications within 13 weeks against the 'local' target of 70%. The performance for 2011/12 and 2012/13 was 81.8% and 66.7% respectively.

TARGET NOT ACHIEVED

Performance in terms of this indicator has declined for the third year running. A wide range of factors are behind this as reported to the December 2013 Planning Committee. The target for the year 2013/14 was 70% in continued recognition of the importance of these applications to the economic growth of the area, the LEP Planning Charter, and the emerging plans for the designation of poorly performing planning authorities and the Planning Guarantee, etc. As already reported the government has recently consulted on proposals to raise the threshold for designation (i.e. potentially increase the number of authorities "at risk"). From April 2013 the national indicator measuring the speed of determination of major applications has been amended so as to include as "in time" those decisions where there has been a Planning Performance Agreement, an agreed extension of the statutory period, or application subject to an Environmental Impact Assessment and where the decision has been made within the agreed time – reflecting a more nuanced approach to the measurement of timeliness of determination. To ensure that there is appropriate focus on this critical threshold (a failure to meet which would result in designation of the authority) the intention is to include performance against this threshold, with an appropriate buffer, as a performance measures for 2014/15 which will be reported to the Committee on a half yearly basis, For internal management purposes measurement against the former 13 week target will still however .

(b) During 2013/14 77.2% of the 206 '**Minor' applications** were determined within 8 weeks against the 'local' target of 85%. The performance for 2011/12 and 2012/13 was 87% and 91.9% respectively.

TARGET NOT ACHIEVED

Performance on minor applications did not achieve the local target, falling short by more 7% and dropped significantly from that achieved in 2012/13. Again there are a wide range of factors underlying this change in performance, and it is not considered to represent a significant deterioration in the service provided. A specific factor – delays associated with the obtaining of unilateral undertakings to secure payments towards

the Newcastle (urban) Transport and Development Strategy (NTADS) – a significant contributor to the performance achieved in 2013/ - will not feature in the 2014/15 performance – developer contributions no longer being sought for NTADS since April 2014. The intention is to maintain the target for this indicator at 85% for 2013/14

During 2013/14 93.1% of the 376 **'Other' applications** were determined within 8 weeks. The 'local' target was 92.5%. The performance for 2011/12 and 2012/13 was 94.8% and 92.8% respectively.

TARGET ACHIEVED

The performance with respect to "Other applications", which is very likely to be "top quartile", reflects very well upon the Development Management Section particularly when account is taken of the increase in the total number of decisions and the departure of one of the members of the team half way through the year and the non-filling of that particular post. The intention is to maintain the target at 92.%.

INDICATOR - Percentage of pre-application enquiries answered in time

During 2013/14 78.3% of pre-application enquiries were answered in time. The target for this 'local' indicator in 2013/14 was 80%.

TARGET NOT ACHIEVED

This is a new indicator replacing one that measured the percentage of preapplication enquiries answered within 15 working days. That indicator was replaced with one that recognises that preapplication enquiries vary considerably in complexity and specifically allows for more time for enquiries concerning the more significant proposals. For 'Major' pre-application the target response time is 35 calendar days, for 'Minor' pre-application enquiries the target response time is 14 calendar days, and for 'Other' pre-application enquiries the target response time is 10 calendar days.

To give members some idea of volume the Service received some 654 such enquiries in 2013/14 of which 31 were 'Major' pre-application enquiries; 214 were 'Minor' pre-application enquiries; and 409 were 'Other' pre-application enquiries.

The performance level achieved although below target was not significantly so. As there have been charges for a significant proportion of these enquiries during 2013/14 it is understandable that there is a renewed focus on the timeliness with such enquiries are dealt with. This and the quality and consistency of the advice given are areas of focus for the development management service. The intention is to maintain the target at 80% for this indicator for 2014/15.

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

During 2013/14 66% of conditions applications were determined within 2 months against a target of 75% of condition. The performance figures for 2011/12 and 2012/13 were 72.8% and 57.7% respectively.

TARGET NOT ACHIEVED

Whilst performance in 2013/14 improved notably from that achieved in 2012/13 the target was not achieved despite being reduced from 80% to 75%. The number of conditions applications dealt with in 2013/14 at 402 was higher than the number in 2012/13 (337). The intention is to maintain the target for this indicator at 75% for 2014/15.

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

85.4% was achieved in 2011/12 and 67.2% was achieved in 2012/13. Performance in 2013/14 was 55.9%. The 'local' target was 80%.

TARGET NOT ACHIEVED

There was a reduction in the number of new complaints in 2013/14 (199) compared with the number in 2011/12 (222).

The 80% target was not reached despite it being reduced to 80% for 2013/14 (previously 85%). Performance has, however, been slowly improving since the second quarter of the year when an inexperienced enforcement officer replaced the former post holder and it is hoped that this will continue. Support and training continues to be provided. The intention is to have the target for this indicator 75% for 2014/15 in the expectation that this will be more achievable and realistic than the current 80% figure.

Source of information/background papers

- 1. General Development Control Returns PS1 and PS2 for 2011/12 2013/14
- 2. Planning Services own internal records, produced manually and from its uniForm modules
- 3. Planning and Development Service Plans for 2009/10 2012/13 and for 2010/11 2013/14

Classification: NULBC UNCLASSIFIED

APPENDIX 1: 'NATIONAL' AND 'LOCAL' PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT 2011/12, 2012/13 AND 2013/14.

Indicator Ref No	Indicator	Year	Target for year	<actuals></actuals>				Final result	Target to be within 2014-15
				NI157(a)	% of 'Major' applications	2013/14	70% (60%)	100%	75%
DC_5d	determined within 13 weeks	2012/13	75% (60%)	50%	100%	66.7%	60%		replaced
		2011/12	75% (60%)	85.7%	60%	85.7%	100%		with new target
NI157(b)	% of 'Minor' applications	2013/14	85% (65%)	71.7%	77.6%	85.4%	74.1%	77.2%	85%
DC_5e	determined within 8 weeks	2012/13	85% (65%)	87.5%	90.2%	92.9%	81.4%		
_		2011/12	85% (65%)	97.4%	94.2%	92.5%	84.6%		
NI157(c)	% of 'other' applications	2013/14	92.5% (80%)	92.8%	90.1%	94.6%	96.5%	93.1%	93%
DC_5f	determined within 8 weeks	2012/13	95% (80%)	93.4%	94.4%	93.0%	90.1%		
		2011/12	95% (80%)	93.9%	92.9%	97.0%	96.2%		
DCS50	% of community who are	2013/14		no survey this year			No survey		
DC_5i	satisfied with the service	2012/13	85%	**	**		73.9%		
	provided	2011/12		no survey this year					
DCS52	% of pre-application enquiries	2013/14	~						n/a
DC_5b	answered within 15 working	2012/13	90%	68.7%	70.0%	73.1%	77.4%		
	days	2011/12	85%	57.7%	78.3%	75.5%	71.7%		
new	% of pre-application enquiries answered in time	2013/14	80%	77.3%	78.6%	79.5%	81.4%	78.3%	80.0%
DCS54	% of applications for approval	2013/14	75%	55%	69.7%	83.7%	57.3%	66%	75%
DC_5c	required by conditions	2012/13	85%	54.8%	78.0%	60.5%	46.0%		
	determined within 2 months	2011/12	80%	73.4%	66.0%	83.2%	41.0%		
ECS2	% of complainants informed	2013/14	80%	67.4%	42.9%	53.8%	58.8%	55.9%	75%
DC_5a	within required timescale of	2012/13	85%	75%	84.6%	46.2%	64.2%		
	any action to be taken	2011/12	85%	87.8%	77.1%	97.1%	83.3%		

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

Target achieved for complete year

Predicted result' for 2013/14 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

Target not set

Replaced with an indicator that allows more time for more complicated enquiries, and is easier to calculate (using calendar days rather than working days)

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