

The application seeks full planning permission to vary condition 2, which lists approved drawings, to enable alterations to the design of the terraced area balustrading at the Homestead extra care facility at May Place, Brampton Road.

The site lies within the urban area as indicated on the Local Development Framework Proposals Map. The site is adjacent to the Brampton Conservation Area.

The application is retrospective as the balustrading is already in place and the development occupied.

The 13 week determination period for the application expired on the 12th July; however the applicant has agreed to extend the statutory period to the 18th August 2017

RECOMMENDATION

Approve with conditions as were attached to application 14/00476/FUL as remain applicable & the newly worded condition agreeing the alterations from glass balustrading to metal railings in line with the application.

Reason for recommendation

The proposed submission is considered to overcome previous concerns with regard to noise, and as such the application can be supported.

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

The feedback of a consultee was provided to the applicant's agent during the application process, and additional information was submitted to overcome their concerns. This is considered a sustainable form of development that complies with the aims and objectives of the National Planning Policy Framework.

KEY ISSUES

Full retrospective planning permission is sought for the variation of condition 2 of planning permission 14/00476/FUL, the condition specifying the approved plans, to enable minor alterations to the design of the terraced area balustrading. Permission 14/00476/FUL was for a 65 apartment extra care scheme with allied facilities. This new application follows the withdrawal of the balustrading element from an earlier variation application for the same scheme (16/00880/FUL) which came before the Planning Committee at its meeting on 28th February 2017 and was approved. The Committee also resolved at the same time that it was expedient that enforcement action be taken unless either the balustrading was removed or a further application with new supporting information was submitted within 8 weeks. Such an application was submitted and it now comes before the Committee for decision.

The balustrading that was originally permitted was glass screening; however metal railings have been installed instead of the glass, which is not in accordance with the approved plans.

The main issue to consider in this proposal, therefore, is the design and noise implications of the amended balustrading

The design and noise implications of the amended balustrading

The permitted balustrading was for reinforced glass barriers around the terraced area, however metal railings have been installed. In design terms, the railings are considered acceptable; however concerns were originally raised by the Council's Environmental Health Division with regard to noise

attenuation which resulted in the Committee being of the view that the installed balustrading did not provide sufficient noise mitigation for the terraced area from traffic noise on Brampton Road/ Sandy Lane and as such the development conflicted with the aims and objectives of the NPPF, in particular the aim of creating healthy communities and the requirement to avoid noise giving rise to significant adverse impacts on health and quality of life.

During the course of the current application further discussions have taken place between the applicant's Noise Consultant and the Council. On consideration of this submitted information it has been accepted by your officers that the previously approved glass balustrading approved under 14/00476/FUL offered no meaningful noise mitigation to persons using the terrace and accordingly that the use of a metal balustrade will not alter the position. In the circumstances no purpose would be served by resisting this application.

Section 106 matters

The effect of this decision would be to grant an entirely new planning permission. Planning permission 14/00476/FUL was only granted following the completion of a related Section 106 Agreement on 13th Jan 2015 securing the payment upon commencement of a public open space contribution to the Borough Council and a Travel Plan monitoring contribution to the County Council. Because of the way it is worded the Section 106 agreement does not limit the right to develop the land in accordance with another planning permission, such as would now be granted. Provided the sums have been paid this does not matter.

Your officers have established that the public open space contribution has been paid to the Borough Council but have not yet been able to confirm with the County Council that they have received the required Travel Plan monitoring contribution. It is expected that the position will be known by the time of the meeting, but a further report may be required to address this essentially "technical" issue.

APPENDIX

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

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

Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation

[Newcastle-under-Lyme Local Plan 2011 \(NLP\)](#)

None relevant

Other material considerations include:

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

[Community Infrastructure Levy Regulations \(2010\)](#) as amended and related statutory guidance

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD \(September 2007\)](#)

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

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

Relevant Planning History

16/00880/FUL Permitted	Variation of condition 2 to enable minor alterations to the design of the roof over the kitchen area relating to planning permission ref 14/00476/FUL for a proposed new 65 apartment Extra Care scheme with allied facilities.
14/00476/FUL Permitted	65 apartment extra care home with allied facilities

Views of Consultees

Environmental Health Division – No objections to the proposal

Representations

None received

Applicant/agent's submission

The application plans and form are available to view at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00310/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

27th July 2017