

Public Document Pack

Date of meeting Tuesday, 3rd February, 2015
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Julia Cleary

Planning Committee Second Supplementary Agenda

AGENDA

PART 1 – OPEN AGENDA

- | | | |
|-----------|---|------------------------|
| 5 | Application for Major Development - Former Diamond Electronics, West Avenue, Kidsgrove; Revelan Group PLC; 14/0736/FUL | (Pages 3 - 4) |
| 6 | Application for Major Development - Land off New Road, Windy Arbour Farm, Madeley; Knights LLP; 14/00930/OUT | (Pages 5 - 6) |
| 7 | Application for Major Development - Oxford Arms, Moreton Parade, May Bank; A-Z Designs; 14/00973/FUL | (Pages 7 - 8) |
| 8 | Application for Minor Development - Former Garages, Gloucester Road, Kidsgrove; NULBC (Property); 14/00890/DEEM3 | (Pages 9 - 10) |
| 9 | Application for Minor Development; Land adjacent to Slaters, Stone Road, Hill Chorlton; Mr and Mrs Slater/Les Stephan Planning Ltd; 14/00875/OUT | (Pages 11 - 12) |
| 12 | Review of Scheme of Delegation with Respect to Planning Matters | (Pages 13 - 24) |

Members: Councillors Baker (Chair), Mrs Bates, Becket, Mrs Braithwaite, Cooper, Fear, Mrs Hambleton, Mrs Heesom, Northcott, Proctor (Vice-Chair), Miss Reddish, Mrs Simpson, Waring, Welsh and 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.

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
3rd February 2015

Agenda item 5

Application ref. 14/00736/FUL

GE Energy, West Avenue, Butt Lane, Kidsgrove

The **applicant** has submitted two additional plans since the agenda report was finalised. A landscaping proposal plan has been submitted which shows shrub and tree planting along the site frontage to West Avenue. In addition a plan has been submitted which shows the relationship of the proposed building to the residential development that has been constructed and that has been permitted in the vicinity of the site.

If, upon further consideration, there are any concerns with regard to the landscaping proposals such concerns will be reported.

The RECOMMENDATION remains as set out in the agenda report.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
3rd February 2015

Agenda item 6

Application ref. 14/00930/OUT

Land at New Road, Windy Arbour Farm, Madeley

As detailed in paragraph 4.6 of the agenda report officers have sought the advice of the Highway Authority (the HA) regarding the likely required gradient of the access from New Road. . The HA have advised that a 1:15 gradient is the standard design but in this instance 1:10 could be achieved and if necessary 1:8 would be acceptable for all aspects of the access arrangements.

This flexibility should assist in enabling the access to drop down relatively quickly from New Road, if that is required and justified for other reasons. Such details are however a matter for any reserved matters application rather than this outline application.

With respect to the issues (of the appropriateness of an odour assessment condition and the standard contaminated land conditions) considered in paragraph 8.3 of the report, no further comments have yet been received from the Environmental Health Division.

The RECOMMENDATION remains as set out in the agenda report.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
3rd February 2015

Agenda item 7

Application ref. 14/00973/FUL

Oxford Arms, Moreton Parade, May Bank

Since the preparation of the agenda report one representation has been received expressing concern regarding the proposed access. The access feeds directly into a junction which is already a convergence of 5 other roads with a confusing layout making it difficult to know who has right of way. There are blind bends when approaching from 2 different directions and there have been numerous near misses and 1 actual collision. Pedestrians struggle to cross. An additional road will undoubtedly make this already hazardous junction even more dangerous. This could be avoided if either the entrance was moved down into Moreton Parade or if the junction was relaid with some form of traffic calming measures and/or traffic controls put in place.

The **Landscape Development Section** has no objections subject to the submission, approval and implementation of a suitable landscaping scheme, tree protection to BS5837: 2012 and the securing of an appropriate developer contribution for off-site Public Open Space of £2,943 per dwelling which will be used for improvements to facilities at Wolstanton Marsh, which is directly opposite the development site.

The **Highway Authority** has no objections to the proposal subject to conditions regarding completion of the access, details of surfacing materials for the private road and turning area, provision of a 2m wide footway on the Moreton Parade frontage of the site, provision of accesses, private road, parking and turning areas, surfacing of the drives for plots 4 and 6 in a bound material, retention of the garages for the parking of motor vehicles and cycles, erection of a sign at the junction of Stratford Avenue indicating a private road, gates to open inwards away from the public highway, surface water drainage interceptor, and submission of a Construction Method Statement.

Your officer's comments

Although concerns have been raised by a resident regarding the access to the site, the access is in the same location as in the previously permitted scheme for up to 10 dwellings. The Highway Authority has raised no objections to the current proposal and subject to the imposition of conditions, it is not considered that an objection could be sustained on highway safety grounds.

The issue of Public Open Space has been considered in full within the agenda report and therefore it is not considered necessary to comment further now.

RECOMMENDATION (A) to be amended to delete the following:

“Subject to no adverse comments being received from consultees or in representations which cannot be dealt with by appropriate condition(s), and”

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
3rd February 2015

Agenda item 8

Application ref. 14/00890/DEEM3

Former Garages, Gloucester Road, Kidsgrove

Since the preparation of the agenda report Kidsgrove Town Council have indicated that they have no comments to make on the application.

The RECOMMENDATION remains as set out in the agenda report.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
3rd February 2015

Agenda item 9

Application ref. 14/00875/OUT

Land adjacent to Slaters, Stone Road, Hill Chorlton

Since the preparation of the agenda report a further letter has been provided by the **applicants** and their **agent**, the main points of which are summarised as follows:

- Regarding reason for refusal 4, an appropriate location for the new access was agreed at the pre-application stage with the Council's Highway Officer. It has been designed to provide the required visibility and avoid the loss of the Oak tree.
- Regarding refusal reason 5, the applicants have confirmed their agreement to pay the education contribution and therefore listing it as a refusal reason is misleading.
- The Planning Office advised that schemes for under 10 dwellings would no longer need to provide affordable housing contributions and on this basis, the scheme was reduced to 8 dwellings.
- Whilst Hill Chorlton comprises primarily detached properties, they are all located in small pockets of development along the roadside and would therefore be seen more as a nucleated settlement pattern.
- No layout has been put forward and therefore impact on character of the area cannot be considered at this time. The site could easily be designed to reflect the sporadic and informal pattern. The number of dwellings could be reduced further if considered appropriate.
- The site lies between existing residential development and is an infill development. There is a large craft/shopping centre adjacent and there is a regular bus service with a bus stop on the opposite side of the highway. It simply cannot therefore be seen as an isolated or unsustainable location.
- Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are groups of smaller settlements, development in one village may support services in a village nearby.
- The applicant is also the owner of Slaters Hotel and 'Village' and the purpose of this application is to seek additional funding to assist in the ongoing management of Slaters. As per para. 55 of the NPPF, the development will support both immediate services and those nearby in Baldwin's Gate and vice versa.
- Alternative sustainable transport modes are available and in relation to an appeal decision in Montford Bridge, nr Shrewsbury the Inspector states "I am therefore satisfied that there are a range of services and facilities within the local area that future occupants could access via sustainable transport modes should they choose to do so".
- The Officer report concludes that Montford Bridge differs from the application site as Montford Bridge is defined as a 'rural settlement'. Hill Chorlton is also a rural settlement and what was of key importance in the appeal decision is that Montford Bridge only has a public house, much the same as Hill Chorlton. Reference is made to other services in a village that is 1 mile away, much in the same manner as Baldwin's Gate. That proposal was still considered sustainable and seen to support nearby villages. The application situation is directly comparable.
- Although there are 63 representations, several are couples or families from the same household. Most are not within the immediate vicinity and many of the residents of Hill Chorlton have not objected.
- With regard to sustainability, all the same issues apply as to Baldwin's Gate.
- In addition to the GP in Madeley there is also a good service in Ashley that opens almost full-time and there is a part time surgery in Baldwin's Gate.
- There is a farm shop about a mile from Slaters which is popular with local residents and would benefit from further households in the area.

- Slaters is not specifically a tourist attraction and the majority of customers are local. There are the following shops in Slaters village – wedding venue dresser and accessories shop, bridal gown shop, artist, photographer, clothes shops, jewellery/hat shop, shoe shop, nail and beauty salon, crafts shop, furniture shop and tea room.
- Slaters is a very busy and popular country pub whose main customer base is with locals. In addition it has a separate wedding venue and there are 84 weddings booked this year. There are also 17 letting bedrooms which are filled with businessmen during the week.
- Slaters employs over 50 staff and the shopping village has enabled 13 new businesses to develop creating another 30 jobs. Students rely on Slaters for employment.
- More houses will help sustain and secure the businesses within Slaters and other businesses locally.
- Slaters also houses the local bowling club and the team are desperate for more players to support its retention.
- With regard to schools there is a shorter route to Baldwin's Gate School – along the footpath on the A51, down Sandy Lane to the first turning on the right and along the footpath to Moss Lane. This avoids the A53 and takes about 10 to 15 minutes. There is a school bus service directly opposite the site to Madeley Secondary School.
- There is mains gas in Baldwin's Gate but people are now opting more for ground or air sourced heat pumps which are environmentally friendly and do not necessarily require gas or oil.
- There are mains drains and the site can be easily connected to this existing facility.
- The Baldwin's Gate appeal confirms that there is a high value rural market with a very high likelihood of delivery for this area. The site would contribute to the five year housing land supply deficit. Additionally the monies accrued from the sale of this site will be utilised by the landowners to further their family business at Slaters.
- The NPPF seeks a presumption in favour of sustainable development unless there are significant and demonstrable impacts of approving the development. It is not considered that the Planning Officer has provided Members with refusal reasons that can be substantiated with appropriate evidence to demonstrate that their impact is severe. There is no doubt that the location is sustainable with access to local services both immediately in Hill Chorlton and nearby in Baldwin's Gate via public transport.
- The Council cannot demonstrate a five year housing land supply and as such are obligated to approve sustainable residential development. Members are therefore urged to give serious consideration to the above matters in light of a number of appeals which have been allowed recently in the Borough.

One further letter of **representation** has been received. It states that the shortest walking route to Baldwin's Gate and any of its services is via Sandy Lane and the A53. Google Maps shows the distance from the site to the school to be 1.5km or 0.9miles. It suggests a walking time of 18 minutes but 20 to 25 minutes would be a better estimate of the walking time. Not only does the route go along a narrow and unlit country lane which is also quite busy, but it also goes along the busy and dangerous A53 where there are only narrow footways for a substantial part, some of which are also unlit. This is not a route that many parents would feel comfortable allowing their primary school-aged children to walk or cycle along.

Your officer's comments

Although the applicant's agent has confirmed their willingness to pay an education contribution, no completed Section 106 Agreement has been received. The reasons for requiring an affordable housing contribution following the Ministerial Statement of 28th November 2014 are stated in the agenda report. Therefore reasons 5 and 6 of the recommendation remain unchanged and are considered to be appropriate if Members agree with any of reasons 1 to 4.

The other matters referred to by the applicants and their agent have been considered in full within the agenda report and therefore it is not considered necessary to comment further now.

The RECOMMENDATION therefore remains as set out in the main agenda report.

SPECIFIC FUNCTIONS

PLANNING FUNCTIONS

	FUNCTION	EXERCISED BY
(2) (a)	<p>To determine applications for planning permission, consent or approval (i.e. outline permission, full permission, change of use, temporary permission, listed building consent, approval of reserved matters or approval of details,(unless required by the conditions of an express grant of planning permission)) for which permission or approval may be granted or refused in accordance with the policies of the approved development plan for the area, <u>local finance considerations and any other material considerations, all of the above so far as material to the application,</u> national guidance, the emerging development plan and supplementary planning guidance having regard to the appropriate weight to be given to each of these in accordance with S.70(2) of the Town and Country Planning Act 1990, as amended and S.38(6) of the Planning and Compulsory Purchase Act 2004 <u>and in the case of applications for householder developments and small-scale equestrian developments without such limit; unless</u> two or more Members by notice in writing within <u>10-15</u> working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee <u>subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management Team Leader about the application.</u></p> <p>This class to exclude:</p> <p>(i) All Major Developments (major residential proposals are those involving 10 or more dwellings or, where the number is not known, half an hectare <u>and</u>). For <u>for</u> all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or where, if the floorspace is not known, the site area is one hectare or more) <u>unless the application is only for approval of the reserved matter of landscaping.</u></p> <p>(ii) Any proposals for the demolition, as defined in national guidance, of a Listed Building</p>	Executive Director (Regeneration and Development)

	(iii) Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building	
2(b)	To determine applications for approval of details where required by the conditions of an express grant of planning permission (except for applications for approval of reserved matters of an outline planning permission) for which approval may be granted or refused in accordance with the policies of the approved development plan for the area, <u>local finance considerations and any other material considerations, all of the above so far as material to the application.</u> national guidance, the emerging development plan and supplementary planning guidance having regard to the appropriate weight to be given to each of these in accordance with Section 70(2) of the Town and Country Planning Act 1990, as amended and Section 38(6) of the Planning and Compulsory Purchase Act 2004;	Executive Director (Regeneration and Development)
2(d)	To determine whether or not <u>(a) the prior approval of the Council will be required and (b) if it is whether or not that</u> prior approval is to be given with respect to otherwise permitted development within the following Classes – IA (change of use of shops to dwellings), J (change of use of offices to dwellings), K (change of use of buildings to schools), M (change of use to a flexible use), MA (change of use of agricultural buildings to schools and nurseries) and Class MB (change of use of agricultural buildings to dwellings) - of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order); <u>unless</u> two or more Members by notice in writing within 15 0 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee <u>subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management Team Leader about the application.</u>	Executive Director (Regeneration and Development)
(2)(e)	To determine whether or not <u>(a) the prior approval of the Council will be required and (b) if it is whether or not that</u> prior approval is to be given with respect to otherwise permitted development under Parts 6 and 7 to the Town and Country Planning (General Permitted Development) Order (agricultural and forestry buildings and associated developments); <u>unless</u>	Executive Director (Regeneration and Development)

	two or more Members by notice in writing within 150 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee <u>subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management Team Leader about the application.</u>	
(2)(f)	To determine whether or not <u>(a) the prior approval of the Council will be required and (b) if it is whether or not that</u> prior approval is to be given with respect to otherwise permitted development under Part 24 to the Town and Country Planning (General Permitted Development) Order being any development by Telecommunications Code system Operators that includes antennas installed on a building or structure <u>unless two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management Team Leader about the application</u>	<u>Planning Committee Executive Director (Regeneration and Development)</u>
(2)(g)	To determine whether or not <u>(a) the prior approval of the Council will be required and (b) if it is whether or not that</u> prior approval is to be given with respect to otherwise permitted development under Part 24 to the Town and Country Planning (General Permitted Development Order being any development by Telecommunications Code System Operators, that does not include antennas installed on a building or structure	Executive Director (Regeneration and Development)
(2)(h)	To determine whether or not <u>(a) the prior approval of the Council will be required and (b) if it is whether or not that</u> prior approval is to be given to otherwise permitted development under Part 31 to the Town and Country Planning (General Permitted Development) Order 1995 – demolition of buildings; <u>unless</u> two or more Members by notice in writing within 150 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee <u>subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning</u>	Executive Director (Regeneration and Development)

	<u>Officer dealing with the application or to the Development management Team Leader about the application</u>	
(3) (a)	To comment on County Matters (This class to exclude all Major Developments – where the floorspace to be built is 1000 square metres or more or, where the floorspace is not known, the site area is one hectare or more.) <u>unless the application is for the approval of reserved matters of an outline planning permission</u>	Executive Director (Regeneration and Development)
(3) (b)	To comment on County Matters that are for Major Development – where the floorspace to be built is 1000 square metres or more or, where floorspace is not known, the site area is one hectare or more <u>unless the application is for the approval of reserved matters of an outline planning permission</u>	Planning Committee
(4)	To identify planning applications on which the County Planning Authority <u>or neighbouring Councils</u> should be consulted (Local Government Act 1972, Sch.16 (as amended))	Executive Director (Regeneration and Development)
(10) (a)	To comment favourably or otherwise on proposals for development submitted by the County Council in accordance with the terms of the Town and Country Planning General Regulations. This class to exclude:	Executive Director (Regeneration and Development)
(i)	All Major Developments <u>unless the application is for the approval of reserved matters of an outline planning permission</u> . Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare <u>and</u> for all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or, where the floorspace is not known, the site area is one hectare or more	
(ii)	Any proposals for the demolition, as defined in national guidance, of a Listed Building	
(iii)	Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building	
(10) (b)	To comment favourably or otherwise on proposals for development submitted by the County Council in accordance with the terms of the Town and Country Planning General Regulations which are for:	Planning Committee
(i)	All Major Developments <u>unless the application is for the approval of reserved matters of an</u>	

<p>(ii)</p> <p>(iii)</p>	<p><u>outline planning permission</u>. Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare <u>and</u> - fFor all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or, where the floorspace is not known, the site area is one hectare or more</p> <p>Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	
<p>(11) (a)</p> <p>(i)</p> <p>(ii)</p> <p>(iii)</p>	<p>To comment favourably or otherwise on proposals for development on which the Council is consulted by a neighbouring authority based upon relevant planning policies and the likely impact upon the interests of the Borough. This class to exclude:</p> <p>(i) All Major Developments <u>unless the application is for the approval of the reserved matters of an outline planning permission</u> . Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare <u>and</u> - fFor all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or, where the floorspace is unknown, the site area is one hectare or more</p> <p>(ii) Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>(iii) Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	<p>Executive Director (Regeneration and Development)</p>
<p>(11) (b)</p> <p>(i)</p>	<p>To comment favourably or otherwise on proposals for development on which the Council is consulted by a neighbouring authority based upon relevant planning policies and proposals and the likely impact upon the interests of the Borough, such proposals being for:</p> <p>(i) All Major Developments <u>unless the application is for the approval of the reserved matters of an outline planning permission</u>. Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare <u>and</u> - fFor all other uses, a Major Development is one where the floorspace to be built is 1000 square metres or more or, where the floorspace is unknown, the site area is one hectare or more</p>	<p>Planning Committee</p>

(ii)	Any proposals for the demolition, as defined in national guidance, of a Listed Building	
(iii)	Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building	
(27)	To exercise all the Council's powers under the provisions of the Town and Country Planning Act 1990 and Regulations made thereunder relating to the revocation and modification of planning permission; the discontinuance of use or alteration of buildings or works; Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995; and termination of planning permission by reference to time limits (Completion Notices)	Planning Committee
(28)	To determine whether the prior approval of the Council will be required in relation to developments proposed under the following Classes — IA (change of use of shops to dwellings), J (change of use of offices to dwellings), K (change of use of buildings to schools), M (change of use to a flexible use), MA (change of use of agricultural buildings to schools and nurseries) and Class MB (change of use of agricultural buildings to dwellings) — of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order unless two or more Members by notice in writing within 10 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee	Executive Director (Regeneration and Development)
(29)	To determine whether the prior approval of the Council will be required in relation to developments proposed under Parts 6 and 7 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995— agricultural/forestry buildings and operations; unless two or more Members by notice in writing within 10 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee	Executive Director (Regeneration and Development)
(30) (a)	To determine whether the prior approval of the Council is required in relation to developments proposed under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, for any development by Telecommunications Code	Planning Committee

	System Operators, that includes antennas installed on a building or structure	
(31) (b)	To determine whether the prior approval of the Council is required, in accordance with Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, for any development by Telecommunications Code System Operators, that does not include antennas installed on a building or structure	Executive Director (Regeneration and Development)
(32)	To determine whether the prior approval of the Council will be required in relation to developments proposed under Part 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995— the demolition of buildings; unless two or more Members by notice in writing within 10 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee	Executive Director (Regeneration and Development)
(3036)	To determine applications submitted under the Anti-social Behaviour Act 2003 (Part 8, High Hedges) unless two or more Members by notice in writing within 150 working days of the date of publication of the weekly list of applications received require the application to be referred to the Planning Committee <u>subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management Team Leader about the application.</u>	Executive Director (Regeneration and Development)
(35)	To determine applications for a certificate of lawfulness of works to a Listed building (Listed Buildings and Conservation Areas Act, as amended)	Executive Director (Regeneration and Development)
(36)	To enter in Planning Performance Agreements on behalf of the Council	Executive Director (Regeneration and Development)
(37)	To authorise the making of a Local Development Order	Planning Committee

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**Land off Gateway Avenue, Baldwin's Gate, Staffordshire
Outline Application for up to 113 dwellings
Planning Performance Agreement (PPA)**

1. This is a Planning Performance Agreement (PPA) to establish a framework for the submission, consideration and determination of an outline planning application (the Application") that is to be submitted to Newcastle-Under-Lyme Borough Council ("NuLBC") (the Local Planning Authority (LPA)) by Richborough Estates Ltd ("the Applicant") for a scheme of development involving the above-mentioned site. This PPA is produced as a tool to assist with the efficient and effective delivery of the planning application process and it does not seek in anyway to predetermine the decision of the LPA upon the application. It is accepted by both parties that the PPA is not a legally binding document.

2. The application is made in outline with all matters reserved save for the means of access. The description of development is as follows:

"Outline application for up to 113 no dwellings and associated works".

3. The principal point of contact for the Applicant ("the Applicant's Agent") is:

Richard Lomas
Hourigan Connolly
7 Swan Square
15 Swan Street
Manchester
M4 5JJ

richard.lomas@houriganconnolly.com
0161 300 3476 / 07809 643206

4. The principal point of contact for NuLBC is:

Rachel Killeen
Development Management
Newcastle-under-Lyme Borough Council
Civic Offices
Merrial Street
Newcastle-under-Lyme
ST5 2AG

planningapplications@newcastle-staffs.gov.uk
01782 742408

5. The proposal is being brought forward following detailed pre-application discussions between NuLBC and the Applicant, a presentation to MADE Design Review Panel and a Presentation to the NuLBC Strategic Planning Consultative Group. Discussions on highways and engineering matters have also been (and remain) ongoing with Staffordshire County Council (SCC) (who is the local Highway Authority). The Borough Council and the Applicant are collectively termed 'The Parties' for the purposes of this agreement.

6. Subject to proper consideration of the Application by NuLBC, the Applicant is keen to see the Application determined as expeditiously as is practicable and the Parties are therefore committed to entering into this agreement to set out the means by which this might be put into effect.
7. On the assumption that the Application is deposited on 27 August 2013 and validated within 9 working days, the anticipated long stop date for the presentation of the Application to the Council's Planning Committee for determination will aim to be no later than January 2014. The Council will not wish to determine the application beyond 26 weeks of its submission.
8. The Council will communicate the results of its validation check of the application to the Applicant within 9 working days of its submission.
9. The Council will within 10 working days of the date when it receives a valid application advise the applicant of the statutory and non-statutory consultations that it intends to undertake.
10. The Council undertakes to examine the Application at the earliest opportunity following submission and to promptly advise the Applicant's Agent of any matter on which further clarification or information is required.
11. The Parties agree that any requests for further information should be addressed as quickly as possible and the Parties undertake to meet and/or discuss matters by telephone or e-mail in a spirit of co-operation and so as to further explain as necessary, any areas of misunderstanding or dispute.
12. It is further agreed that NuLBC will publish on its website, as associated documents to the application, in a timely fashion, responses received from internal NuLBC consultees and from statutory undertakers and other non-statutory consultees, and any representations it receives from third parties with reference to the application. This is so that any matters can be addressed by the Applicant and the Applicant's agent at the earliest opportunity.
13. Any site visit undertaken by the Planning Committee of the Council will be undertaken in accordance with the Council's agreed site visit protocol as exists at the time of the site visit.
14. Both parties agree that it would be beneficial if work on the completion of a draft Section 106 agreement should continue in advance of consideration of the Application by Planning Committee with the aim being that an agreed draft but not completed Section 106 Agreement will be presented to Planning Committee for consideration, although the Council will not delay the consideration of the application by its Planning Committee if this is not possible. Any work undertaken by the Council's legal services section in connection with the preparation of a draft Section 106 agreement will be undertaken entirely at the applicant's risk and expense, and without prejudice to the determination of the application by the Planning Committee. The Council will use its best endeavours to obtain the timely agreement to such a draft by any other public body such as the County Council which is identified as needing to be a party to such an agreement.
15. The Council will, in accordance with its existing agreed procedure, take into account representations and consultation responses that are received after the date

indicated in its publicity/consultations. However the Council will not take into account in its decision representations from any party including the applicant, other than statutory consultees, if received after a deadline that it will give when notifying the applicant and other parties of the consideration of the application by a specific Planning Committee. This deadline or guillotine does not apply to any oral representations made at the Council's Planning Committee.

16. The Council will seek to ensure wherever possible that any consultation responses by its own officers are provided to within 21 days of the consultation being undertaken. It will use its best endeavours to encourage statutory consultations to be responded in accordance with the Duty to respond to consultations as set out in Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, (as amended) and similarly non-statutory consultations.
17. The Council will, in accordance with its agreed Public Speaking at Planning Committee procedure, provide an opportunity for the applicant or a party speaking on behalf of the applicant to address the Planning Committee when it considers the application, in accordance with the terms of that agreed procedure.
18. Following formal Planning Committee resolution and on the assumption that this is positive, the Parties will seek to complete and execute the Section 106 Agreement and NuLBC will seek to issue an outline planning permission no later than four weeks following the Planning Committee's resolution, and within 7 days of the execution of any such Section 106 agreement.
19. In the event that the Planning Committee's resolution is negative, work shall progress to enable an agreed position on Section 106 Agreement matters as an area of common ground in any subsequent appeal. Furthermore the Parties will work collaboratively and in a timely manner on any Statement of Common Ground required as part of any future planning appeal proceedings should outline planning permission be refused by NuLBC.
20. The Council will be seeking to determine the application within the 13 week statutory period. If it considers that it is appropriate to allow more time than this it will first seek the applicant's agreement to extend the statutory period for an agreed term within which no appeal can be lodged against the non-determination of the application, explaining the reason(s) for its failure to determine the application within the statutory period
21. Both parties agree to the use of electronic communications.



Signed by the parties or their duly authorised representatives:

Signed)
and duly authorised)
for and on behalf of)
Newcastle Borough Council) G.R Benson

Date: 2/10/2013

Signed)
and duly authorised)
for and on behalf of)
the Applicant) P. Hamon

Date: 23/08/2013