

Public Document Pack

Date of meeting Tuesday, 21st July, 2015
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

- 4 Application for Major Development - Former Woodshutts Inn, (Pages 3 - 4)
Lower Ash Road, Kidsgrove; Aspire Housing/BM3 Architecture
Ltd; 14/00767/FUL
- 5 Application for Major Development - Land South of (Pages 5 - 6)
Mucklestone Road; Muller Strategic/Halletec; 15/00202/OUT
- 10 Application for Minor Development -Old Springs Farm; (Pages 7 - 8)
13/00245/FUL

Members: Councillors Baker (Chair), Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Proctor, Reddish (Vice-Chair), Simpson, Turner, Welsh, Williams 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.

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Supplementary Information

The following information will be reported to the Planning Committee at its meeting on 21st July 2015

Agenda Item 4 Application No. 14/00767/FUL

Former Woodshutts Inn, Lower Ash Road, Kidsgrove

Since the main agenda report was published further comments have been received from the **District Valuer (DV)**.

Further information has been provided by the applicant and the DV has considered this. Although he does not accept most of the adjustments suggested, the DV has been persuaded that it is appropriate to adjust the % of construction costs he had set aside for professional fees so as to now cover both internal and external professional costs. This increase in professional fees from 6.75% to 9.25% has had an impact on his calculation of the residual land value (£247,964) and when this is compared to the DV's assessment of site value (£250,000) it leads him to now conclude that the proposed scheme is marginally unviable and therefore unable to provide **any** S106 contributions.

Taking into account the viability case made by the applicant, the independent advice received from the District Valuer, and the merits of the scheme, particularly its contribution to housing availability and the redevelopment of a vacant site, it would not be appropriate to require any contributions towards education or public open space.

Recommendation A is therefore revised as follows:

Subject to the applicant entering into a Section 106 obligation by 21st September 2015 securing the review of the financial assessment of the scheme if there is no substantial commencement within a year of the grant of planning permission and contributions then being made to public open space and education on an equal proportion basis, if the scheme is evaluated at that time as able to support such contributions, PERMIT subject to the conditions set out in the main agenda report.

Recommendation B is also revised as follows

Should the matters referred to above not be secured by the 21st September 2015, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such on obligation there would not be an appropriate mechanism to allow for changed financial circumstances, and in such circumstances the potential provision of policy compliant contributions towards education and public open space; or, if he considers it appropriate, to extend the period of time within which such an obligation can be secured

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Supplementary Information

The following information will be reported to the Planning Committee at its meeting on 21st July 2015

Agenda Item 5 Application No. 15/00202/OUT

Land south-west of Mucklestone Road, west of Price Close and north of Market Drayton Road, Loggerheads

Since the advance supplementary report was published on Friday 17th the Education Authority have now confirmed that, with respect the five obligations that have been entered into since April 2010 in which an education contribution has been secured for Madeley High School, those contributions will be utilised towards a project to provide 2 additional classrooms, which will be attached the dining room, which will also need to be expanded. The Education Authority have confirmed that any subsequent planning obligations, including the one now being sought in connection with the development being considered this evening, will be for a different project than mentioned above. They are currently working on a brief with no specific details but it will probably be along the lines of an additional further 2 classrooms.

On the basis of the above, as anticipated in the advance supplementary report, your Officer is now satisfied that the requested secondary education contribution complies with Community Infrastructure Levy Regulation 123 and would be a lawful consideration.

Accordingly, in addition to the change made to the recommendation in the advance supplementary report (reflecting the further advice of the Environmental Health Division) a further change is required and the first part of the recommendation A) now reads as follows

Subject to the applicant entering into a Section 106 obligation by 28th August 2015 securing the following:

- i. Either a maintenance contribution of a sum to be advised or a management agreement for the long-term maintenance of the open space on the site**
- ii. A contribution of £154,434 (on the basis that the development as built is for the full 78 units and of the type indicated) or such other sum as determined by the Head of Planning as appropriate on the basis of policy), towards the provision of education places at St. Mary's CE Primary School, Mucklestone**
- iii. A contribution of £116,354 towards the provision of additional spaces in a two class base extension at Madeley High School (on the basis that the development as built is for the full 78 units and of the type indicated), or such other sum as determined by the Head of Planning as appropriate on the basis of policy**
- iv. In perpetuity, provision of 25% of the dwellings as affordable units**
- v. A contribution of £6,300 towards travel plan monitoring**

PERMIT subject to the conditions indicated in the main agenda report and the additional condition referred to in the advance supplementary report

Recommendation B) remains unaltered except so now as to refer to i) to v) rather than i) to iv).

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Supplementary Information

The following information will be reported to the Planning Committee at its meeting on 21st July 2015

Agenda Item 10 Application No. 13/00245/FUL

Old Springs Farm, Stoneyford

It was indicated within the main agenda report that the use of conditions to impose routeing restrictions on the unauthorised building, adjoining the building which is the subject of this application, would be further explored and that an update would be given.

Case law has established that it is possible to impose planning conditions restricting existing planning rights with respect to another development. It is necessary, however, to ensure that such a condition complies with the six tests that apply to the use of conditions which includes the requirement that the condition is relevant to the development to be permitted. Guidance on this test, as set out in the national Planning Practice Guidance (PPG), indicates that the question to be asked is does the condition fairly and reasonably related to the development to be permitted? The PPG further advises it is not sufficient that a condition is related to planning objectives, it must also be justified by the nature or impact of the development permitted; and that a condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development.

In this case, the unauthorised building and the building which is the subject of this application are related as they are used for similar purposes and are in very close proximity to each other. It could not be argued, however, that the vehicle movements associated with the unauthorised building would otherwise be acceptable and that the impact of the vehicle movements associated with the building applied for renders them unacceptable. As such a close relationship between the two buildings cannot be demonstrated that would satisfy the test that a routeing restriction condition is fairly and reasonably related to the development to be permitted.

As such the recommendation remains as set out within the main agenda other than the omission of the reference to further consideration as to whether a condition can be imposed that restricts the routeing of vehicles transporting miscanthus to and from an adjoining unauthorised building.

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