

# Public Document Pack

**Date of meeting** Tuesday, 18th August, 2015  
**Time** 6.30 pm  
**Venue** Council Chamber, Civic Offices, Merrial Street,  
Newcastle-under-Lyme, Staffordshire, ST5 2AG  
**Contact** Julia Cleary

## Planning Committee

### SECOND SUPPLEMENTARY AGENDA

#### PART 1 – OPEN AGENDA

- 3a Application for Major Development - Land NE of Eccleshall Road/ SE of Pinewood Drive/NW of Lower Road, Hook Gate. Design Construction Management Services Ltd. 15/00448/OUT
- 4a Application for Major Development - Land at Doddlespool, Main Road, Betley. Mr M Oulton. 15/00521/FUL (Pages 7 - 8)
- 10a Application for Minor Development - Land Adjacent Cotswold, Newcastle Road, Loggerheads. Ms J Chambers. 15/00525/OUT (Pages 9 - 10)
- 11a Application for Minor Development - Silver Birch. Birks Drive, Ashley Heath. Mr & Mrs Frost. 15/00435/FUL (Pages 11 - 12)
- 13a Expediency of Enforcement Action. 5 Boggs Cottages, Keele. 14/00036/207C3 (Pages 13 - 14)

**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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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**18<sup>th</sup> August 2015**

**Agenda item 3**

**Application ref. 15/00448/OUT**

**Land to the North East of Eccleshall Road, South East of Pinewood Drive and North West of Lower Road, Hook Gate**

Since the preparation of the agenda report the views of the **Waste Management Section** have been received. They state that although the turning heads seem a suitable size, the surfaces within the development are block paved and thus unsuitable for their lorries to drive across to make collections due to the insurance risks. The entrances from Pinewood Drive, Lower Road and Eccleshall Road don't appear to have sufficient space for residents to bring their containers down for presentation on collection day without causing a traffic hazard and blocking visibility. For some properties the pulling distance exceeds the 10m that the Council's own staff would pull bins on a level surface in order to make collections.

One further **representation** letter has been received. The issues raised are already reported and addressed in the agenda report.

A letter has been received from **Hookgate Residents' Group**. It refers to a letter that has been received by the Council from Loggerheads Residents Action Group regarding the conduct of the Planning Committee meeting held on 21<sup>st</sup> July 2015. That letter requests the following actions:

1. That the Council issues a public statement confirming that it does in fact have a five year land supply.
2. The Council will give proper direction to the Planning Committee to treat all future planning applications in light of the existence of that land supply.
3. The Council will use its powers under section 97 of the Town and Country Planning Act 1990 to revoke the planning consents that were made in error at the meeting on the 21<sup>st</sup> July 2015, applications 15/00202/OUT and 15/00353/FUL.

Hookgate Residents' Group request that given the contents of the above letter and the fact that the Group have not been made aware of any progress on the above actions, that point 2 is addressed in advance of the meeting of 18<sup>th</sup> August. If this is not possible due to timescales then a postponement is requested to the applications to be heard on 18<sup>th</sup> August as this application would not be on the agenda if it wasn't for the mis-guidance surrounding the 5 year land supply issue.

With respect to the issue of the Unilateral Undertaking, the County Council's views on it have been obtained and a verbal report and advice is expected to be able to be given at the meeting

Officer comments

In relation to the comments of the Waste Management Section, this is an outline application with all matters other than access reserved for subsequent approval. On that basis, it is considered that the dwellings could be sited in such a way to include the provision of a bin collection point at each access. This would negate the need for waste collection vehicles to enter the site. Details of the waste collection points could be required by condition.

With respect to the letter from Hookgate Residents Group members will wish to note that the correspondence from the Loggerheads Residents Action Group, received following the 21<sup>st</sup> July meeting (and which members have been provided with a copy of), has been replied to.

The response indicates, inter alia, as follows :-

*“Members of the Planning Committee determining all planning applications have to have regard to national policy set out within the National Planning Policy Framework.*

*Paragraph 47 provides that LPAs must:*

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements” [Additional buffers are then set out]*

*Paragraph 49 of the NPPF then states that:*

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”.*

*The National Planning Practice Guidance (PPG) provides further advice and guidance on the approach to be adopted.*

*The question of whether a Local Planning Authority has a five year supply of housing land therefore requires assessment of a number of technical considerations and an ultimate exercise of a planning judgment.*

*In determining a given application, it is not sufficient for a Local Planning Authority simply to state that there is a five year housing land supply, the LPA has to be satisfied that it can demonstrate it.*

*The Officer’s position as set out in the committee report that introduced the latest Housing Supply Statement made it clear that in the Officers’ opinion the Borough Council is unable to demonstrate a five year supply by reference to applicable national planning policy and guidance.*

*As you indicate the Planning Committee at its meeting on 21st July 2015 first passed the following resolutions:*

- 1. That the results of the 5 year housing supply report to the 3rd June Planning Committee be noted (my emphasis);*
- 2. That, Officers give active consideration to the preparation of a revised supply statement following the publication of the Strategic Housing Market Assessment (SHMA);*
- 3. That the significance of the 5 year supply position in Development Management decision making as described in the report to the 3rd June Planning Committee be noted (my emphasis).*

*The Committee subsequently considered the two applications to which you have referred on the basis of the Reports provided and all applicable statutory and policy requirements.*

*One of the Councillors referred during the discussion on the first application (15/00202/OUT) to having earlier during the meeting voted that they did not have a 5 year housing land supply. The Officers’ interpretation of that remark is that the councillor was in his own terms seeking to say that the majority of the Committee were of the view that it was not possible at present for the Council to demonstrate a 5 year housing land supply (in the meaning of paragraph 49) and accordingly that they were accepting that paragraph 14 of the NPPF was engaged - i.e. that to refuse the application they would have to demonstrate that any adverse harm arising from the development before them significantly and demonstrably outweighed any benefits.*

*Whilst there is no statutory obligation upon the planning officers to comment on the robustness of the housing land supply figures (as you state), officers are required and expected to advise the Planning Committee as to the Authority’s position in respect of compliance with the National Planning Policy Framework.*

*The reason for the officers' view that the Council cannot demonstrate a five year supply of deliverable housing sites is set out in the Report itself. In summary, it concerns the Officer's view that the supply is being measured on the basis of household projections to which limited weight can be given. That is a view that the Officers maintain on the basis of their professional planning experience."*

The response also addresses various other complaints that have been made. If members wish to have sight of the letter it can be provided. Copies of the correspondence will be made available for members at the Committee.

A response will also be sent to the more recent letter from the Hookgate Residents Group referring to the above correspondence.

Members will note the request for a deferment of the decision on this application. That is a matter for the Committee to decide but members are reminded that Local Planning Authorities are required to determine application in a timely manner, and not to prevent or delay development which clearly should be permitted. The statutory 13 week period for this application expires on the 2<sup>nd</sup> September. Your officers are of the view that the complaints and concerns of the Loggerheads Residents Action Group are not justified and thus that their concerns are not a basis for deferment of the determination of further applications for housing. There being no other identified substantive reasons to justify delaying determination in this case members are advised that the application should be determined.

**The RECOMMENDATION remains as per the main agenda report with an additional condition being recommended requiring the submission of details of waste collection points.**

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## ADVANCE SUPPLEMENTARY REPORT

### TO THE PLANNING COMMITTEE

18<sup>th</sup> August 2015

**Agenda item 4**

**Application ref. 15/00521/FUL**

#### **Land at Doddlespool, Main Road, Betley**

Since the preparation of the main agenda report consultation responses have been received from the **County Council Planning Regulation Team** and **National Grid**.

The **County Council** observe that whilst the proposal is asserted to be to simply “finish off” the previously approved development, much of this material was imported to the site and so was not a required part of the approved development. The rate of working proposed within the submission equates to 1.5 vehicle loads per day which is exceedingly slow and does not tie in with the aim of bringing the site into productive use within a reasonable timescale. The timescale applied for, 4 years, is extremely excessive, unjustified and a considerably shorter timescale is recommended. Similar conditions to the previous permission should be imposed. The Borough Council should be mindful of the effect of an approval on the extant enforcement and stop notices, to ensure that appropriate control is maintained,

**National Grid** has provided a holding objection. This relates to the activities potentially affecting their pipeline.

A letter has also been received from the **applicant’s agent**. They state that a 9 month period would not be achievable but that an extension until December 2016 would be an appropriate compromise which would give 13 months. A 9 month period would mean that HGV movements – which have led to complaints when at their maximum - would be operating at full capacity i.e. 10 movements per day and 5 days a week. They ask that the LPA consider whether requiring the work to be completed within 9 months is sustainable and deliverable and in accordance with the local plan and NPPF. It is recognised in both planning and agricultural circles that soils should only be handled when dry and friable and due to the weather the restrictive 9 month period actually means that as little as 4 months would be available, which is simply not achievable. An extension to December 2016 would allow 9 workable months, would provide improved residential amenity (because it would not require the site to be worked “flat out”), deliverability so as to avoid an unfinished landform and avoid putting the applicant in a “challenging” if not impossible position.

A representation from **Councillor Frankish** was not reported in the main agenda report. Councillor Frankish raises similar objections to those reported in the main agenda report. In addition, the Councillor asks for a speed limit to be imposed on Main Road.

#### Officer comments

The applicant’s further comments are acknowledged but as addressed within the main agenda report the applicant has had 6 months previously to remove soils and no progress was made. It is understood that residents were content with the conditions imposed on the previous permission regarding movement numbers, hours and days of operation. If the 9 month period results in HGV’s running at capacity to remove the soil (within this period) then this is accepted as the most sustainable solution.

In terms of the comments raised by Councillor Frankish conditions were imposed on the previous permission and would still apply if permission is granted. The LPA cannot impose a speed limit. The Councillor would need to pursue this with the Highway Authority.

The representation from National Grid, which concerns the protection and safeguarding of their pipeline across the site, is not material to the application but if will be brought to the attention of the applicant.

**Natural England** has not provided any further comments despite your officers request that they do so. Any comments received prior to the meeting will be reported, and if none are received officers will advise the Committee further on that aspect.

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



**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**18<sup>th</sup> August 2015**

**Agenda item 10**

**Application ref. 15/00525/OUT**

**Land adjacent to Cotswold, Newcastle Road, Loggerheads**

Since the preparation of the agenda report further correspondence has been received from the applicant's agent regarding ownership and rights of access. It is stated that the applicant has confirmed categorically that the existing public right of way crossing the eastern side of her garden is within the ownership of her site and she has original deeds which prove this. The submitted plans show the existing footpath and it was never intended to obstruct this passage with any element of the proposed new development. The applicant has confirmed that the red line boundary on the plans and the certificate of ownership submitted with the application are with the best intentions correct.

Officer comments

As stated in the main agenda report, this issue is a civil matter which is not material to the determination of the planning application.

**The RECOMMENDATION remains to refuse for the reason set out in the main agenda report.**

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**18<sup>th</sup> August 2015**

**Agenda item 11**

**Application ref. 15/00435/FUL**

**Silver Birch, Birks Drive, Ashley Heath**

Since the preparation of the agenda report a letter has been received from the **applicant**. It is stated that over the past several years a number of fine houses have been added to the housing stock in Birks Drive making this a desirable place to live. This will be a gated development for those that wish to live in a safe, beautiful place. The road leading to the site will be repaired if damage is caused by construction vehicles.

The recommendation in the agenda report states in error that the further comments of the Highway Authority are awaited in response to additional information that has been received. No additional information has been received and therefore no further comments of the Highway Authority are awaited.

Officer comments

**The RECOMMENDATION is to permit subject to the conditions as set out in the main agenda report.**

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**18<sup>th</sup> August 2015**

**Agenda item 13**

**Enforcement case reference 14/00036/207C3**

**5 Boggs Cottages, Keele**

Members will have received a representation made by Councillor Kearon. Your officers will be providing prior to the meeting a summary of this representation and comment upon it.

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