

Public Document Pack

Date of meeting **Tuesday, 2nd February, 2016**
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 Minutes of Previous Meeting(s) | (Pages 3 - 10) |
| 4a Application for Major Development - Land south of West Avenue, west of Church Street and Congleton Road and north of Linley Road, Butt Lane. Taylor Wimpey (North Midlands). 15/00441/DOAHR | (Pages 11 - 14) |
| 5a Application for Major Development - Stoke City Football Club's Academy, Clayton Wood Training Ground, Rose Tree Avenue, Clayton. Stoke City Football Club. 15/00958/FUL | (Pages 15 - 16) |
| 8a Application for Minor Development - Former Squires Copper, Mount Road, Kidsgrove. Hardedge Developments Ltd. 15/01116/FUL | (Pages 17 - 18) |
| 10a Application for Minor Development - Land North East of Brittain Avenue, Chesterton. Miss Alice Newman. 15/01081/FUL | (Pages 19 - 20) |
| 11a Application for Other Development - Corner of Minton Street & High Street, Wolstanton. Newcastle Borough Council. 15/00940/DEEM3 | (Pages 21 - 22) |
| 13a Application for Other Development - Land at King Street, Kidsgrove. Newcastle Borough Council. 15/00943/DEEM3 | (Pages 23 - 24) |
| 15a Application for Other Development -Corner of Cemetery Lane and Silverdale Road, Poolfields . Newcastle Borough Council. 15/00945/DEEM3 | (Pages 25 - 26) |
| 16a Application for Other Development - Woodshutts Farm, Second Avenue, Kidsgrove. Joe Wood. 15/00947/FUL & 15/00948/LBC | (Pages 27 - 28) |

21a Quarterly Report on Extension to time periods within which obligations under Section 106 can be entered into. (Pages 29 - 30)

Members: Councillors Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Reddish (Vice-Chair), Simpson, Snell (Chair), Sweeney, 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.

FIELD_TITLE

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

PLANNING COMMITTEE

Tuesday, 5th January, 2016

Present:- Councillor Mrs Sophia Snell – in the Chair

Councillors Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Reddish, Simpson, Sweeney, Williams and Williams

Apologies Apologies were received from Councillor(s) Proctor and Welsh

1. **APOLOGIES**

Apologies were received from Cllr Proctor and Cllr Welsh.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETING(S)**

Resolved: That the minutes of the previous meeting be agreed as a correct record.

4. **APPLICATION FOR MAJOR DEVELOPMENT - TADGEDALE QUARRY, ECCLESHALL ROAD, LOGGERHEADS. RENEW LAND DEVELOPMENTS LTD. 15/00015/OUT**

The Committee considered the reports and a proposal to refuse the application was put forward by Cllr Northcott and seconded by Cllr Fear on the following grounds:

- a) That the development was not sustainable;
- b) That it was an inappropriate development due to its location outside of the village envelope and the lack of accessibility to services and facilities including Mucklestone Primary School there being no suitable and safe footpath access to that school from the development. The development would result in a high level of private car use having regard to its location and limited bus services

A vote was taken on the proposal with 5 in favour and 3 against

Resolved:

That the application be refused on grounds that the development would constitute unsustainable development by reason of its location and lack of accessibility to services and facilities including Mucklestone Primary School there being no suitable and safe footpath access to that school from the development. The development would result in a high level of private car use having regard to its location and limited bus services

5. **APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND NORTH OF LINLEY ROAD, BUTT LANE. TAYLOR WIMPEY (NORTH MIDLANDS). 15/00441/DOAHR**

Resolved: That a decision on the application be deferred to await the views of the District Valuer

6. **APPLICATION FOR MAJOR DEVELOPMENT - THE HAWTHORNS AND KEELE CAMPUS, UNIVERSITY OF KEELE. KEELE SEDDON LTD. 15/01004/FUL & 15/1009/FUL**

The Committee considered the report and Cllr Fear proposed approval subject to the following additional conditions along with those recommended in the report, this was seconded by Cllr Mrs Heesom.

- a) The withdrawing of permitted development rights for change of use from C3 to C4, and
- b) A boundary treatment condition to seek hedgerow retention and provision wherever appropriate.

11 voted in favour of the additional conditions and 2 voted against.

Resolved:

With respect to 15/01004/FUL:

That the application be permitted subject to:

(A) The applicant first entering into a Section 106 obligation by 8th February 2016, or 5th March 2016 if the applicant agrees to similarly extend to that date the statutory period for this application and application 15/01009/FUL, to require: -

1. A financial contribution of £132,976 towards education places at Madeley High School
2. Reappraisal of the development's viability in the event of the development not being substantially commenced within 12 months of the permission, and a consequential upward adjustment of the contribution should the viability reappraisal so indicate
3. A scheme to be provided to and agreed by the Council for the long term management, availability, and maintenance of the public open spaces within the development

And the following conditions:

Campus

- Development to commence within 18 months
- Approved plans
- Landscaping scheme
- Arboricultural method statement
- Tree protection
- Details of all facing and surfacing materials
- Construction Method Statement

- Development in accordance with details of Flood Risk Assessment (FRA)
- Details of surface water and foul sewage drainage

Hawthorns

- Development to commence within 2 years
- Approved plans
- Prior to occupation of the dwellings on the Hawthorns development, the Barnes development to be completed
- Provision of accesses
- Closure of existing accesses
- Relocation of dragons teeth and 3mph roundels on Station Road
- Provision of visibility splays
- Length, gradient and surfacing of private drives
- Garages retained for parking
- Landscaping scheme
- Recommendations of Arboricultural Impact Assessment and Method Statement
- Details of on-site open space and play provision, including a timetable for provision
- Boundary treatments
- Removal of permitted development rights
- Submission and approval of a scheme of investigation and Implementation of Archaeological works
- Historic building recording
- Details of treatment of any newly exposed elevations of The Hawthorns
- Contaminated land
- Construction method statement
- Development in accordance with details of FRA
- Details of surface water and foul sewage drainage
- Mitigation measures for protected species
- Timing of requirement to provide the shop building and the drop off facility for the school
- Details of all facing and surfacing materials
- Levels details
- The withdrawing of permitted development rights for change of use from C3 to C4, and
- A boundary treatment condition to seek hedgerow retention and provision wherever appropriate.

(B) Failing the securing of the above obligations by the date indicated above, that the Head of Planning be authorised to refuse the application on the grounds that without such obligations, insufficient provision would be made for the provision of additional secondary education places to meet the need for such places generated by the development, account would not be able to be taken of a change in market conditions and a development that could have made required contributions including affordable housing would not do so, and appropriate long term arrangements would not have been made for the public open space within the development; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

With respect to 15/01009/FUL

Subject to the issuing first of planning permission for the development referred to in application 15/01004/FUL

That the application be permitted subject to conditions relating to the following matters:

- Letting of contract for redevelopment prior to demolition of the building and commencement of demolition within six months of the demolition of the building
- Details of the treatment of the cleared site following demolition

7. APPLICATION FOR MAJOR DEVELOPMENT - CONSULTATION BY CHESHIRE EAST ON PROPOSALS FOR THE FORMER MMU ALSAGER CAMPUS, HASSALL ROAD, ALSAGER - DEMOLITION OF ALL BUILDINGS AND ERECTION OF 408 DWELLINGS WITH LAYING OUT OF NEW GRASS SPORTS PITCHES, TWO ARTIFICIAL GRASS PITCHES WITH FLOODLIGHTING AND FENCING, NEW CHANGING ROOMS ETC

Resolved:

That Cheshire East Council be advised that the Borough Council has no objections to the application.

8. APPLICATION FOR MINOR DEVELOPMENT - FORMER BLUE BELL INN, NEW ROAD, WRINEHILL. J LITTLETON & CO LTD. 15/00759/FUL

Resolved: That a decision on the application be deferred until the comments of Betley, Balterley and Wrinehill Parish Council have been received or the date by which their comments are due has passed.

9. APPLICATION FOR MINOR DEVELOPMENT - BROUGHTON ARMS, NEWCASTLE ROAD, BALTERLEY. THE BROUGHTON PROPCO LTD. 15/00964/FUL

Resolved:

That the application be approved subject to the following conditions:

1. Standard Time limit for commencement of development
2. Approved plans
3. Submission and approval of external materials
4. Construction and demolition hours
5. Ventilation and odour abatement
6. Control of noise
7. Prevention of food and grease debris entering the drainage system
8. Submission and approval of external lighting
9. Approval of full landscaping proposals to include boundary treatments
10. Submission and approval of Tree Protection measures
11. Arboricultural Method Statement
12. Retention of trees
13. Submission and approval of new boundary treatment to (A531) Newcastle Road
14. Access, car parking and turning
15. Car park shall remain ungated

10. **APPLICATION FOR MINOR DEVELOPMENT - FORMER SILVERDALE BOWLING GREEN, KINSEY STREET, SILVERDALE. MILWOOD LTD. 15/01001/FUL**

Cllr Fear, seconded by Cllr Reddish moved approval subject to the conditions indicated in the report and the following additional condition:

- That permitted development rights be removed in relation to changing from C3 to C4.

11 Members voted in favour and 2 Members voted against.

Resolved:

That the application be permitted subject to the following conditions:

- Time Limit
- Plans
- Prior approval of external facing materials
- Landscaping
- Removal of permitted development rights for front boundary treatments
- Contamination remediation
- Limitation of construction and demolition activity to reasonable hours
- Protection of highway from mud and debris
- Dust mitigation during construction
- Waste storage and collection arrangements
- Noise levels to be achieved.
- No occupation until access, parking and turning areas provided in accordance with approved plans.
- Prior approval and implementation of surfacing and surface water drainage for the private drive
- Provision of visibility
- No occupation until the access drives have been surfaced in a bound material for a minimum distance of 5m back from the highway boundary.
- Private access drive to remain ungated.
- Surface water drainage interceptors at rear of highway boundary on all driveways.
- Construction Method Statement
- The removal of permitted development rights from C3 to C4.

11. **APPLICATION FOR MINOR DEVELOPMENT - AUDLEY COMMUNITY CENTRE, AUDLEY. AUDLEY AND DISTRICT COMMUNITY CENTRE. 15/01022/FUL**

Resolved:

That the application be approved subject to:

1. Standard Time limit for commencement of development.
2. Approved plans.

12. **APPLICATION FOR OTHER DEVELOPMENT - OLD HALL, POOLSIDE, MADELEY. MR G WHITE. 15/01028/LBC**

Resolved:

That the application be approved subject to:

- Time limit condition
- Approved plans
- Submission and approval of an insulation system for the roof
- Submission and approval of drainage, extraction and ventilation details
- Submission and approval of staircase details

13. APPLICATION FOR OTHER DEVELOPMENT - 19 THE CROSSWAY, MAY BANK. MRS R KILLEEN. 15/01052/FUL

Resolved:

That the application be approved subject to the following conditions:

1. Standard Time limit for commencement of development
2. Approved plans
3. Facing materials to be as specified and matching finishing colour of render

14. APPLICATION FOR OTHER DEVELOPMENT - FORMER ST GILES AND ST GEORGES PRIMARY SCHOOL, BARRACKS ROAD, NEWCASTLE. STAFFORDSHIRE COUNTY COUNCIL. 15 /01077/FUL

Resolved:

That the application be permitted subject to the following conditions:

- Tree protection measures
- Demolition to be undertaken in accordance with the approved Demolition Method Statement
- Building recording
- The recommendations of the Bat Survey be implemented and a precautionary approach be taken to the demolition works involving the removal of ridge and roof tiles.
- The demolition of the existing building on the site shall not commence until a contract has been entered into for the construction of a replacement building on the site as shall have been granted planning permission and such construction works shall have commenced within six months of the demolition of the building
- Conditions put forward by Environmental Health relating to hours of demolition, the submission, approval and implementation of an Environmental Management Plan/Method Statement, steps to be taken to prevent mud and debris getting onto the Highway and dust mitigation measures.

15. MISCELLANEOUS ITEM - 5 BOGGS COTTAGES, KEELE. 1400036207C3

Resolved:

The Head of Business Improvement, Central Services and Partnerships be authorised to issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of the mobile home and associated paraphernalia from the site within six months

16. **TREE PRESERVATION ORDER - FINTRY, PINWOOD ROAD, ASHLEY HEATH. TPO172**

Resolved:

That Tree Preservation Order No 172 (2015), on land at Fintry, Pinewood Road Ashley is confirmed as amended and that the owners of the site are informed accordingly.

17. **HALF YEARLY REPORT ON PLANNING OBLIGATIONS**

Resolved:

- a) That the report be noted
- b) That the Head of Planning continue to report on a half yearly basis to the Planning Committee on planning obligations which have been secured over the preceding six months, works that have been funded during that period in whole or in part by planning obligations and compliance with their requirements
- c) That the County Council's NTADS Final Review be reported to the Planning Committee at a future meeting when available

18. **URGENT BUSINESS**

There was no Urgent Business.

COUNCILLOR MRS SOPHIA SNELL
Chair

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd FEBRUARY 2016

Agenda item 4

Application ref: 15/00441/DOAHR

Land south of West Avenue, West of Church Street and Congleton Road and North of Linley Road, Butt Lane, Kidsgrove

The Council has now received a further revised Draft report from the District Valuer, following extensive discussions involving the District Valuer, the applicant's consultant and your officer.

One of the matters discussed with the District Valuer has been the appropriate basis upon which to set the Site Value, against which what is termed the Residual Land Value is to be considered. In brief if Residual Land Value is assessed as being less than the Site Value the District Valuer would advise that the development with the current affordable housing requirements would be unviable.

National Planning Practice Guidance advises that central to the consideration of viability is the assessment of Site Value; that Site Value will be an important input into the assessment; and that the most appropriate way to assess land or site value will vary from case to case, but there are common principles which should be reflected and it is stated that, in all cases, Site Value should:-

- Reflect policy requirements and planning obligations....
- Provide a competitive return to willing developers and land owner (including equity resulting from those wanting to build their own homes); and
- Be informed by comparable, market based evidence wherever possible, and that where transacted bids are significantly above the market norm, they should not be used as part of this exercise.

Insofar as the first bullet is concerned the key question is whether account should be taken, in assessing Site Value of a requirement for affordable rented/shared ownership units or for social rented/shared ownership units. In its discussion of Affordable housing the Core Spatial Strategy states in that "the North (Staffordshire) Housing Market Area is expected to deliver a minimum of 500 affordable dwellings per annum" and that "the type and tenure of this affordable provision will be determined on a site by site basis to reflect specific local needs. However in order to create genuinely sustainable mixed communities, an appropriate mix of social rented and intermediate affordable housing will need to be delivered". The Table that then follows sets out broad targets for the overall mix of affordable housing to be delivered within the plan area, and indicates for the Borough 60% Social Rented and 40% Intermediate. The above are the sole references to the term social rented within the CSS.

Policy CSP6 of the CSS refers specifically to affordable Housing but it makes no explicit reference to the type of affordable housing other than in point (7) to state that "within the plan area the affordable housing mix will be negotiated on a site by site basis to reflect the nature of the development and local needs."

The Affordable Housing SPD adopted in January 2009 seeks social rented units, rather than affordable rented. 'Affordable rented units', that is units subject to rent controls that require a rent of no more than 80% of the local housing market rent, as opposed to rents determined through the national rent regime, however became, with the publication of NPPF in March 2012 .

Whilst the Council has not formally applied itself to the implications of the NPPF for the Affordable housing SPD the approach since March 2012 (of the Borough Council) has been to seek as a default social rented units on sites – but where there were justifiable reasons in

certain cases, either through economic viability or because the RSL could only make affordable rented work, then we have been pragmatic and either asked for or accepted 'affordable rented units' – where this would retain the affordable housing units and maximise the number of units.

In almost all cases we have achieved (within Section 106 agreements) social rented units rather than units subject to affordable rents. The agreement referred to in this application is a case in point – having been entered into in December 2013 (i.e. after the publication of the NPPF)

However there has been at least one occasion where we have accepted affordable rented units rather than social rented units and in an appeal decision dated 20th January 2015 relating to Land of Watermills Road, Chesterton the Inspector upon hearing objections from the Council to a requirement for affordable rented units (as opposed to social rented units), concluded as follows:-

“The Unilateral Undertaking makes provision that not less than 25% of the dwellings shall be affordable housing dwellings of which 63% shall be Affordable Rent Dwellings or Discounted Rent Dwellings or Social Rented Dwellings and 37% will be Shared Ownership. At the hearing the Council expressed concern about the type of affordable housing proposed, which they stated, to accord with the SPG, should be predominantly Social rented.....I am satisfied that... whilst the type of affordable housing may not be exactly what the Council would prefer, overall the Undertaking would ensure that the development contributes to the affordable housing needs within the Borough,.....”.

This local appeal decision and the NPPF are significant material considerations which need to be taken into account. The NPPF, albeit when referring to existing Local Plans, indicates that due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the Framework, the greater the weight that they should be given).

It follows that the SPD and the pre NPPF Core Spatial Strategy can only be given weight insofar as they accord with the NPPF.

Having taken into account current national planning practice guidance (PPG) as well as the guidance on Financial Viability in Planning issued by RICS prior to the PPG, it has been accepted that it is appropriate that account should be taken of the affordable rented basis, in assessing both Site Value **and** the Residual Land Value.

Taking this into account further detailed advice has been received from the District Valuer. The District Valuer has both assessed the information provided by the applicant's consultant critically and independently on the basis of his judgement and experience considering the value and cost assumptions, and he has undertaken, using the services of a Quantity Surveyor his own appraisal. This indicates that the development would be unviable (i.e. it cannot sustain, by a significant degree, 25% or 43 units of affordable housing). The District Valuer is being asked to indicate numbers of affordable housing units he considers the scheme can support. An update will be provided to the Committee.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd February 2016

Agenda item 9

Application ref. 15/00958/FUL

Stoke City Football Clubs Academy Clayton Wood Training Ground Rose Tree Avenue

Since the preparation of the main agenda report the Councils **Landscape Development Section** have confirmed that they have no objections to the proposal subject to the submission of a tree protection plan which should be secured by planning condition.

The RECOMMENDATION remains as per the agenda report, as a condition requiring tree protection measures is already included.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd February 2016

Agenda item 8

Application ref. 15/01116/FUL

Former Squires Copper, Mount Road, Kidsgrove

The main agenda report set out the comments of the Coal Authority who raise no objections subject to a condition which secures the submission of a scheme of remedial works for approval; and Implementation of those remedial works. This condition is considered appropriate but was not included in the recommendation section in error.

The applicant has also agreed to extend the statutory determination period to the 15th March 2016 to allow the S106 to be completed.

The RECOMMENDATION remains as set out in the main agenda but with an additional condition which would secure the submission of a scheme of remedial works for approval and the implementation of those remedial works as recommended by the Coal Authority.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd February 2016

Agenda item 10

Application ref. 15/01081FUL

Land North East of Brittain Avenue, Chesterton

Since the preparation of the main agenda report a further representation has been received.

The representation is an objection on the following grounds:

- Overlooking into the neighbouring garden
- On street car parking problem will be exacerbated

Further, since the preparation of the agenda report, the applicant has submitted an Urban Green Space Assessment. This is summarised as follows:

- The proposed development retains the footpath, but in a different place along the north west boundary of the site
- The National Playing Field Association recommends a minimum outdoor play space of 2.4 hectares for 1000 people, and English Nature recommends that no person should live more than 300m from their nearest area of natural green space of at least 2 hectares in size. The National Trust recommends that no person should live more than 500m from at least one area of accessible woodland of no less than 2 hectares in size.
- The study set at a 500m radius (1 km zone) shows that even with the loss of the open space of the site, the properties within the local area will still have access to open spaces within the above guidelines.
- The study provides a diagram showing the distribution of green space within a 1 km zone of the application site – which includes 8 non-natural open spaces distributed throughout the study area, and 1 large accessible natural green space located directly to the north of the site.
- There are a number of larger, natural and non natural green spaces located just outside of the 1km zone
- Residents close to the site do have access to other, larger areas of non natural open space and also accessible natural green space north of the site
- The study shows that within the 1km zone the green space includes amenity space, natural open space, outdoor sports area and a large park. The study identifies the majority of the green space within 500m of the site as average or good quality.
- The existing site lacks facilities and is currently of low recreational value, of small to medium size and with limited uses, currently only being used as a point of access to the open space behind.
- Open spaces within 500m have better provision for recreation and are of a higher quality.

Your Officer's comments

The issues raised in the letter of objection have been addressed within the main agenda report.

The content of the Urban Green Space Assessment is noted, and provides a break down of the open spaces within 500m of the site. It shows that publicly useable open space exists in the local area and whilst the proposal involves the loss of a small site of green space, the residents will be able to access parks, natural green space and outdoor play facilities that are all available within the local area.

As such the **RECOMMENDATION** remains as per the agenda report.

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd February 2016

Agenda item 11

Application ref. 15/00940/DEEM3

Corner of Minton Street & High Street, Wolstanton

Since the main agenda report was prepared an objection has been received from the Wolstanton Residents Association and a petition objecting to the proposal with 40 signatures. The concerns raised are summarised as follows:

- There are already two large advertisement hoardings sited on the corner of Marsh Avenue and High Street, Wolstanton. The proposal for the erection of a third hoarding is not only ill sited, but given its size and location it will harm the character and identity of Wolstanton village.
- The granting of approval for the hoarding could set a precedent for future applications.
- It will be a distraction for drivers on High Street
- It will be a visual obstruction at the junction of Minton Street and High Street.

The RECOMMENDATION remains as set out in the main agenda.

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd February 2016

Agenda item 13

Application ref. 15/00943/DEEM3

Land at King Street, Kidsgrove

Since the main agenda Kidsgrove Town Council have advised that they have no objections to the application.

The RECOMMENDATION remains as set out in the main agenda.

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd February 2016

Agenda item 15

Application ref. 15/00945/DEEM3

Corner of Cemetery Lane and Silverdale Road, Poolside

It is standard procedure to consult Town or Parish Council's where an application is received for advertisement consent however it has come to light, since the main agenda report was published, that Silverdale Parish Council had not been consulted in this case.

The Parish Council have now been notified of the application; however their comments are not due until 19th February, after the Planning Committee meeting. As such to enable the Parish Council to comment and for those comments to be taken into consideration in the determination of the application it is recommended that the determination of the application is **DEFERRED**.

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ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd February 2016

Agenda item 16

Application ref. 15/00947/FUL & 15/00948/LBC

Woodshutts Farm, Second Avenue, Kidsgrove

Since the preparation of the main agenda report **Kidsgrove Town Council** have advised that they have no objections to the applications.

The RECOMMENDATION remains as per the agenda report.

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
2nd February 2016

Agenda item 21

Quarterly report on extensions to time periods within which obligations under section 106 can be entered into

Since the agenda report was prepared on 15th January there have been developments with respect to a number of the 6 cases referred to within the report. These developments are detailed below:-

With respect to case **(1) application 14/00027/FUL Land adjacent to 31 Banbury Street** your Officer has now agreed to allow until the 18th February for the Section 106 to be completed. What is hoped to be a final draft of the agreement is currently in circulation. As resolved at the Planning Committee in March 2015 the draft agreement requires a reappraisal of the financial viability of the scheme (and appropriate NTADS, open space and education contributions then being made if the scheme is evaluated at that time as able to support such contributions, or part of them), if the development has not substantially commenced within 14 months of the date of the planning permission.

The agent is now requesting that this period be extended to 2 years from the last approval, by the Council, of the details required by the pre-commencement conditions of the planning permission – on the grounds that his client, whilst well organised and intending to build out the development quickly once started, is not based in this area and the current 14 month period does not on its own leave long enough to then obtain, after the grant of the planning permission, the approval of the LPA to various details that the planning permission will require and then get to substantial completion stage within that time. Having regard to the rapidly increasing material and labour costs and slowing price of property he does not think such a change would be problematic. He wants to emphasise to the Council that his client is fully committed to completing the agreement in a speedy manner, to discharging conditions and commencing on site.

Your officers have proposed that substantial commencement should mean the construction of the access to base course level, the construction of the retaining walls, and the construction of 6 of the 13 dwellings to damp proof course level. The agent suggests that construction of the access alone should constitute “substantial commencement”.

The District Valuer's appraisal for this scheme was undertaken in February 2015. The District Valuer recommended then that the assessment should be renewed if the development had not been substantially commenced within 12 months of being granted, or if the development was to be constructed in phases. The Committee, on recommendation, agreed that the period could be 14 months rather than 12.

Whilst an applicant cannot formally apply for approval of details required by conditions of a planning permission until the permission in question has been granted, the Service offers, at a charge, a pre-application advisory service, enabling a developer to obtain informal advice as to whether certain details are likely to be viewed favourably when a formal application is subsequently made for their approval.

Given the considerable time that has passed since the original appraisal, and the uncertainty that there always will be as to future viability, it is not recommended that any longer should be allowed than 14 months. Tying the period to the last of the LPA's approvals (of details) would effectively enable an applicant, having made a limited but legal commencement of the development to then complete the development any time in the future. **It is recommended that in this case the Committee resolve that should the agreement not be completed by**

2nd March, that the above 14 month period be reduced to 13 months, and if the agreement is not completed by the 2nd April that it is reduced further to 12 months. It is also recommended that officers should not materially alter the definition of substantial commencement as it appears to your officers as drafted to represent the required significant degree of commitment to the development.

With respect to case **(2) application 14/00767/FUL Former Woodshutts Inn, Lower Ash Road, Kidsgrove** your Officer has now agreed to allow until the 4th March for the Section 106 to be completed. Since the main agenda report was prepared a draft has been sent to the applicant's solicitors and they have promptly responded, and are indicating their wish to conclude this matter promptly. However in the light of the nature of their comments on the draft agreement it would appear that this may not be achievable. It is expected that a further draft will be circulated by the Council soon both to the applicant's solicitor and to the County Council who will need to be a party to the agreement

With respect to case **(5) 15/00368/OUT Land at West Avenue, Kidsgrove** the only outstanding matter apparently concerns the County Council rather than the applicant, and is a relatively minor matter. Your Officer has now agreed to allow until the 19th February for the Section 106 to be completed – there being a considerable number of parties, across various countries, whose signature will be required to this agreement.

The recommendation with respect to this item remains as it was in the agenda report, except that the Committee are asked to expressly agree to the officer recommendation referred to in case 1) above (the Land adjacent to Banbury Street case)