

Planning Committee resolved, at the meeting of 11<sup>th</sup> March 2014, to grant full planning permission for the erection of 13 dwellings, access road, parking and landscaping subject to the applicant entering by the 14<sup>th</sup> April 2014, into Section 106 Obligations, to secure the following:

- I. A financial contribution of £38,259 for open space enhancement/ improvements and maintenance.
- II. A contribution of £8,000 towards the Newcastle (urban) Transport and Development Strategy (NTADS).
- III. A contribution of £33,093 towards primary school provision.

As indicated in the quarterly reports on extensions to time periods within which obligations under Section 106 can be entered into (most recently 9<sup>th</sup> December 2014) the applicant has informed the authority that such a level of contributions would make the scheme unviable. Following the receipt of a Development Viability Appraisal of the development prepared on behalf of the applicant and the confirmation that they would pay for an independent appraisal, the District Valuer was instructed on 24<sup>th</sup> December. The final report has been very recently been received (20<sup>th</sup> February 2015).

## **RECOMMENDATIONS**

That the Committee receive a supplementary report on the application (to be issued prior to the meeting) which, upon consideration of the independent appraisal of the viability of the proposed development undertaken by the District Valuer, sets out a recommendation as to whether the application should be permitted without any financial contributions subject to conditions concerning the following matters:-

- Standard time limit for commencement
- Approved plans.
- Prior approval of facing materials and implementation of approved details.
- Prior approval and implementation of approved ground levels and finished floor levels.
- Prior approval and implementation of a detailed Arboricultural site monitoring schedule, and appropriate Arboricultural works to the sycamore tree.
- Prior approval of plans detailing 6m radius kerbs; a pedestrian crossing point including tactile paving; visibility splays of 2.4m by 43m; and an access gradient not exceeding 1:10 for the first 5m rear of the highway boundary. The access shall be completed before occupation of plots 7 to 14 and thereafter the visibility splays kept free of obstruction.
- Prior approval and implementation of the widening of the footway to 2m on Banbury Street and the permanent closure of the existing site access and its reinstatement as footway.
- No occupation until the access road, parking and turning areas have been provided in accordance with the approved plans.
- Submission, approval and implementation of surfacing materials for the access road, parking and turning areas; surface water drainage for such areas; and delineation of parking bays.
- Prior to occupation of plot 1 the parking spaces 1 and 2 shall be completed.
- Any gates to be a minimum of 5m from the site boundary and open away from the highway.
- Prior approval and implementation of a Construction Method Statement to include site compound; routing of construction vehicles; parking of vehicles; loading and unloading of plant and materials; storage of plant and materials; control of noise, vibration and dust; and wheel wash facilities.
- Provision of an access strip width of 6m, 3m either side of the centre line of the sewer crossing the site.
- The site to be drained on a separate system.
- Contaminated land conditions.

## **Reason for Recommendations**

This application has been undetermined for a period of approximately 56 weeks (at the time this report was prepared) so it was considered that the matter should be reported to the earliest possible meeting of Planning Committee. Whilst the final report of the District Valuer has now been received it has only just been received and there has been insufficient time to fully appraise the contents and reach a recommendation as to whether the application should be permitted without any financial obligations being secured. A further advance supplementary report will therefore be necessary.

## **Policies and Proposals in the approved development plan relevant to this decision:-**

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

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing

Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential development: sustainable location and protection of the countryside  
Policy T16: Development – General Parking Requirements  
Policy C4 : Open space in new housing areas.  
Policy IM1: Provision of Essential supporting Infrastructure

**Other material considerations include:**

National Planning Policy and guidance

National Planning Policy Framework (March 2012)

Draft National Planning Practice Guidance (August 2013)

Supplementary Planning Documents

Developer Contributions SPD  
Affordable Housing SPD  
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

Supplementary Planning Guidance

Space around dwellings

Planning Practice Guidance Note

Waste Management and Recycling Planning Practice Guidance Note (July 2011)

North Staffordshire Green Space Strategy (adopted 2009)

Newcastle (urban) Transport and Development Strategy (NTADS)

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2008/09

**Relevant Planning History**

In 2008 planning permission was granted for the following, under reference 07/00256/OUT:-

- (a) Full planning permission for a food retail store, car parking and servicing.
- (b) Outline planning permission for residential development (12 dwellings).

The permission has been partially implemented as the food retail store has been constructed.

In 2011 the outline planning permission for the residential development was renewed under application reference 07/00256/EXTN. All matters of detail, other than the access from Banbury Street, were reserved for subsequent approval and a financial contribution for open space enhancement/improvements and maintenance and towards the NTADS secured, subject to the implementation of that scheme.

The current application is a resubmission an application, reference 13/00785/FUL, for 15 new dwellings. The application was reported to the Planning Committee meeting on 19<sup>th</sup> November and 10<sup>th</sup> December 2013 but was withdrawn before a decision was made.

**Representations**

No further publicity has been undertaken and no representations were received when the application was publicised when initially received.

### **Applicant/agent's submission**

A Development Viability Appraisal undertaken by Butters John Bee. Details of the application but not of the appraisal, which contains confidential information, are available to view on the Council's webs site

### **KEY ISSUES**

The proposed residential development comprising 13 dwellings was considered acceptable by the Planning Committee in March 2014, however it was considered necessary to secure financial contributions through planning obligations to address certain impacts of the development. There has been no material change in planning policy relating to the case since then.

The proposed development of this vacant site introduces additional trips on the highway network. At the time the application was determined the policy of seeking developer contributions towards NTADS was still in place and it was considered that it was necessary to secure a contribution to NTADS appropriate improvements to local accessibility which would otherwise not be secured nor would sustainable modes of transport be promoted.

Additionally the development would result in additional pressure on limited primary school places of the school within whose catchment area it is located and a financial contribution to mitigate against such adverse impacts was considered necessary.

A planning obligation was also considered necessary to secure a contribution towards the development, improvement and maintenance of off-site public open space all in accordance with policy. It is proposed to spend the £38,259 contribution that is sought within Clough Hall Park, a neighbourhood park approximately 750m walking distance from the development where improvements have been identified as required.

In all cases it is still considered that the contributions that are sought comply with the tests in the CIL Regulations and as such would be lawful. It is therefore necessary to consider the response of the District Valuer and if the advice is accepted consider whether the benefits of the proposed residential development of this site is such that planning permission should be granted without securing any financial contributions.

Such matters will be addressed in an advance supplementary report.

### **Background Papers**

Planning Policy documents referred to  
Planning files referred to

### **Date report prepared**

20<sup>th</sup> February 2015