

The Committee resolved, at the meeting of 9th December 2014, to grant full planning permission for the for the erection of 22 affordable dwellings comprising a three storey block of 6 one bedroom flats; 10 two storey, two bedroom dwellings and 6 two bedroom bungalows subject to the applicant entering by the 20th January 2015, into Section 106 Obligations, to secure the following:

- i) A financial contribution of £22,062, index linked towards the provision of education facilities
- ii) A financial contribution of £64,746, index linked for open space enhancement/ improvements and maintenance

and subject to the Coal Authority withdrawing its objection by no later than 20th January.

As indicated in the quarterly report to the 31st March 2015 meeting on extensions to time periods within which obligations under Section 106 can be entered into) 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 9th February. A draft report from the DVS has been very recently been received (10th June 2015).

RECOMMENDATION

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 condition**
- **Approved plans/drawings/documents**
- **Approval of all external facing and roofing materials**
- **Inclusion of windows in side elevation of plots 21 and 22**
- **Landscaping scheme**
- **Details of boundary treatments, including to the rear of the adjoining commercial properties to block the existing gap**
- **Construction Method Statement.**
- **Provision of access drives, parking and turning prior to occupation.**
- **Access to plots 4 to 11 to comply with submitted Cameron Rose Associates plan.**
- **Width of driveway to plots 1 to 3 to be 4.5m for first 6m rear of the highway boundary.**
- **Permanently closure of redundant access.**
- **Driveways to be surfaced in a bound material for 5m from the highway boundary.**
- **Surface water interceptors to be provided where driveways fall towards the public highway.**
- **Contaminated land conditions**
- **Site to be drained on a separate system with no surface water to be discharged into combined sewer network.**
- **Provision of 10m access strip to public sewer crossing site.**
- **Updating of ventilation system of adjoining fish and chip shop**
- **Coal Authority**
- **Remedial measures to address the coal mining legacy issues present on the application site be undertaken prior to commencement of development**

Reason for Recommendation

This application has been undetermined for a period of approximately 36 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 a draft report of the District Valuer has now been received

this is very recently and there has been insufficient time to fully appraise the contents and reach a recommendation as to whether the application should be permitted without part or all of the policy compliant contributions. A further advance supplementary report will therefore be necessary.

KEY ISSUES

The proposed residential development comprising 22 dwellings was considered acceptable by the Planning Committee in December 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 issue of planning obligations since then, although Regulation 123 of the Community Infrastructure Levy has come into force so it will need to be taken into account. In brief this indicates that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and, if five or more obligations providing funding for that project or type of infrastructure have already been entered into since 6 April 2010

The development would result in additional pressure on limited primary school places of the school (St. Saviours) 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 £64,746 contribution that is sought within Clough Hall Park, a neighbourhood park approximately 200m walking distance from the development where improvements have been identified as required.

Your Officer is satisfied that such obligations would comply with Section 122 of the CIL Regulations, but it is also necessary to consider whether they would comply with Section 123 which came into force on 5th April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and, if five or more obligations providing funding for that project or type of infrastructure have already been entered into since 6 April 2010. There have already been 3 obligations entered into that secure a contribution towards St Saviours Primary School and one obligation towards Clough Hall Park.

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 or less financial contributions than would be required to be policy compliant.

Such matters will be addressed in an advance supplementary report.

The Coal Authority has withdrawn their objection to the application upon consideration of additional information provided following site investigation works undertaken on the site.

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 H4: Housing Development and Retention of Parking Facilities.
Policy T16: Development – General Parking Requirements
Policy C4: Open Space in New Housing Areas

Other material considerations include:

National Planning Policy and guidance

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Supplementary Planning Guidance/Documents (SPGs/SPDs)

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (July 2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design SPD (2010)

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

Relevant Planning History

None

Views of Consultees

The Coal Authority have withdrawn their objection and recommend a condition that ensures that remedial work is undertaken.

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. Details of the application but not of the appraisal, which contains confidential information, are available to view on the Council's website

Background Papers

Planning Policy documents referred to

Planning files referred to

Date report prepared

11th June 2015