

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
CABINET

Date 22 July 2015

1. **Report Title: Petition submitted to Council opposing the inclusion of land known as 'The Butts', Gallowstree Lane, Thistleberry, Keele, Newcastle under Lyme in the response to the Local Plan Call for Sites.**

Submitted by: The Property Manager

Portfolio: Planning and Housing

Ward(s) affected: Thistleberry

Purpose of the Report

To provide members with information that will enable Cabinet to make a decision in this matter.

Recommendations

- (a) That Members receive and note the petitioners concerns and objections.
- (b) That members consider the issues raised by the petitioners in light of previous decisions and supporting documents.

Decision required

Do Members wish to reaffirm their decision of 12 November 2014 and authorise this area of land, to be subjected to the proposed joint local planning process and the associated masterplanning exercise of the wider area.

Reasons

Receipt of the petition was reported to Council on 25 February 2015 where because the actions being requested were outside the remit of the Council, it was resolved that the matters raised should be referred back to Cabinet for additional consideration.

1. **Background**

- 1.1 A report to cabinet on 12 November 2014 sets out the background and context which resulted in the decision to include this Borough Council owned land, along with some twenty other areas of land, in a Joint Local Planning (JLP) process designed to identify a future development land use supply.

- 1.2 Following Cabinet's decision to include The Butts in the JLP 'Call for Sites' a local residents' letter and petition of some 302 signatories was received 3rd February 2015 (see Appendix 1). The petition was presented to Council on 23 February 2015 which resolved because of the actions requested that matters be referred back to Cabinet for additional consideration.
- 1.3 The stated purpose of the petition was;
- to put on record objection to the Council's (i.e. Cabinet's) decision identifying The Butts as appropriate for alternative use or development once key strategy documents have been finalised.
 - to request the Council to revoke its decision to include The Butts in the JLP exercise or confirm its decision but identifying The Butts as suitable for continuing open space, not as appropriate for alternative use or development.
- 1.4 In summary the petitioners' letter contended;
- The inclusion of The Butts in the JLP exercise suggested that it had been identified as appropriate for alternative use, inferring that its sale for housing development could be anticipated. It was stated that local residents and others who use it had serious concerns about the possible loss of this important amenity and were strongly opposed to its development.
- 1.5 That despite the Council giving assurances that the inclusion of any site which it owned in the JLP process did not mean that a decision had been taken to change its planning policy status, or to sell or redevelop the land, residents inferred that the sale of The Butts and its development for housing purposes could be anticipated.
- 1.6 Reference was made in the letter to the National Planning Policy Framework (NPPF), Planning Policy Guidance 2 (PPG2) and several court decisions, the relevance of which were stated to be considered as material consideration in planning decisions.
- 1.7 With regards to the report to Cabinet on 12 November 2014 and its decision to participate in the 'Call for Sites' initiative your officers consider that it is very important to distinguish between the Council as an owner of land and property and its statutory function of Local Planning Authority.
- 1.8 As a major landowner the Borough Council has an obligation to participate in the 'Call for Sites' initiative and the inclusion of greenfield sites has been accepted as necessary since it is unlikely sufficient brownfield land areas will become available for redevelopment.
- 1.9 Members are advised that the provision of information to the JLP exercise is not a commitment to release land for development, rather it is to assist in the identification of sites that have the potential to meet differing land use demand requirements over the next 15 – 20 years.
- 1.10 It is quite possible that land submitted and subjected to a thorough, rigorous, comprehensive iterative process will either not be found appropriate to be allocated for development or may even be allocated for open space. In this case members will recall that this parcel of land had been included, along with a number of other parcels of land to the south and west of urban Newcastle, with a view to undertaking a comprehensive master planning exercise in the expectation that a range of appropriate land uses would be identified within a coherent overall plan; such a plan would include appropriate and necessary open space. The forthcoming review of the Green Space Strategy will help to inform the future status of the land. In addition to the above Members will be aware that the subject land lies within the

currently designated Green Belt so any development would require the demonstration of exceptional circumstances.

- 1.11 The purpose of the Council's planning policy function is to monitor the supply and availability of land for future housing and employment development purposes. The outcome the JLP will identify and bring forward sites in both public and private ownership that are capable of meeting land use needs, be this for housing, industrial or commercial development purposes. The process is evidence-led, key to which is the Strategic Housing Market Assessment, Employment Land Review, Green Belt Review, Sustainability Appraisal(s), Green Space Strategy and Strategic Housing Land Availability Assessment.

2. **Issues / options**

- 2.1 Taking account of the above members need to decide how to proceed and there are three broad options as follows:
- a) Continue to allow The Butts to go forward and be subject to the outcome of masterplanning and JLP process on the basis that such Plans will guide future decision-making as to the use of the subject land.
 - b) Revoke the decision to include The Butts in the JLP exercise and formally advise the local planning authority accordingly.
 - c) Confirm the decision but to identify The Butts as suitable for continuing open space only and not as appropriate for alternative use or development.

3. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 3.1 The identification of land which has the potential to meet future land use needs will enable the achievement of priority outcomes in all four of the Council's corporate priorities.

Should Borough Council owned land be identified as suitable for alternative use, be approved for release, sale and development then the council would secure a 'best value' capital receipt upon disposal.

4. **Legal and Statutory Implications**

- 4.1 There are no legal or statutory implications arising directly from this report.

5. **Equality Impact Assessment**

- 5.1 There are no such issues arising directly from this report.

6. **Financial and Resource Implications**

- 6.1 There are no such issues arising directly from this report.

7. **Major Risks**

7.1 There are a number of risks which will need to be balanced and weighed against one another in order depending upon the preferred course of action. Significant considerations include the following:

- The risk of under-provision of appropriate green spaces to meet community needs;
- The risk of the Council incurring unnecessary ongoing land maintenance costs;
- The under-utilisation of public assets;
- The risk of considering this site in isolation from other assets in the locality placing a greater burden upon other locations in meeting needs.

8. **Key Decision Information**

8.1 The full Council has delegated consideration of this matter to Cabinet.

9. **Appendices**

9.1 Letter and petition dated 03 February 2015 from Mr T. Cooper

10. **Background Papers**

10.1 Cabinet report dated 12 November 2014 – ‘Council response to the Newcastle-under-Lyme and Stoke-on-Trent Joint Local Plan – ‘Call for Sites’.

10.2 Asset Management Strategy 2015/16 to 2017/18

10.3 Cabinet report 10 December 2014 – to undertake a review of the Green Space Strategy.