

Public Document Pack

Date of meeting Tuesday, 14th August, 2018
Time 6.30 pm
Venue Astley Room - Castle House
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Planning Committee

SUPPLEMENTARY AGENDA

PART 1 – OPEN AGENDA

- 4a APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJ TO ROWLEY HOUSE, MOSS LANE, MADELEY. PRIME DEVELOPERS (CREWE) LTD. 17/01004/REM (Pages 3 - 4)
- 5a APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF NEW ROAD, MADELEY. HILLBRE HOMES. 18/00225/REM (Pages 5 - 6)
- 6a APPLICATION FOR MAJOR DEVELOPMENT – ORME CENTRE, ORME ROAD, NEWCASTLE. MR LADSON. 18/00183/FUL (Pages 7 - 8)
- 7a APPLICATION FOR MAJOR DEVELOPMENT - LAND AT WEST AVENUE, KIDSGROVE. WESTLEIGH PARTNERSHIPS LTD. 18/00239/FUL (Pages 9 - 10)
- 8a APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF WATERMILLS ROAD, CHESTERTON. CARDEN DEVELOPMENTS LTD. 18/00017/REM (Pages 11 - 12)
- 9a APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF PEPPER STREET, KEELE. KEELE HOMES LTD. 18/00262/REM (Pages 13 - 16)
- 10a APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF MUCKLESTONE ROAD AND WEST OF PRICE CLOSE, LOGGERHEADS. ELAN HOMES (MIDLANDS) LTD. 18/00315/REM (Pages 17 - 18)

- 11a APPLICATION FOR MINOR DEVELOPMENT - LAND SOUTH OF MUCKLESTONE ROAD, LOGGERHEADS. ELAN HOMES (MIDLANDS) LTD. 18/00314/FUL (Pages 19 - 20)
- 13a APPLICATION FOR MINOR DEVELOPMENT - NEW FARM, ALSAGER ROAD, AUDLEY. MR EMERY. 18/0122/FUL (Pages 21 - 24)
- 15a QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO (Pages 25 - 26)

Members: Councillors Burgess, Mrs J Cooper, Fear (Chair), Maxfield, Northcott, Pickup, Proctor, Reddish (Vice-Chair), Spence, S Tagg, G Williams and J Williams

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.

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
14th August 2018

Agenda item 4

Application ref : 17/01004/REM

Land adjacent to Rowley House, Moss Lane, Madeley

Since the agenda report was written a number of items of further correspondence have been received and the Committee's site visit has taken place on the 9th August

In terms of representations 4 further letters of objection have been received, two of which are from **Ward Councillor Gary White**. He particularly expresses concern about the position of the house on plot 22 which he considers to be overdevelopment and requests that the Committee should refuse the application on the basis that the detrimental and adverse impact on the existing properties now far outweighs the benefits of the proposal. He has also submitted a number of photographs which show standing water on the site and he indicates that there is a genuine concern that the flooding aspect (of the site) is not being taken sufficiently into account in the process.

The other two representations include the objections as already summarised in the report and focus on the issue of the question of surface water drainage (and further photographs of the site with standing water are provided). They assert that the level of large scale excavation and drainage work that would be required to pump away the surface water in a manner that satisfies United Utilities and Network Rail would involve major drilling and consequential vibrational damage both to The Bridle Path properties and the West Coast mainline. It is also asserted that the development makes a limited contribution in terms of the provision of the amount of affordable housing; and that high value properties on a development in the vicinity are not selling, which they say is evidence of a lack of need. They ask that concerns raised by local residents are seriously addressed. Other points made include parking issues around the surgery, a concern that there may be harm to protected trees, and that the development may proceed but then stall because of unanticipated costs associated with dealing with the surface water issue.

In relation the issue of the handling of surface water in the development, it was well known at the time when the outline planning permission was granted that at times the site had standing water upon it, and that it would appear continues to be the case. Advice was taken from the relevant authorities at that time (the Environment Agency) and a suitably worded condition was attached to the outline planning permission requiring before the development commences a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, to be submitted to and approved in writing by the Local Planning Authority.

Whilst the applicant has been seeking to demonstrate that the proposed layout is compatible with an acceptable drainage strategy, they have been frustrated by unsuccessful attempts to survey by camera the existing surface water drains that traverse the site and to which surface water from Moss Lane is lead and that from the site south towards the Network Rail land. These drains are blocked which means that they cannot survey (and which may well at least in part explain why there is standing water on the site.) The drain across the site almost certainly would be replaced and upsized as part of the development (increasing the retention capacity to address the provision of additional hardsurfaces which development inevitably involves). The applicants are now awaiting information from Network Rail, in order to satisfy the Local Lead Flood Authority. Whilst a number of members of the public have drawn attention to the fact that there is sometimes standing water on part of the site, as the agenda report indicates whilst the LLFA has not been able to confirm that the submitted layout is compatible with an acceptable drainage strategy, details of the drainage strategy are not

required to be submitted as part of this application for the approval of the “reserved matters” - of internal access arrangements, layout, scale, external appearance, and landscaping. Were approval to be granted for this reserved matters application the condition would still need to be discharged, and if it eventually turned out that a different layout was required, then that too would need to be the subject of a new alternative application.

Turning to the other matters raised in the further representations they are all addressed in the agenda report.

Members are reminded that Outline planning permission exists for this development so those representations which seek to raise issues of principle cannot be a basis for refusal of the application

A number of matters were raised by members of the Committee during the course of the site visit. An additional cross section (between plot 29 and the nearest bungalow) is in the course of being provided and the sectional details shown to the Committee on site are being further annotated to show the additional information requested by Committee members during the site visit. This drawing should be available by the time of the Committee meeting. Similarly the submitted detailed landscaping drawing is again available to be shown if that is what members wish to see.

In terms of the relationship that would be created between the properties on The Bridle Path and those within the new development (a relevant material consideration in the determination of this application), members will have had the opportunity to see the position on site and your attention is drawn to the cross sectional details (4 will be available by the time of the meeting). The appropriate measure against which to judge their acceptability is the Council’s adopted Supplementary Planning Guidance on Space about dwellings and it is again confirmed that the distances and relationships achieved comply with such guidance. The report in section 3 considers this matter in greater depth.

The recommendation remains as per the main agenda report one of approval subject to the conditions as listed.

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

14th August 2018

Agenda item 5

Application Ref. 18/00225/REM

Land at New Road Madeley

Since the publication of the main agenda report a further representation has been received from Councillor Gary White on the grounds that the proposed dwellings adjacent to the southern boundary would result in a loss of privacy to neighbouring properties on Woodside due to the gradient of the land. He also indicates that the lack of a pedestrian link to Woodside makes the development unacceptable.

Further information regarding a pedestrian link from the proposed development to Woodside has been submitted and the applicant has indicated that there are 3 options for the proposed link:-

1. Removal of tree T5 and connect the footpath to Woodside;
2. Have the footpath to the roadside of the tree with a width of 450mm
3. Create a footpath link crossing New Road

Officer Response

The agenda report deals at length with the issue of the relationship between the new development and the properties on Woodside and there is nothing useful to add to that.

The removal of tree T5 (option 1) is not acceptable (the tree is of significant amenity value and in good condition) and as far as option 2 is concerned also the available width of 450mm would not allow enough room for a footpath solution/ structure (bridge type structure to avoid roots) to be constructed, whilst also being useable by pedestrians. Whilst the reduced width would be only for a relatively short distance the width achieved would fall well below the standard 1.8 footway width that is normally sought (which allows for people, including those with pushchairs, to pass)

Therefore, option 3 is the only feasible solution and whilst a pedestrian link is still desirable it is considered that the fact that the most direct link on the same side of New Road would not be achieved would not justify refusal because the pedestrian and vehicular access to the development would still be safe without such a link. Condition 15 set out in the recommendation of the main agenda report seeks details of an additional off site pedestrian crossing to the other side of New Road.

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

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
14th August 2018

Agenda item 6

Application ref : 18/00183/FUL

Former Orme Centre, Orme Road, Newcastle

At the time of writing it has not been possible to yet give the District Valuer further instructions in this case due to delays on your Officer's side and thus to give the District Valuer an opportunity to review further information and case provided by the applicant so providing the District Valuer with an opportunity to consider whether he wishes to maintain the position set out in his draft appraisal report or to amend that report. The applicant has provided reasons in some detail as to why he considers the methodology underpinning the District Valuer's report is mistaken but the District Valuer has not yet been provided with an opportunity to respond to those concerns, and this is considered appropriate. In coming to a recommendation your Officer will also need to take into account new national planning practice guidance on Viability which appears on initial reading to be particularly relevant to this case.

In the circumstances your Officer is not yet in a position to advise the Committee with sufficient confidence as to the financial viability of the scheme that is the subject of the application, and its ability or otherwise to make policy compliant contributions. Accordingly your Officer recommends to the Committee that it defer its decision upon this application. There is a reasonable expectation that by the time of the next meeting on the 11th September such advice should be able to be given, provided the applicant continues to cooperate with the Council as it seeks advice from the District Valuer. Members may wish to note that the applicant has already agreed to extend the statutory period to the 21st September so the application would still be capable of being determined "in time" if it were to be determined by the 11th September Planning Committee (albeit if the Committee do accept the applicant's position there would still be a need for a new Section 106 agreement that might not be able to be completed by the 21st September, and the applicant's agreement to a further extension of time would be required). It is expected such agreement would be likely to be forthcoming in that scenario.

Revised recommendation – that a decision on this application be again deferred to enable your Officer to obtain and consider a final report from the District Valuer on the financial ability or otherwise of the scheme to make policy compliant contributions, and to then advise the committee of the position in the light of such a report

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
14th August 2018

Agenda item 7

Application ref : 18/00239/FUL

Land at West Avenue Kidsgrove

Since the preparation of the main agenda report there has been contact with the agent for this application. They have explained that due to various factors, including the absence of staff due to the holiday period and difficulties that they have experienced in obtaining instructions from their joint clients, they have not yet been able to submit to the Council the additional information that they had asked been asked to provide. They say that they were also waiting in relation to the issue of air quality to hear from the Environmental Health Division, and that they had not expected the application to be on the agenda for the 14th August meeting. They do say that progress has been made on the obtaining of information - a speed survey and Road Safety Audit have both been undertaken, but there is further work to be done such as the preparation and checking of plans and reports before they are submitted, and they were not in a position to submit this material by before the Committee's guillotine (8th August) - and the work remains incomplete. They have agreed to extend the statutory period to a date after the September meeting so if the Committee were to defer a decision on the application a decision made at the September meeting would still be "in time" and the applicants could not in the interim appeal against the Council's failure to determine the application within the statutory period

It is surprising that the agents did not expect the item to be on this agenda given the contacts between your officers and the agent. As a general point Local Planning Authorities are encouraged to deal with applications in a timely manner, although it has to be said that the non-determination of this particular application is unlikely to be causing unacceptable uncertainty or concern to the owners or occupiers of neighbouring properties, as far as your officers are concerned. The information that has been requested was asked for on 15th May and the application as at the August meeting is on week 17, however the applicants have made it clear that they are prepared to address concerns raised by consultees.

It is for members to decide whether or not to determine the application on the 14th August or whether to defer the decision. If members were intent upon determining the application your officers would wish to have the opportunity to give a recommendation in that scenario, but taking into account the time that has elapsed on the one hand, and the stated intent of the applicants to address concerns raised, it is considered it would be reasonable to afford the applicants just one further opportunity to submit the material, whilst making it clear to them that material needs to be submitted by no later than the 17th August to enable the views of consultees to be obtained and that the intention is that the Committee will determine the application at its next meeting regardless of whether the material was submitted in time

A further consideration is that with the publication of the revised national planning practice guidance on Viability your officer now wishes to at least review the advice previously given on that matter, and time is required to do this.

Amended Recommendation

That a decision on the application be deferred but only until the 11th September, to allow a further opportunity for additional information requested to be provided, consulted upon and taken into account by the LPA in its decision, and your Officer to review advice previously given in the light of the new planning practice guidance on Viability

FIRST SUPPLEMENTARY REPORT

TO THE PLANNING COMMITTEE

14th August 2018

Agenda item 8

Application Ref. 18/00017/REM

Land off Watermills Road, Chesterton

Since the publication of the main agenda report, the comments of the **Highway Authority** on the most recent revised plan have been received. They raise no objections subject to the same conditions as recommended in their previous comments.

The RECOMMENDATION remains as set out in the main agenda report – one of refusal for the reasons indicated in that report.

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
14th August 2018

Agenda item 9

Application ref: 18/00262/REM

Land off Pepper Street, Keele

Since the preparation of the main agenda report **two further representations**, including one that is signed by 23 residents of Pepper Street and Quarry Bank have been received objecting to the proposal and asking the LPA to refuse the application

Points made include

- The proposals include building over a railway tunnel to which the Railway authorities have previously objected
- Only 6 of the homes are designated “affordable”
- It would be negligent to build family homes close to the ponds on the site
- The access point onto Pepper Street would be dangerous
- No provision has been made to deal with the risk associated with the uncapped and unlined landfill site
- Attempting to put out the fire presents an extreme danger, and a bond and comprehensive risks insurance must be in place prior to such works
- There should be an up to date independent thermal imaging survey taken of the fire – it is wrong to rely on one that is out of date and was submitted by the developer
- Keele Homes have removed a large number of trees regardless of some having TPO’s
- Despite White Young Green advising that fencing should be provided around the underground fire site this has not been provided, the Borough Council has failed to insist upon this
- Residents need assurance that should KH attempt to open up the underground fire site there will be regular monitoring of air pollution

With respect to the first point Network Rail only objected previously because the outline application originally included land within the ownership of Network Rail. Further comments now received from Network Rail are considered below.

With respect to the number of affordable units that figure on the plans reflects what was subsequently agreed by the LPA albeit for a limited period that has now passed. The issue of the number of affordable units in the scheme will be the subject of a separate report, as explained in detail in paragraphs 5.1 - 5.3 of the main agenda report

With respect to the issue of the proximity of the housing development to water bodies this was known at the time of the outline consent and the design includes natural surveillance by properties of these features and further details of separation of these features from key routes and play facilities can be achieved by conditions.

The issue of the suitability of the main access onto Pepper Street was addressed at outline stage and accepted by the Local Planning Authority (it cannot be reopened now). The Highway Authority has no objections to the “new” access serving the three units.

The former landfill site although included within the red edge area is no longer to be publically accessible. Any potential issues arising from its proximity is addressed by conditions of the outline planning permission which include a condition which requires the area to be fenced off and access prevented if, as is the case, it is not to be accessed.

Approval for the principle of residential development has been granted. This is an application for the approval of the reserved matters of that outline planning permission. As such objections to the principle of housing development are not material to the determination of the application now before the authority. Nevertheless members will want to note that a number of matters raised by the third parties are the subject of conditions attached to the outline planning permission which will still need to be discharged before the development can proceed- for example the provision of fencing to prevent access to the site of the former tip.

Having been reconsulted following the submission of a revised site layout plan **Keele Parish Council** wish their previous comments (reported in the consultation section of the main agenda report) to be considered, whilst **Silverdale Parish Council** add to their previous comments expressing concern about the reduction in the number of affordable housing units, that the landscape proposes more losses than replacements and finally that the proposal for one access and no loop road will cause an issue for bin wagons, emergency services and estate traffic if there is on road parking as well

Network Rail has commented. Whilst they list details of further information that they require and a considerable number of conditions that they wish the developer to comply with, it would appear that such conditions are not ones that need to be included in any grant of planning permission with the exception of the request for further information to clarify the depth of dig above the tunnel, foundation works, excavation/earthworks. As it is now known that dwellings are proposed in a location above the tunnel it would be appropriate to impose such a condition.

The **Highway Authority** has commented upon the revised layout now before the LPA. They have no objection to the scheme on highway grounds provided a number of conditions are attached. These conditions are similar to those that they sought on the scheme as originally submitted, and such conditions have been taken into account in the list of conditions presented in the main agenda report with the exception of a condition requiring the retention of garages for the parking of vehicles. Such a condition is not justified as sufficient parking is provided within the plots to accord with policy without the need to retain garages for the parking of vehicles.

The **Landscape Development Section** has reviewed the most recent site layout and an Amended Strategic Landscape Plan. The importance of preventing any further works until Tree Protection fencing is agreed and installed is emphasised. They make some comments about the further information that had been provided by that stage accepting that some of their continued concerns could be dealt with by appropriately worded conditions. Additionally they ask for additional replacement planting on the area currently occupied by the burning spoil heap to mitigate the loss to date of woodland, the retention where possible of the hedgerow along Pepper Street and an adjustment of the proposed footpath along the southern boundary of the site.

Subject to the above they suggest the following conditions

- Retention of roadside hedgerow along Pepper Street except where removal is required to provide the access.
- Tree Protection Plans (to include hedgerows)
- Approval of a Schedule of works to retained trees.
- Full Landscaping proposals including replacement woodland planting (positioned on the burning tip area)
- No levels alterations within RPAs of retained trees
- Approval of an Arboricultural Method Statement to all works within RPAs of retained trees.
- Approval of proposals for boundary treatment
- Management plans for the areas of open space within the development

Such conditions are considered to be reasonable and appropriate and are therefore recommended. It is not, however, necessary to include a condition regarding the

management of the areas of open space as this was addressed within the Section 106 Agreement entered into in connection with the outline planning permission.

Subsequently in response to a revised Arboricultural Method Statement and Arboricultural Impact Assessment Statement, and further comment by the applicant's arboricultural consultants the LDS have commented further. They confirm that having expressed previously the view that the proposals do not demonstrate that the play equipment can be installed where shown (without adversely impacting trees that remain) they do say that they still have such concerns. However they have concluded that they would not object to the principle of having play equipment within the tree'd areas and they seek a number of conditions relating to the following matters

- Exact type of equipment to be confirmed
- Confirmation of the exact location of the LEAP equipment which may need to include some of the area of the restored burning spoil heap
- Type of surfacing to be used for the play area
- Means of protection/separation for site users from the road and pond.

Recommendation

The recommendation remains as per the main agenda report but a number of additional conditions are required to address issues raised by consultees since the main agenda report was prepared. The conditions are now recommended are as follows:

1. Approved plans/documents
2. Prior to commencement of the construction of the dwellings details of the house types and location of the affordable housing units at the level stipulated within the relevant S106 Agreement shall be agreed by the Local Planning Authority (LPA).
3. Prior to commencement of the construction of the dwellings details submission and approval of all external facing materials and hard surfacing materials.
4. Prior to commencement of the construction of the dwellings full details of the pedestrian/cycle links from the development onto Hollywood Lane shall be agreed by the LPA and implemented prior to occupation of any of the dwellings.
5. Prior to commencement of construction of the dwellings on plots 1-3 and 93-97 and the access to those plots, details of the depth of dig above the tunnel, foundation works and excavation /earthworks
6. Approval of tree protection plans (including of hedgerows)
7. Approval of a schedule of works to retained trees
8. Prior approval of further landscaping details (planting numbers, density and sizes), including replacement woodland planting to supplement the approved Strategic Landscape Masterplan.
9. No levels alterations within RPAs of retained trees unless prior written consent obtained
10. Approval of an Arboricultural Method Statement for all works within RPAs of retained trees
11. Approval of proposals for boundary treatment
12. Prior approval of revised internal access road details providing 6m internal access road junction radii.
13. Prior approval of surfacing materials and surface water drainage of private, parking and turning areas.
14. Provision of visibility splays.
15. Private drive to have a minimum length of 6m.
16. Retention of roadside hedgerow along Pepper Street except where removal is required to provide the access.
17. Tree Protection Plans (to include hedgerows)
18. Approval of a Schedule of works to retained trees.
19. Full Landscaping proposals including replacement woodland planting (positioned on the burning tip area)
20. No levels alterations within RPAs of retained trees

21. Approval of an Arboricultural Method Statement to all works within RPAs of retained trees.
22. Approval of proposals for boundary treatment
23. Prior approval of the full and precise details of the LEAP including the type of equipment to be installed, its location, surfacing and means of protection/separation from the road and the pond.

FIRST SUPPLEMENTARY REPORT

TO THE PLANNING COMMITTEE

14th August 2018

Agenda item 10

Application Ref. 18/00315/REM

Land south of Mucklestone Road, Loggerheads

Paragraph 3.2 of the agenda report, which comments on residential amenity, states that the ground level of the bungalows on Price Close is approximately 3m higher than the ground level of Plot 46. A site section has now been received from the applicant's agent that shows that the difference in levels is actually just under 2 metres. Your Officer's view remains that this relationship is acceptable and that there would be no significant adverse impact on the amenity of the occupiers of the existing dwelling on Price Close.

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

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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
14th August 2018

Agenda item 11

Application Ref. 18/00314/FUL

Land south of Mucklestone Road, Loggerheads

Given that this is a full planning application rather than a reserved matters application, the Section 106 agreement relating to the outline consent for the wider site (Ref. 15/00202/OUT) would not ordinarily apply to this consent and the agenda report refers to the need for a Section 106 agreement or undertaking or some other mechanism to ensure that there is no diminution of the secured contributions and to address the issue of what would happen if only this consent were to be taken up.

Having considered the requirements of the Section 106 agreement relating to the outline consent for the wider site, your Officer's advice is that the granting of full planning permission for this site should be subject to a Section 106 agreement to preserve the Council's position in respect of obligations secured. Indeed subject to legal advice it may even be necessary to require a Deed of Variation of the original Section 106 agreement

The revised RECOMMENDATION is as follows:

A) Subject to the applicant entering into a planning obligation and/or any required Deed of Variation of the original Section 106 agreement, by 14th September 2018 that preserves the Council's position in respect of obligations secured prior to the grant of permission 15/00202/OUT unless the Head of Planning in consultation with its Solicitor is satisfied that the matter can be dealt with via another mechanism such as a condition, PERMIT the planning application subject to the following conditions:

- 1. Time limit**
- 2. Approved plans**
- 3. Materials**
- 4. Landscaping scheme for public open space**
- 5. Revised access details**
- 6. Provision of private drive, parking and turning areas**
- 7. Surfacing materials for private driveway, parking and turning areas**
- 8. Off-site highway works**
- 9. Vehicular access to remain un gated**
- 10. Construction Method Statement**
- 11. Noise levels**
- 12. Construction hours**
- 13. Report of unexpected contamination**
- 14. Importation of soil/material**

B) Failing the securing by the date referred to in the above resolution (A) of the above mechanism, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that in the absence of

a secured mechanism the development would fail to secure the provision of adequately maintained public open space, appropriate provision for required education facilities and measures to ensure that the development achieves sustainable transport outcomes; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

14th August 2018

Agenda item 13

Application Ref. 18/00122/FUL

Land at New Farm, Alsager Road, Audley

Since the publication of the main agenda report, the applicant has indicated that the trigger point of 12 months by which time substantial commencement of the development would need to have been achieved, otherwise a review mechanism for the financial viability of the scheme, is too challenging and that 24 months would be more appropriate in this instance.

The reasons set out by the applicant are that both demolition of existing buildings and a footpath link (with the highway boundary) are required which would delay the construction of the dwellings.

Officer Response

The Council's practice has generally been to seek financial viability reappraisals if substantial commencement has not occurred within one year of the date of the planning permission – this being on the basis of the consistent advice of the District Valuer on this matter. However, there have been a number of cases whereby this period has been extended to 18 months because certain constraints would delay construction and subsequently substantial commencement. The reason for setting a trigger for reevaluation is to ensure that if there is a significant delay in progressing the development the financial circumstances that prevail when it is eventually undertaken can be taken into account. As members will be aware it is possible to keep alive a an extant full planning permission by relatively minor works.

In this instance, your officers accept that the requirement to demolish existing buildings on the land would delay construction. However, whilst a footpath extension within the highway will firstly require approval from the LPA, by way of a condition approval application and secondly from the Highways Authority, via a highways agreement under Section 278, it is not considered that this should delay the development significantly and the 24 months requested by the developer appears excessive.

Therefore, your officers are willing to accept that an extended 18 month period can be given in this instance. It is considered that the definition of “substantial commencement” in this case should be the completion to damp proof course level of 3 dwellings and the construction to base course level of the access and footpath extension. This would ensure that the LPA is consistent in its approach when considering financial viability matters.

Revised Recommendation

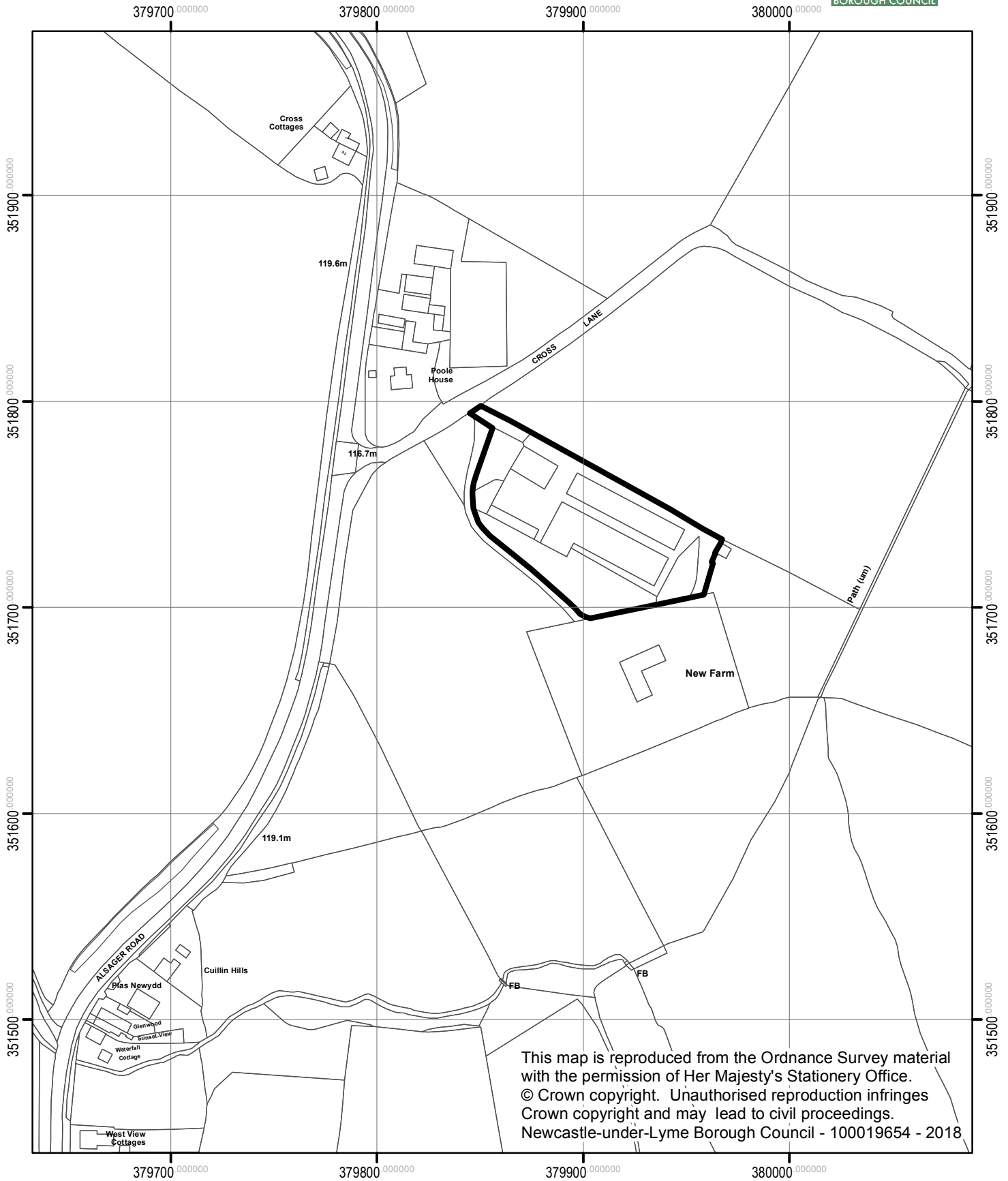
Subject to the applicant first entering into a Section 106 agreement by 18th September 2018 to secure a review mechanism of the scheme's ability to secure

policy compliant on-site affordable housing and a contribution towards off site public open space, if the development is not substantially commenced (completion to damp proof course level of 3 dwellings and the construction to base course level of the access and footpath extension) within 18 months from the date of the decision, and the payment of such a contribution and the provision of such affordable housing if found financially viable, **PERMIT** the application subject to conditions relating to the following matters:-

1. Standard Time limit for commencement of development
2. Approved Plans
3. Facing and Roofing Materials
4. Boundary Treatments
5. Finished Ground and Floor Levels
6. Access, Internal Road and Parking to be provided prior to occupation
7. Visibility Splays
8. Surfacing and Drainage (roads, access and parking)
9. Footway Provision on Alsager Road (to the site)
10. Garages Retained for Parking and Cycles
11. Approval of Tree and Hedgerow Protection Proposals
12. Arboricultural Method Statement to BS5837:2012
13. Landscaping
14. Construction Environmental and Highways Management Plan
15. Land Contamination
16. Foul and surface water drainage details

B. Should the matters referred to above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an obligation there would not be an appropriate review mechanism to allow for changed financial circumstance, and, in such circumstances, the potential provision of policy compliant financial contribution towards public open space and onsite affordable housing.

New Farm, Alsager Road, Audley.



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FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
14th August 2018

Agenda Item 15

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

With respect to application **(2) Land south of Market Drayton Road 17/00067/DEEM4** the Council's legal representative has indicated that the terms of the agreement have now been settled and engrossments are being prepared. A further extension of time to allow the completion of the agreement is considered appropriate and has been given.

With respect to application **(6) 24 Greenock Close 17/01015/OUT** your Officer has recently agreed that the applicant can have until the 14th September to complete the planning obligation.

With respect to application **(7) The Former Orme Centre, Orme Road, Newcastle 18/00090/FUL** the Council's legal representative has indicated that limited progress has been made by either party and this is likely to continue until application 17/00183/FUL has been determined by the Planning Committee (see report on this same agenda). In the circumstances your Officer has agreed to extend the period for the completion of the Section 106 agreement to the 27th August 2018.

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