

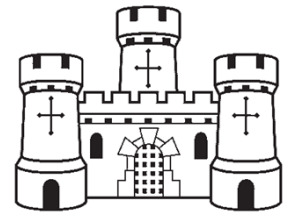
Public Document Pack

Date of meeting Tuesday, 9th October, 2018

Time 7.00 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

- | | |
|--|-----------------|
| 3a MINUTES OF PREVIOUS MEETING(S) | (Pages 3 - 4) |
| 4a APPLICATION FOR MAJOR DEVELOPMENT – FORMER BENNETT ARMS, LONDON ROAD, CHESTERTON. MR ANDREW GREEN. 18/00371/FUL | (Pages 5 - 6) |
| 4b APPLICATION FOR MAJOR DEVELOPMENT – FORMER BENNETT ARMS, LONDON ROAD, CHESTERTON. MR ANDREW GREEN. 18/00371/FUL | (Pages 7 - 8) |
| 8a APPLICATION FOR MINOR DEVELOPMENT - NEW FARM, ALSAGER ROAD, AUDLEY. MR. EMERY. 18/00122/FUL | (Pages 9 - 12) |
| 9a APPLICATION FOR MINOR DEVELOPMENT – FORMER HALMEREND WORKING MENS CLUB. KELLY HOMES. 18/00329/FUL | (Pages 13 - 14) |

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.

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

Contacting the Council:

Switchboard 01782 717717 . Text 07800 140048

Email webmaster@newcastle-staffs.gov.uk.

www.newcastle-staffs.gov.uk

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.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

PLANNING COMMITTEE

Thursday, 27th September, 2018
Time of Commencement: 7.00 pm

Present:- Councillor Andrew Fear – in the Chair

Councillors Burgess, Mrs J Cooper, Maxfield, Panter, Pickup, Sweeney,
G White, G Williams and J Williams

Officers Pete Attwell - Senior Planning Policy Officer,
Head of Planning and Development - Guy Benson,
Geoff Durham - Mayor's Secretary / Member Support Officer,
Rachel Killeen- Senior Planning Officer
and Trevor Vernon -Solicitor

Apologies Councillor(s) Northcott, Proctor, Reddish and S Tagg

1. APOLOGIES

Apologies were received from Councillors Northcott, Proctor, Reddish and Tagg

2. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 11 September be agreed as a correct record.

4. FIVE YEAR HOUSING LAND SUPPLY STATEMENT FOR THE BOROUGH OF NEWCASTLE-UNDER-LYME COVERING THE FIVE YEAR PERIOD FROM 1 APRIL 2018 TO 31ST MARCH 2023

Consideration was given to a report presenting updated information on the current five year housing land supply position as set out in the statement attached to the report.

Members were advised that the Council was now considered to have 5.45 years supply.

Councillor Sweeney queried the inclusion of student flats and was advised that it was a new factor taken into account this year.

The Council's Senior Planning policy Officer, Mr Pete Attwell advised that the government had produced new census data this year which included a ratio which the Council could apply.

Resolved: (i) That the content of the 5 year Housing Supply Statement be noted and it be agreed that a Statement that incorporates the results of the 2016 Household Projections represents the current position of the Council.

- (ii) That the significance of the 5 year supply position in Development Management decision making and the proposed approach as set out in the committee report be noted.

5. APPLICATION FOR MAJOR DEVELOPMENT. - GRAVEL BANK, MUCKLESTONE ROAD, LOGGERHEADS. MULLER PROPERTY GROUP. 18/00637/OUT

Resolved: That the application be refused for the following reasons:

- (i) The site lies beyond the village envelope of Loggerheads and its development would not comply with policies in the development plan on housing within the rural areas
- (ii) The development would have an urbanising effect on the open countryside and would have a significant adverse impact on the character and appearance of the area.
- (iii) The development would involve a high level of the use of the private car, thus be in conflict with policies on sustainable transport
- (iv) In the absence of a secured planning obligation and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution towards education provision.
- (v) In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well-functioning housing market.
- (vi) In the absence of a secured planning obligation the development fails to make appropriate contributions towards travel plan monitoring and preparation which is required to provide a sustainable development.
- (vii) In the absence of a secured planning obligation the development fails to provide a means to secure the long term maintenance and management of the required public open space upon the site

6. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR ANDREW FEAR
Chair

Meeting concluded at 7.21 pm

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th October 2018

Agenda item 4

Application Ref. 18/00371/FUL

Former Bennett Arms, London Road, Chesterton

Since the publication of the main agenda report confirmation has been received from the District Valuer (DVS) that the scheme cannot support any level of financial contributions even if the triggers for payment were delayed.

The advice of the **Lead Local Flood Authority (LLFA)** on the further information provided by the applicant has also been received and they again recommend that given that the Surface Water Flood Map shows potential flooding on the site, the planning application should not be granted until further flood risk investigations and potential mitigation have been identified. They say that these could be fundamental to the design and layout of the proposed development. They also advise that further information to demonstrate that an acceptable Sustainable Drainage Strategy can be achieved is also requested.

A further two letters of representation have been received, one of which includes comments from residents of two neighbouring properties on Leech Avenue. The representations raise similar concerns to the objections already received that are set out in the main agenda report and focus on the detrimental impact that the development would have upon residential amenities, including loss of privacy and overbearing impact, increased traffic, inadequate parking and flooding.

Officer Response

Given the further advice from the District Valuer confirming that no contribution at all can be supported by the scheme, and the discussion in paragraph 6.6 of the Key Issues section of the report about the desirability of showing flexibility with respect to financial contributions in this case, the first proviso in the recommendation is withdrawn.

The further letters of representation raise no additional issues that have not already been referred to within the main agenda report and the impact of the development on neighbouring residential amenity levels can be mitigated by boundary treatments and landscaping where necessary.

Given the comments of the LLFA on the submitted Flood Risk Assessment (FRA) it is clear that there is currently insufficient analysis of the flood risk and suitable mitigation measures cannot be determined to manage risks. Furthermore, the submitted documents do not demonstrate an acceptable Sustainable Drainage Strategy.

The planning application could be refused on these grounds given the guidance in the Framework if this is the wish of the Committee. Whilst the applicant has been given sufficient opportunity to address flood risk matters your Officer recommends in

this case that the application is deferred to give a further limited opportunity for the applicant to submit a revised FRA and Sustainable Drainage Strategy to address the deficiencies that the LLFA have identified. The site has been undeveloped for a number of years and a refusal now (because of the flood risk and sustainable drainage concerns) would inevitably result in the site not being developed in the near future, given that any new application could not be determined until the associated publicity had been provided. To reflect the importance of promoting where appropriate the delivery of new housing a 4 week deferral is recommended to give the applicant's one last opportunity.

Amended Recommendation

That a decision on the application be deferred but only until the 6th November, to allow a further opportunity for additional information to be provided, consulted upon and taken into account by the LPA in its decision

SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th October 2018

Agenda item 4

Application Ref. 18/00371/FUL

Former Bennett Arms, London Road, Chesterton

An additional representation from the occupier of a neighbouring property has been received that needs to be reported.

The representation raises similar concerns to the objections already received that are set out in the main agenda report and expresses concerns about the detrimental impact that the development would have upon residential amenities, including loss of privacy and overbearing impact, increased traffic, inadequate parking, flooding and the design (including scale) of the houses not been in keeping with the area.

Reference is also made to a proposed biomass boiler system but this is no longer proposed.

The main agenda report is considered to address all of the issues referred to in the further representation.

The RECOMMENDATION remains as set out in the first supplementary report, that a decision on the application be deferred but only until the 6th November, to allow a further opportunity for additional flood risk and sustainable drainage information to be provided, consulted upon and taken into account by the LPA in its decision

This page is intentionally left blank

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th October 2018

Agenda item 8

Application Ref. 18/00122/FUL

New Farm, Alsager Road, Audley

Since the publication of the main agenda report the Council's Planning Committee has considered and accepted the latest five year housing land supply position as set out in the 'Five Year Housing Land Supply Statement: 2018-2023'. This is relevant to the determination of this planning application as it is a material change in circumstances that now needs to be considered.

The application site lies within the Rural Area of the Borough, outside of a village envelope, and the proposed dwellings would not serve an identified local need and as such are contrary to policies of the Development Plan, specifically policy SP1 and ASP6 of the Core Spatial Strategy and Policy H1 of the Local Plan.

Paragraph 11 of the recently published revised Framework states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Policies are considered to be out of date, in the consideration of applications involving the provision of housing as here, in situations where the local planning authority either cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. The Housing Delivery Test – which measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data - does not yet apply. It will apply from the publication of the Housing Delivery Test results in November 2018 and is to be phased in with initially the term substantially below being defined by a much lower % threshold. It has no bearing at present on the determination of this application, although the Borough's anticipated "score" is relevant to the decision that the Borough needs to allow for a 20% buffer in calculating its supply.

Whilst at the time of the publication of the main agenda report the Council had not adopted the most recent Five Year Housing Land Supply Statement (the Statement) and was unable to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, that is no longer the case. The Statement takes into consideration the advice in the revised NPPF regarding the approach to be taken to determine the up-to-date position and as reported to members at the Planning Committee meeting of the 27th September 2018, the Council can now demonstrate a housing land supply of deliverable housing sites, allowing for the appropriate buffer, of 5.45 years.

The Council's supply exceeds the 5 year figure by 0.45 years, even so it will be appropriate to proceed on the basis that whilst a proposal may not accord with the provisions of the approved development plan, there are other material considerations which should be given greater weight. However, this should be a selective approach to be applied only where sites by reason of their proximity to services are considered to be very sustainable locations for development. In other less sustainable locations it will remain appropriate to give full weight to restrictive development plan policies and not to approach the application requiring approval in all cases where the adverse impacts are not significantly and demonstrably outweighed by the benefits of the scheme. This was the approach taken in the main agenda report and resulted in a recommendation of approval by your officers. The position set out above makes a marked change in dealing with housing applications, particularly in the open countryside – as is the case here.

Paragraph 12 of the NPPF states that; "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

It is acknowledged in the main agenda report that the site and proposed development do offer some sustainable credentials of note and the proximity of the site to the village envelope of Audley would offer future occupiers of the proposed dwellings with a realistic option to walk or cycle to access services as opposed to a reliance on private motor vehicles. However, the site cannot be said to be a very sustainable location for new housing and it is contrary to policies of the Development Plan. In this instance it remains appropriate to consider the proposal in the context of the policies contained within the approved development plan and in the absence of material considerations of significant weight, the decision should be one of refusal of the development on the grounds that the principle of the development is unacceptable.

Revised Recommendation

Refuse for the following reasons;

1. The site lies within the open countryside outside the village envelope of Audley and the proposed dwellings would not serve an identified local need. As such, the development of this site is contrary to the objective of directing new houses to sustainable brownfield land within the village envelopes of the key rural service centres and as such would be contrary to Policies SP1 and ASP6 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policy H1 of the Newcastle-under-Lyme Local Plan

2011, and the aims and objectives of the National Planning Policy Framework (2018).

2. In the absence of a secured planning obligation there is not an appropriate review mechanism to allow for changed financial circumstance, and, in such circumstances, the potential provision of a policy compliant financial contribution towards public open space and onsite affordable housing is not achieved. The proposal would thus be contrary to Policies CSP5, CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policies C4 & IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2018).

This page is intentionally left blank

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th October 2018

Agenda item 9

Application Ref. 18/00329/FUL

Former Halmerend Working Mens Club, Co-Operative Lane

Since the publication of the main agenda report the financial viability appraisal report received from Butter John Bee (BJB) has been considered.

The report has been prepared on the basis that the applicant considers that the public open space (POS) contribution requirements requested by the Council will render the scheme unviable. The request of the Landscape Development Section was for a financial contribution towards POS of £39,053 which would be applied to a play area at Harrison Close which is a 410m walk from the application site.

The report of BJB concludes that the scheme is not viable with policy compliant financial contributions, and when asked to confirm what, if any, financial contributions the scheme could support, they have confirmed that the scheme would be unviable if any level of contribution were to be secured. This is mainly due to the amount of abnormal costs associated with developing this particular site – the earthworks, remediation works for potential coal mining and dealing with land contamination

Information has also been received from the applicant's agent seeking to demonstrate that no significant overlooking from plots 3 & 4 would be caused to no. 266 Heathcote Road. This includes boundary fence details and soft landscaping. This information can be displayed at the meeting if necessary.

Officer Response

The new NPPF marks a significant change in the approach to be adopted to viability. It indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policies about contributions and the level of affordable housing need however to be realistic and not undermine the deliverability of the Plan. However in the Borough it is not presently the case that up-to-date development plan policies, which have been subject of a viability appraisal at plan-making stage, have set out the contributions expected from development, so the presumption against viability appraisals at application stage does not apply. That will not be the case until the Joint Local Plan is finalised.

The conclusions of BJB, an independent appraisal, are clear and confirm that the development cannot support any financial contribution. If a scheme is unviable it will not be delivered and the benefits arising from that development will not be achieved. Such benefits include the contribution it makes towards housing supply and the redevelopment of a site which has been derelict and untidy for a number of years. These are material considerations and in light of such considerations it is concluded

that it would not be appropriate, if granting planning permission, to insist upon the payment of the public open space contribution, provided the appraisal has been undertaken in accordance with the new required methodology.

Revised Recommendation

A. Subject to the applicant first entering into a Section 106 agreement by 20th November 2018 to secure a review mechanism of the scheme's ability to make a policy compliant contribution to public open space, if the development is not substantially commenced within 12 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, including retaining walls
5. Finished Ground and Floor Levels
6. Removal of permitted development rights
7. Visibility splays prior to occupation (and kept free from obstruction)
8. Road, parking and turning areas prior to occupation
9. Surfacing, surface water drainage and delineation of car parking spaces;
10. Existing site access made redundant to be closed and the crossing reinstated to footway;
11. Garages retained for parking;
12. Construction management plan
13. Tree protection plan
14. Arboricultural Method Statement
15. Detailed Landscaping Scheme, including tree retention, replacement tree planting, and tree and hedge planting at the rear of plots 3 and 4.
16. Land Contamination
17. Construction Hours
18. Design measures to minimise noise on future occupiers
19. Foul and surface water drainage details
20. Ecology mitigation measures

B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning either refuse the application on the grounds that without the obligation being secured, the development would fail to secure an appropriate contribution for off-site public open space which would reflect the infrastructure needs of the development and (should there be a viability case for non-policy compliant contributions) there would be no provision made to take into account a change in financial circumstances in the event of the development not proceeding promptly; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.