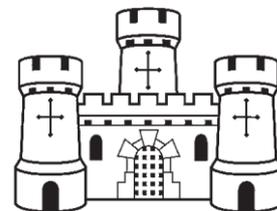


# Public Document Pack

**Date of meeting** Tuesday, 4th February, 2020  
**Time** 7.00 pm  
**Venue** Lancaster Buildings - Lancaster Buildings, Newcastle, Staffs  
**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

**5 APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF DEANS LANE AND MOSS GROVE, RED STREET. PERSIMMON HOMES (NORTH WEST). 19/01009/FUL** (Pages 3 - 4)

**12 URGENT BUSINESS** (Pages 5 - 8)

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

Land adj Park House, Dales Green Road, Mow Cop. 18/00921/OUT

**Members:** Councillors A. Fear (Chair), M. Reddish (Vice-Chair), J Williams, P. Northcott, G Williams, B. Proctor, S Tagg, S. Burgess, D. Jones, Mrs J Cooper, H. Maxfield and S. Moffat

**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.**

#### **SUBSTITUTE MEMBER SCHEME** (Appendix 9, Section 4 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:	K. Owen	G White
	M. Holland	I. Wilkes
	S. Sweeney	S. Dymond
	B. Panter	K. Robinson

**Contacting the Council:**

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[www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk)

*If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need to:*

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place) NB Only 2 Substitutes per political group are allowed for each meeting and your Chairman will advise you on whether that number has been reached

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.

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.

**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**4<sup>th</sup> February 2020**

**Agenda Item 5**

**Application Ref. 19/01009/FUL**

**Land off Deans Lane and Moss Grove, Red Street**

Since the preparation of the main agenda report it has been identified that further statutory publicity is required in accordance with the Councils Statement of Community Involvement (SCI). Therefore, the earliest date that a decision on this planning application can now be made is the 25 February 2020.

In light of the fact that no objections were received on the previous application, which was subsequently withdrawn some weeks after the consultation period for that application expired, your officers ask that the Head of Planning be given delegated authority to issue a decision if members of the planning committee are satisfied with the officers recommendation to permit the application and no objections are received between the date of the planning committee and the 25<sup>th</sup> February. If objections are received then the application will be brought back to the planning committee for further consideration and decision if they raise material planning considerations that are not addressed within the main agenda report.

**The RECOMMENDATION is revised as follows;**

**Subject to no representations raising objections to the application being received by the 25<sup>th</sup> February 2020 raising material planning considerations that are not addressed within the main agenda report, the Head of Planning be given delegated Authority to Permit the variation of Condition 12 of 19/00375/FUL so that it reads as follows:**

**Prior to the first occupation of any of the dwelling houses hereby approved, the temporary footpath link, as shown on drawing ref: DLN-SDA.07 - Temporary Footpath Route, which links to the existing public footpath (Newcastle 21), shall be completed and made available for use. The temporary footpath link shall be retained until all of the dwelling houses and the permanent footpath link on the eastern boundary of the site which links to the existing public footpath (Newcastle 21) have been completed. The permanent footpath link shall thereafter be retained for the life of the development.**

**and subject to the imposition of all other conditions attached to planning permission 19/00375/FUL that remain relevant at this time.**

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**LAND ADJACENT TO PARK HOUSE, DALES GREEN ROAD, MOW COP**  
**MR. JONES**

**18/00921/OUT**

The above application for planning permission for the erection of 6 dwellings was refused under delegated powers on the 29<sup>th</sup> March 2019. A subsequent appeal has been lodged against the decision of the Planning Authority and an appeal hearing is to take place on the 11<sup>th</sup> February 2020.

As part of the appeal process the appellant intends to submit a draft Section 106 Agreement to secure the dwellings as affordable housing.

The Council's scheme of delegation requires all planning applications, that are the subject of a S106 Agreement to be determined by the planning committee and the 4<sup>th</sup> February is the last planning committee prior to the appeal hearing on the 11<sup>th</sup> February for this matter to be considered. Therefore, in order to negotiate acceptable affordable housing provision on the site your officer requires committee resolution to complete such an agreement should the Planning Inspector decide to allow the appeal and grant planning permission for the proposed development.

This report is brought to the Committee as an item of Urgent Business in view of the above.

### **RECOMMENDATION**

That the Committee agree that;

Subject to the terms for securing affordable housing being considered acceptable, the Council should enter into a Section 106 agreement that secures affordable housing on the appeal site, should the appeal be allowed

### **Reason for Recommendation**

The matter was urgent, in the light of the deadline imposed by the Planning Inspectorate and the late information received from the appellant. The basis for the recommendation is explained in the report below.

### **KEY ISSUES**

This planning application for 6 dwellings was refused under delegated powers on the 29<sup>th</sup> March 2019 for the following reasons;

1. *The proposed development represents inappropriate development in the Green Belt, and there are no very special circumstances that would outweigh the harm caused by virtue of the development's inappropriateness and associated harm to the openness of the Green Belt, contrary to Policy S3 of the Local Plan and the aims and objectives of the National Planning Policy Framework (2019).*

2. *The development of this Greenfield site is not considered to be an appropriate location for a Rural Exception Site as set out in Policy CSP6 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 by virtue of the site being in an unsustainable location for new housing, outside of and not immediately adjoining a village envelope. The adverse impacts of the development, namely the reliance on the use of private motor vehicles by reason of the site's location, would significantly and demonstrably outweigh any benefits of the development when assessed against the policies of the National Planning Policy Framework (2019) taken as a whole and the proposal therefore represents an unsustainable development.*

3. *The proposed development would be detrimental to the character and form of this part of Dales Green Road and to the wider landscape contrary to Policies CSP1 and CSP4 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026; saved policies N17 and N21 of the Newcastle-under-Lyme Local Plan 2011, the aims and objectives of the Newcastle-under-Lyme and*

*Stoke-on-Trent Urban Design Guidance Supplementary Planning Document, in particular Section 10, and the aims and objectives of the National Planning Policy Framework (2019).*

4. *The proposed development by virtue of its design and layout is likely to result in the loss of visually significant trees and hedgerows which will have a harmful and adverse impact on the character and appearance of the area. It would therefore not be a sustainable form of development of the site and would accordingly be contrary to Policy N12 of the Newcastle-under-Lyme Local Plan 2011 and the requirements and guidance of the National Planning Policy Framework (2019).*

An appeal was lodged against the decision in September last year and the Planning Inspectorate has set an appeal hearing date of the 11<sup>th</sup> February 2020.

The appellant has reduced the number of dwellings from six to five following the decision to refuse planning permission and your officers have not raised an objection to this on the basis that the proposal is for outline planning permission and the submitted layout plan is only indicative. However, the reasons for refusal remain unchanged.

In respect of reason for refusal number 2 the appellant has indicated that a draft S106 Agreement to secure the dwellings as affordable housing will be submitted by the 1<sup>st</sup> February. This is an attempt to demonstrate, in part, that the development would represent a Rural Exception Site.

The NPPF defines a Rural Exception Site as “Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. RES seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.

The intention is that all five dwellings will be for affordable housing and these would be secured as two dwellings for affordable rent and three for intermediate sale (20% below local market value). It also appears that the appellant has no objections to a Registered Provider being involved and only qualifying persons will be eligible for these properties. A mechanism to ensure affordability in perpetuity has also been suggested.

Whilst a draft S106 agreement has still not been submitted it would be unreasonable of the Authority not to enter into discussion with the aim of agreeing the terms. However, it may be the case that your officers cannot agree to the terms set out by the appellant or visa versa. In that instance the Planning Inspectorate would have the final say.

It is important to note that the Council’s position in the appeal remains that the development should be refused for the reasons set out in the decision notice.

## **APPENDIX**

### **Policies and Proposals in the approved Development Plan relevant to this decision:-**

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

Policy CSP6 Affordable Housing  
Policy CSP10 Planning Obligations

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

### **Other material considerations include:**

National Planning Policy Framework (on planning obligations)  
National Planning Practice Guidance (on planning obligations, and on appeals)

### **Supplementary Planning Guidance/Documents**

[Developer contributions SPD](#) (September 2007)

[Affordable Housing SPD](#) (2009)

Background Papers

Planning file  
Planning documents referred to

Date report prepared

30<sup>th</sup> January 2020

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