

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
24th April 2018

Agenda item 8

APPEAL BY MODULTEC INTERNATIONAL LIMITED AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE DEMOLITION OF THE FORMER SAVOY CINEMA/METROPOLIS NIGHTCLUB AND ERECTION OF A 13 STOREY STUDENT ACCOMMODATION BUILDING AT THE SITE ON THE MIDWAY, NEWCASTLE-UNDER-LYME AND APPLICATION FOR AN AWARD OF APPEAL COSTS AGAINST THE BOROUGH COUNCIL

Since the preparation of the report a local resident has written expressing the view that the Inspector failed to apply the Council's Conservation Policies on the retention of buildings in Conservation Areas, take into account the objections of all the Amenity Societies on the harm to the heritage of the town centre and misdirected himself on the social and economic benefits to the town. The members of the Planning Committee rightly refused this application and in his opinion should appoint expert independent legal advice about challenging this decision.

Members will note the agenda report confirms that upon receipt of the appeal decision consideration was given to whether or not there were grounds for a challenge in the Courts to the decision – on the basis of it being an unreasonable one. Whilst issue could be taken with the inclusion by the Inspector (in his consideration of the benefits of the scheme) of the financial contributions secured by the planning obligation – these are arguably not benefits per se but rather represent the required mitigation of the impacts of the development – the Inspector does identify other benefits in his weighing up of the position, and it was considered that he has signalled his reasoning (for example in paragraphs 21 and 22 of the decision letter) to a sufficient extent to render any challenge very unlikely to succeed.

Members will wish also to note that the time period within which a challenge by the Local Planning Authority can be made is 6 weeks and that period in this case ended on the 6th April.

The recommendation remains as per the agenda report - that the decisions be noted