

1. <u>LAND ADJACENT 16 ST GILES ROAD, KNUTTON</u>	<u>18/00016/FUL</u>
2. <u>FORMER PLAYGROUND BRUTUS ROAD, CHESTERTON</u>	<u>18/00243/FUL</u>
3. <u>LAND OFF ST BERNARDS ROAD, KNUTTON</u>	<u>18/00443/FUL</u>
4. <u>LAND BETWEEN 155 AND 161 KNUTTON LANE</u>	<u>18/00441/FUL</u>
5. <u>LAND ADJACENT 25 ARTHUR STREET, KNUTTON</u>	<u>18/00461/FUL</u>
6. <u>LAND ADJACENT 45 MORAN ROAD, KNUTTON</u>	<u>18/00465/FUL</u>

### ASPIRE HOUSING GROUP

Full planning permission for the developments set out below comprising in was approved under delegated authority via "interim reports" subject to the applicant first entering into a planning obligation (unilateral undertaking) to secure a public open space contribution appropriate to the development in question.

1. 18/00016/FUL Construction of four flats for affordable rent on land adjacent 16 St Giles Road, Knutton.
2. 18/00016/FUL Construction of four flats for affordable rent on land adjacent 16 St Giles Road, Knutton.
3. 18/00443/FUL Construction of 8 houses for affordable rent on land at St Bernards Road, Knutton.
4. 18/00441/FUL Construction of two flats for affordable rent on land between 155 and 161 Knutton Lane.
5. 18/00461/FUL Construction of two houses for affordable rent on land adjacent 25 Arthur Street, Knutton.

In addition Planning Committee at its meeting of 11<sup>th</sup> September 2018 also granted full planning permission for the construction of two flats for affordable rent on land adjacent to 45 Moran Road, Knutton (application reference 18/00465/FUL) also subject to the requirement that a planning obligation is first entered into to secure financial contribution towards public open space.

Subsequently a report was brought to the Planning Committee meeting of 29<sup>th</sup> January 2019 following the submission, by the applicant, of a case that the required financial contributions would render each development unviable and a request that such contributions should not be required in these cases. However, the decision of Committee was that planning permission should only be granted for each of the applications upon completion of a Section 106 obligation that secures a fully policy compliant contribution to public open space enhancement and maintenance. The applicant was advised that such obligations should be completed by 28<sup>th</sup> February or the applications would be refused.

Members will recall that a report was then brought to the 26<sup>th</sup> February Planning Committee following the receipt of an appeal decision against the decision of the Borough Council to refuse to grant planning permission (18/00393/FUL) for the conversion of a communal area into a 1 bedroom self-contained flat at 1 Wade Court, Market Street, Kidsgrove. The Inspector in allowing that appeal concluded that a financial contribution towards public open space was a tariff style contribution and that the seeking of such a contribution was inconsistent with Government policy, which takes precedence over the fact that such an approach was consistent with our own policy documents.

In recognition that this was the second appeal where a Planning Inspector found this to be the case Committee resolved, on 26<sup>th</sup> February, to cease to apply the policy of seeking public open space contributions in respect of developments of 10 or less dwellings, other than in circumstances expressly stated as possible in the PPG. Such circumstances do not apply in any of these cases.

The Committee also agreed that a report on these 6 applications be brought back to the Committee for reconsideration in the light of this change of policy. The sole issue for reconsideration now is that of the public open space contribution.

Given the decision to cease to apply the policy of seeking public open space contributions in respect of these developments, which all involve 10 or less dwellings, it would no longer be appropriate to withhold the issuing of planning permission in these cases until a planning obligation for such contributions has first been entered into as that would be both contrary to the Council's new position

and amount to unreasonable behaviour. As such planning permission should now be issued in each of these cases.

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### **RECOMMENDATIONS**

**A. That the Committee agree not to require the provision of a contribution towards improvement and maintenance of public open space in respect of the following applications**

- 1. Land adjacent 16 St Giles Road, Knutton. 18/00016/FUL,**
- 2. Former playground Brutus Road, Chesterton. 18/00243/FUL,**
- 3. Land off St Bernards Road, Knutton. 18/00443/FUL,**
- 4. Land between 155 and 161 Knutton Lane. 18/00441/FUL,**
- 5. Land adjacent 25 Arthur Street, Knutton. 18/00461/FUL,**
- 6. Land adjacent 45 Moran Road, Knutton. 18/00465/FUL.**

**B. The Head of Planning exercise the delegated authority to issue planning permissions 18/00016/FUL, 18/00243/FUL, 18/00443/FUL, 18/00441/FUL and 18/00461/FUL subject to the conditions as set out in the approved interim reports**

**C. That in the case of 18/00465/FUL the application be permitted subject to the conditions referred to in the resolution of the 11<sup>th</sup> September Planning Committee**

## **APPENDIX**

### **Relevant Material Considerations include:**

[National Planning Policy Framework](#) (2019)

[Planning Practice Guidance](#) (March 2014 as updated)

[Community Infrastructure Levy Regulations](#) (2010) as amended and related statutory guidance

The documents relating to the planning applications which are the subject of this report can be found at

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00016/FUL>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00243/FUL>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00441/FUL>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00443/FUL>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00461/FUL>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00465/FUL>

### Background papers

Planning files referred to

Planning Documents referred to

### Date report prepared

7<sup>th</sup> March 2019