

# Public Document Pack

**Date of meeting**      Tuesday, 8th December, 2015  
**Time**                      7.00 pm  
**Venue**                      Council Chamber, Civic Offices, Merrial Street,  
Newcastle-under-Lyme, Staffordshire, ST5 2AG  
**Contact**                      Julia Cleary

## Planning Committee

### AGENDA

#### PART 1 – OPEN AGENDA

- b Final Supplementary Tadgedale Quarry (Pages 3 - 4)
- b Supplementary for 10 Sidmouth Avenue MS (Pages 5 - 6)

**Members:**      Councillors Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Proctor, Reddish (Vice-Chair), Simpson, Snell (Chair), Turner, Welsh, Williams and Williams

**PLEASE NOTE:** The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

**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.

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## Supplementary Information

The following information will be reported to the Planning Committee at its meeting on 8<sup>th</sup> December 2015

### **Agenda Item 4      Application No. 15/00015/OUT**

#### **Tadgedale Quarry, Eccleshall Road, Loggerheads**

Further comments have been received from the **Environment Agency**. They advise that they have recently been made aware of a Phase II Report submitted in support of this application, along with comments from members of the public and other consultees. They state that their original response was based on the contents of the Phase I report only and as such they agreed that development could take place on the site in principle, subject to conditions. They confirm that whilst their position remains unchanged they are not satisfied with the contents of the Phase II report.

Your Officer's attention has been drawn today to an item of correspondence that has been sent from **Loggerheads Parish Council** to all members of the Planning Committee. The following comments are made within this correspondence:

The agenda report on this application is incomplete and missing important information that has been available to Officers and on the Council's website for many months. The report fails to address the following issues:

- The 'quarry' was in fact a 'tip' for landfill between 1977 and 1994 and this is not referred to in the Committee report. A report has been submitted by a consultant but it is on the website as a representation from neighbouring residents.
- The geo-environmental reports fail to address all of the known history of the site and they haven't explored all relevant sources of local knowledge.
- The applicants are proposing a cut and fill exercise including importation of approximately 65,000 cubic metres. This would result in significant lorry movements and would risk mobilising contaminants that could pose a threat to the underlying aquifer. Neither of these aspects has been fully considered by the Planning Officer and should require Environment Agency approval and a separate planning approval from the Waste Planning Authority, in this case, Staffordshire County Council, and there is no evidence that the County has been consulted.
- Piling is being proposed to secure foundations but the Environment Agency has stated that piling shall not be permitted. The Committee report fails to address this.
- The Environmental Health Officer's response states that further site investigations are required that could result in additional remediation being recommended. Planning Officers are seemingly ignoring this.
- The Council appear to be ignoring the NPPF advice to take into account the cumulative effects.

Your Officer's comments are as follows:

- Although the Environment Agency states that they have only recently been made aware of a Phase II Contamination Report, the report was on the Council's website along with the Phase I Report at the time that they were

consulted. In any event, the Environment Agency maintains their position that they have no objections to the proposal subject to conditions.

- The summary of representations within the agenda report includes reference to public health concerns that the quarry has been used in the past as a refuse tip.
- The consultant's report submitted on behalf of the former owner of the site was forwarded to the Council's Contaminated Land Officer who advised that notwithstanding the content of the report, his comments remain the same, i.e. that he has no objections to the proposal subject to the imposition of conditions. Whilst acknowledging that both the Phase I and Phase II reports require revision, he is satisfied that the history of the site has been adequately recognised.
- Contrary to the assertion of Loggerheads Parish Council, the Contaminated Land Officer has not advised that moving fill from the north end of the site would not obtain the Council's approval, rather he has said that moving fill within the site will not currently obtain approval. To minimise cross contamination where possible, additional site investigations will be required before the movement of materials within the site can be agreed.
- Staffordshire County Council as the Mineral and Waste Planning Authority has been consulted on this application and their comments are provided within the agenda report.
- Contrary to the comments of Loggerheads Parish Council, the Environment Agency has not stated that piling shall not be permitted. Rather they have stated that piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority.
- Whilst the Contaminated Land Officer recommends additional site investigation, he considers that it can be controlled by condition. This is referred to in the agenda report and contaminated land conditions are recommended.

**The recommendation remains to PERMIT subject to the conditions indicated in the main agenda report.**

**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**8<sup>th</sup> December 2015**

**Agenda item 5**

**Application ref. 15/00724/FUL**

**10 Sidmouth Avenue, Newcastle**

Since the preparation of the agenda report the **Committee's site visit** has been undertaken.

There were several enquiries raised by Members during the site visit in relation to the proposal, the majority of which were responded to by your Officer during the visit itself. However in light of some enquiries which were not fully addressed your Officer wishes to make clear the following points:

1. The intention of the applicant is for the laurels currently on the site to be retained along the Sidmouth Avenue boundary of the site and to the south of the proposed garage building. The proposed garage is however close to these laurels. The applicant is proposing a pile foundation to minimise any potential root disruption. These laurels would however need to be cut back significantly in order to position the garage building. Any further concerns relating to the impact of the development upon these laurels can be dealt with through the submission of an arboricultural method statement which can be achieved by planning condition.
2. The access works to the site from Gower Street taking into account any change in levels between the driveway and road verge, is not considered harmful to the retained trees on this boundary. The advice of the Landscape Development Section on that point is that subject to a condition requiring a method statement identifying special engineering details any potential harm can be properly safeguarded against.

In both respects (1) and (2) tree protection conditions referred to have already been recommended in the agenda report on the item.

3. With respect to heights of existing and surrounding buildings, the Little House (to be demolished as part of the proposals) is approximately 4.6 metres to eaves and to ridge 7.3 metres. 11A Gower Street, to the right of the Gower Street frontage of the site when viewed from that street, has an eaves height of approximately 5.4m and a ridge height of 8.3m. 3 Gower Street, to the left of the Gower Street frontage, has an eaves height of 4.7 m and a ridge height of 8.05m. For comparison the proposed dwellings have an eaves height of 5.6 m and a ridge height of 9.6m.
4. In relation to boundary treatments the close boarded fencing on the Gower Street frontage is to be removed. Replacement boundary treatments and landscaping can be secured by planning condition.

The **applicant** has now submitted a completed Unilateral Undertaking. This secures, upon commencement, the payment of a financial contribution towards Public Open Space improvement and maintenance. It also commits the owner not to exercise their permitted development rights, on this site, for changes from a C3 dwelling house to a C4 use a small house in multiple occupation. On that basis the Chairman of the Residents at Gower, Granville and Sidmouth Association (RAGGS) following discussions with the applicant has now advised the Planning Authority that he is withdrawing any letters of objection to this application submitted by him either individually or on behalf of RAGGS.

Your Officer can confirm that the Unilateral Undertaking is legally effective. It secures the payment of the required public open space contribution referred to in the agenda report.

Whilst your Officer has recommended a condition withdrawing permitted development rights it is not considered that the second obligation is one which is essential, or necessary to make

the development acceptable in planning terms. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Members are accordingly advised to disregard the second obligation and to give it no weight as a material consideration in the determination of this application. It has however been offered up by the applicant and is 'on the table' should the planning permission be granted.

**The RECOMMENDATION now reads.**

**PERMIT subject to the conditions as set out in the main agenda report and additional conditions (a) removing the permitted development rights to change the use of the properties from C3 to C4 and (b) requiring specific details of the reinstatement of the original end gable to be submitted for the Council's approval and thereafter implemented.**