

# Public Document Pack

**Date of meeting** Tuesday, 16th August, 2016  
**Time** 7.00 pm  
**Venue** Council Chamber, Civic Offices, Merrial Street,  
Newcastle-under-Lyme, Staffordshire, ST5 2AG  
**Contact** Geoff Durham

## Planning Committee

### THIRD SUPPLEMENTARY AGENDA

#### PART 1 – OPEN AGENDA

- 4A Application for Major Development - Land off Linley Road, Talke. Arnold Clark Motor Group. 16/00367/FUL (Pages 3 - 4)
- 5A Application for Major Development - Land to the rear of former Randles Garage, Higherland, Newcastle. Decidebloom Ltd. 16/00405/REM (Pages 5 - 6)
- 7A Application for Minor Development - Former Blue Bell Inn, New Road, Wrinehill. J Littleton & Co. 16/00518/FUL (Pages 7 - 8)
- 8A Application for Minor Development - Brook Farm, 4 Oakwood Lane, Acton. J Littleton & Co. 16/00485/FUL (Pages 9 - 10)
- 9A Application for Other Development - 2 The Brackens, Westbury Park. Mrs A Hodkinson. 16/00566/FUL (Pages 11 - 12)
- 13A Quarterly report on those cases where enforcement action has been authorised (Pages 13 - 14)
- 14A Quarterly report on extensions to time periods within which obligations under Section 106 can be entered into (Pages 15 - 16)

**Members:** Councillors Burgess, Fear, S Hambleton, Heesom, Mancey, Northcott, Owen, Panter, Pickup (Vice-Chair), Proctor (Chair), Reddish, Simpson, Sweeney, Turner, G Williams and J 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.

**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**16<sup>th</sup> August 2016**

**Agenda item 4**

**Application ref. 16/00367/FUL**

**Land off Linley Road, Talke**

Since the preparation of the agenda report, further comments of the **Landscape Development Section** have been received in response to the revised layout and landscaping proposals drawing. A summary of their comments is as follows:

- The increase in the width of the buffer is welcomed
- It appears that adjustments made to the layout demonstrate that construction within the Root Protection Area (RPAs) of retained trees has been avoided
- It appears that no levels alterations within the RPAs of retained trees will be needed
- The position of the HGV wash has been altered and will no longer affect adjacent trees
- It is unfortunate that there is no landscape buffer between the adjacent new housing development and the bin store but no objection is raised subject to the bin store being of a suitable design
- No detail of proposed boundary treatment has been provided
- Adjustments to the layout have been made and there is no confusion now between surfaced areas and planted areas
- Conditions are recommended regarding tree protection, agreement of a Construction Method Statement, full hard and soft landscaping proposals, agreement of boundary treatments, management and maintenance plan for long term retention of existing and new woodland planting and agreement of the position of utility apparatus.

Further comments of **Staffordshire County Council as the Local Lead Flood Authority (LLFA)** have been received. They state that the proposed filter drains will provide a level of water quality treatment and these along with the attenuation tank should be capable of attenuating a significant volume of runoff to achieve a restricted discharge rate. Although an outlet control chamber to restrict discharge is shown, the proposed rate of discharge is not. The proposed discharge rate, which should be no greater than 80% of existing rates for corresponding return periods, should be specified. It is also queried whether there is an existing connection to the watercourse, whether it starts within the site boundary or if crossing of third party land is required, evidence of agreement for this.

A response to the request for further information from the LLFA has been received from the **applicant's consultant**. They have confirmed that the site discharge will not exceed 80% of the existing theoretical run-off from the previous development and attenuation will be designed to achieve this. They also confirm that they will be using the existing surface water connection within the site which does require some further on-site investigation to establish condition and level. Third party land will not be required to drain the development. They state that they are happy for these two aspects to be covered in a condition.

Your Officer's comments

The agenda report concludes that subject to conditions, no objection could be sustained on the grounds of impact on landscaping. The recommendation already includes the conditions referred to above.

With regard to the response from the applicant's consultant to the comments of the LLFA, your Officer has requested further comments from the LLFA. Any further comments received will be reported to Members in a further supplementary report but if not received by the time of the Committee, your officer is satisfied that subject to appropriate conditions, there would be no significant risk of flooding.

The **RECOMMENDATION** remains as per the main agenda report

**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**16<sup>th</sup> August 2016**

**Agenda item 5**

**Application ref. 16/00405/REM**

**Land to the rear of Randles Garage, Higherland**

Since the preparation of the agenda report, the applicant has submitted a **Tree Assessment Report** for consideration with the proposal. The report takes into account the position of neighbouring boundary trees towards the rear of the site. The **Landscape Development Section** have assessed that information now received and have advised that the trees adjacent to Beaumaris Court (some of which are subject to a Tree Preservation Order) also need to be included in the information submitted – the Root Protection Areas and canopies of all trees that overhang the development, in order to make an assessment as to whether the development can be constructed without causing damage to trees. It would be inappropriate to seek to deal with this by condition. The Section also raises concerns in relation to overshadowing of the development from trees.

In addition **Thistleberry Residents Association** have also made the following comments:-

- The height and style of the development is incongruous.
- The use of metal roofing materials is inappropriate.
- The height of the development relative to neighbouring occupiers is inappropriate and the level information submitted by the applicant does not satisfy residents' concerns.
- The impact to boundary trees needs to be carefully managed by planning condition.
- Large vehicles will find it difficult to access the site and accommodated within the site boundary.

Your Officer's comments

Given that a number of trees within the Beaumaris Court development including at least one that is the subject of a TPO and others of apparently positive amenity, overhang by up to 4 metres the application site, within which quite significant works of excavation are proposed close to the boundary, there is concern that the development may cause damage to these trees. The applicant has not to date provided the required information to enable a proper assessment of the issue to be undertaken. Given the limited time now available before the Committee, and the likelihood that some form of amendment to the siting of at least one of the blocks may well be required to achieve a satisfactory relationship, your Officer's view is that a decision on the application should now be deferred to enable that information to be provided and discussions held with the applicant's agent

With regard to the further comments of the **Thistleberry Residents Association** those points are already addressed in the main report to the item.

**The REVISED RECOMMENDATION on this application is that a decision should be deferred to enable further arboricultural information to be provided and if necessary revised plans submitted.**

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**16<sup>th</sup> August 2016**

**Agenda item 7**

**Application ref. 16/00518/FUL**

**Former Blue Bell Inn, New Road, Wrinehill**

Since the preparation of the main agenda report **Betley, Balterley and Wrinehill Parish Council** have raised objections to the application on the following grounds;

- it represents inappropriate development in the Green Belt;
- it is of a poor design on a prominent site at the entrance to the village;
- increasing the size of the property will increase its adverse impact on the open nature of the Green Belt;
- increasing the size of the property will increase its purchase price, contrary to the aim of securing affordable housing in the area;
- that increasing the size of the property will reduce the area available for landscaping, further increasing the damaging effect on the Green Belt.

Officer comments

As set out in the agenda report the application is only to change the design of the house on plot 1 by increasing its footprint and height. The plot involved is not the corner plot, but rather the one on the northern, Betley, side of the development. The increase in footprint and height involved is considered very modest and in the context of the approved development does not raise any significant concerns in terms of its design (including landscaping), impact on the visual amenity of the area or impact on the openness of the Green Belt. There is no approved local policy that seeks to limit the size and affordability of dwellings, and in any case the change (from that which has already been approved) is insignificant.

**The RECOMMENDATION remains as per the agenda report**

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## Supplementary Information

**Agenda Item 8**

**Application Number 16/00485/FUL**

### **Brook Farm, 4 Oakwood Lane, Acton**

Since the agenda was prepared, further comments have been received from the following parties;

**CAWP** advise that there is limited information on the significance of this non-designated heritage asset but the Staffordshire Historic Farmsteads Survey (2009) identified the farmstead as a loose courtyard plan with working buildings to one side of the yard, probably late 18th or early 19th century and that it is characteristic of such farmsteads in North Staffordshire and makes a contribution to the landscape character of the area. In light of this and what appears to be a relatively altered building, the farmstead should be recorded and documented in accordance with County archaeological advice prior to any demolition.

The proposed new building bears little resemblance to the character and style of the existing farmstead and the Working Party would recommend the retention of any historic boundary walls, cobbled yards and landscape features which will help to soften the appearance of the proposed building within the landscape.

**The Conservation & Design Officer** indicates that the farmstead is a non-designated heritage asset, and as such paragraph 135 of the NPPF is relevant. As the application seeks demolition of the asset, a total loss of the asset is involved. This loss of the asset is regrettable, because whilst the asset is not formally designated it has some significance within the local landscape in terms of its scale and evolution. The proposed replacement building does not resemble the character of the surrounding environmental or building it replaces. At the least the farmstead should be recorded as recommended by county Archaeologist.

### Your Officer's Comments

Whilst the comments received regret the loss of the building, the building itself has no statutory designation, and as such it not protected from demolition. Issues regarding the design are noted, however the proposal would fit into the landscape.

The period within which members of the public may comment upon this application does not finish until the 26<sup>th</sup> August. Accordingly the recommendation is amended to reflect this, so as to ensure that any further comments are considered by the Local Planning Authority before a final decision is made.

**The RECOMMENDATION is amended so now to read as follows**

- 1) Subject to the receipt of no representations by the 26<sup>th</sup> August raising concerns that cannot be addressed by conditions, that the Head of Planning be authorised to grant planning permission subject to the conditions indicated in the original agenda report**
- 2) That, in the event that representations are received by the 26<sup>th</sup> August raising concerns that cannot be addressed by conditions, the application be brought back to the following Planning Committee**

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**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**16<sup>th</sup> August 2016**

**Agenda item 9**

**Application ref. 16/00566/FUL**

**2 The Brackens, Westbury Park**

Since the preparation of the main agenda report the applicant's agent has raised the following points;

- The existing wall and landscaping are not an attractive feature and they do not respect the area's character and identity.
- Westbury Park has a mixed character where there is similar development already in place to what is proposed, and a large number of properties have boundary walls (photographs supplied). If it had been a planning requirement for this estate, surely all properties on Westbury Road would have incorporated walls set back with soft landscaping in front.
- The applicant's existing wall is leaning and the applicant has been advise that it is dangerous and is in need of replacement. The substantial level difference between the applicant's garden area and Westbury Road is likely to be the cause of this which the proposal would resolve for the long term.
- The applicant has problems with dog foul waste and litter being left on the landscape strip which relocation of the wall would prevent.
- The Committee are asked to look at the details of the proposal, particularly as it mirrors what others have been allowed to do.

Officer comments

Your officer will be reporting on whether similar proposals have been allowed in the immediate vicinity. The report acknowledges that the character of Westbury Road changes markedly further along, but the area around the application site has a distinct, soft landscaped appearance

**The RECOMMENDATION remains as per the agenda report**

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**ADVANCE SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**16<sup>th</sup> August 2016**

**Agenda item 13**

**Quarterly report on those cases where enforcement action has been authorised**

**Application ref. 07/00064/207**

**18 Market Street, Kidsgrove**

With respect to the **18 Market Street** case (**07/00064/207**) listed in the above report on page 61 of the agenda the owner has now installed an appropriate ventilation system and greas trap.

These works are satisfactory, and therefore, whilst there is still a technical breach of planning control as applications, as required by conditions of the permission, for approval of the details of these works has not been submitted, it is now not considered expedient to take enforcement action.

Accordingly the Enforcement Notice referred to in the Quarterly report will not now be served and the case is now considered to be closed.

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**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**16<sup>th</sup> August 2016**

**Agenda Item 14**

**QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO**

With respect to the **West Avenue case** the agreement will not be completed by the 12<sup>th</sup> August. An update, on whether more time has been allowed for the agreement to be completed, as an alternative to refusal of the application, will be provided to the meeting on the 16<sup>th</sup>.

Since the preparation of the agenda report one further case has required an extension of time to be agreed for the completion of a Deed of Variation of a previously entered into Section 106 agreement.

**(3) 16/00326/FUL site of former Woodshutts Inn, Lower Ash Road, Kidsgrove.**

The application came before the Planning Committee on 19<sup>th</sup> July 2016 (at around week 8) for the variation of condition 15 of 14/00767/FUL which related to an odour abatement system. 14/00767/FUL is a permission for residential development, the applicant being Aspire Housing. The resolution of the Planning Committee was to accept the variation subject to the Council's position in respect of obligations being preserved via the securing of a S106 agreement, by no later than 12<sup>th</sup> August, for a financial reassessment if substantial commencement of the development is not achieved by 24<sup>th</sup> March 2017, and if capable of being supported education and public open space contributions then being made.

This matter is being progressed via a deed of variation. The timetable was always challenging. Instructions were promptly issued after the Committee, but the required information for inclusion within a draft of the Deed of Variation was slow in being sought and then coming forward. As a result a draft of the Deed of Variation is only now going to the other parties (the County Council will also need to be a signatory). The matter should now be concluded quite quickly and your Officer has agreed to extend the Section 106 period to the 12<sup>th</sup> September 2016, the applicant having in parallel agreed to extend the statutory period.

At the time of writing some 12 weeks has passed since the original receipt of the application.

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