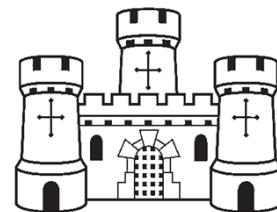


# Public Document Pack

**Date of meeting** Tuesday, 20th June, 2017  
**Time** 7.00 pm  
**Venue** Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG  
**Contact** Geoff Durham



**NEWCASTLE  
UNDER LYME**  
**BOROUGH COUNCIL**

Civic Offices  
Merrial Street  
Newcastle-under-Lyme  
Staffordshire  
ST5 2AG

## Planning Committee

### SUPPLEMENTARY AGENDA

#### PART 1 – OPEN AGENDA

- 4A APPLICATION FOR MAJOR DEVELOPMENT – ORCHARD HOUSE AND 35 CLAYTON ROAD, NEWCASTLE. BAC O'CONNOR. 17/00194/OUT (Pages 3 - 4)
- 5A APPLICATION FOR MAJOR DEVELOPMENT- ST JOHN FISHER CATHOLIC COLLEGE, ASHFIELDS NEW ROAD, NEWCASTLE. ST JOHN FISHER CATHOLIC COLLEGE. 17/00156/FUL (Pages 5 - 6)
- 6A APPLICATION FOR MAJOR DEVELOPMENT - FORMER WOODSHUTTS INN, LOWER ASH ROAD, KIDSGROVE. ASPIRE HOUSING LTD. 17/00324/FUL (Pages 7 - 8)
- 10A APPLICATION FOR MINOR DEVELOPMENT – SLACKEN LANE. ASHGREEN LTD. 13/00266/CN06, CN07 AND CN11 (Pages 9 - 10)
- 10B APPLICATION FOR MINOR DEVELOPMENT – SLACKEN LANE. ASHGREEN LTD. 13/00266/CN06, CN07 AND CN11 (Pages 11 - 12)

**Members:** Councillors Burgess, Fear, S Hambleton, Heesom, Northcott, Panter, Proctor (Chair), Reddish, Simpson, Spence (Vice-Chair), Sweeney, White, G Williams, J Williams and Wright



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**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**  
**20<sup>th</sup> June 2017**

**Agenda item 4**

**Application ref. 17/00194/OUT**

**Orchard House and No. 35 Clayton Road, Newcastle**

Two further letters of objection have been received which raise concerns about the access onto Clayton Road and the resultant highway safety implications of 24 houses.

They also raise concerns about cars being parked on Clayton Road which restricts visibility.

To date no letters of representation have been received regarding the additional plans relating to the conversion of No.35 Clayton Road that prompted the further publicity that has been undertaken on this application.

The **Landscape and Development Section** have advised that they do not feel that it is necessary for a proportion of the POS contribution to be spent on the maintenance of the existing footbridge because it is relatively new and should have a shelf life of circa 50 years.

Officer Response

The further objections are similar to those previously received and reported in the main agenda report and whilst cars are parked on Clayton Road there is no traffic regulation order preventing them from doing so.

As set out in the main agenda report HA raises no objections subject to conditions which would improve access arrangements to an acceptable standard for the proposed development.

The **recommendation** remains as set out in the main agenda report.

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**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**

**20<sup>th</sup> June 2017**

**Agenda item 5**

**Application ref. 17/00156/FUL**

**St John Fisher Catholic College, Ashfields New Road, Newcastle**

A further five letters of support (18 in total) referring to the same points as those reported within the main agenda report.

The **recommendation** remains as set out in the main agenda report.

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**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**20<sup>th</sup> June 2017**

**Agenda item 6**

**Application ref. 17/00324/FUL**

**Former Woodshutts Inn, Lower Ash Road, Kidsgrove**

Since the preparation of the main agenda report, a response has been received on behalf of the applicant which is summarised as follows:

- There is inconsistency within the report, in one part it refers to odour arising from the hot food takeaway being 'highly likely' to adversely affect the living conditions of the occupiers of the development, and elsewhere 'likely'.
- Whilst acknowledging earlier in the Key Issues section that the Environmental Health Division (EHD) undertook two site visits and that no material adverse odour impact was perceptible on those visits, the report does not take account of that fact when later assessing the merits of the application.
- It is appreciated that the EHD has undertaken an odour risk assessment and that it has informed their response to this application, but their two site visits must enable a far more useful and accurate assessment of the true odour impact of the takeaway on the nearest new dwellings.
- There is no evidence that a material adverse impact on future occupiers of the new dwellings is highly likely.
- In the event that the Council is still not prepared to support the proposed removal of condition 14 in light of the comments above, consideration should be given to the potential to vary the condition.
- Firstly this is required from a practical perspective and to avoid an automatic breach of the condition. The developer has now confirmed that the three properties that the EHD commented (on site) were most likely to be impacted by the takeaway (plots 6-8) were occupied earlier this month.
- Secondly and mindful of the above, allowing more time for the condition to be satisfied would enable further assessment to establish whether there is a genuine odour issue that needs to be addressed by way of installing an odour abatement system.
- The request is that the condition be varied to allow a period of nine months from the date of the determination of this current application for an odour abatement system to be approved and implemented unless agreed otherwise in writing with the LPA.
- This would enable the developer to research the alternative system the EHD has referred to previously (as an alternative to the system that my client has previously obtained a quotation for) and for the details of that system to be submitted/approved/implemented - and/or for the LPA to consider any submission the developer makes to request written consent that such a system is not required taking account of any evidence obtained in relation to the impact on existing occupiers of the nearest dwellings. Such evidence could for example include asking the occupiers to complete a questionnaire about the odour impact of the takeaway on their living conditions.

**Officer Response**

It is acknowledged that there is inconsistency within the report regarding the impact odour arising from the hot food takeaway on the living conditions of the occupiers of the development. The Odour Risk Assessment undertaken by EHD concluded that there was a high impact risk of odour nuisance arising and as such it considered that it would be more appropriate to refer to the impact in those terms.

EHD did acknowledge that site visits had been undertaken on two occasions and that some odour was detected on only one of those visits, but not at a level that would constitute a nuisance. EHD advise, however, that on neither occasion was the visit undertaken at the busiest operational time for the hot food takeaway and as such was not fully representative of the odours that may be experienced by residents of the development.

Concern remains that the living conditions of the residents will be unacceptable affected by odours and as such recommendation (a) remains. It will, however, be necessary to amend the wording of the reason for refusal to reflect that there is a high impact risk of odour nuisance (rather than odours are highly likely to adversely affect the living conditions).

In light of the information that some of the units within the development have now been occupied it is necessary to amend the variation of the condition as set out in recommendation (b) as otherwise there would be an immediate breach. The applicant's suggestion that it be varied so that the odour abatement system is provided within 9 months of the date of decision rather than prior to first occupation is considered reasonable and appropriate. This will give the developer the opportunity to commission and install a suitable odour abatement system without the residents having an unreasonably long period over which odour nuisance arises. In addition if the developer is able to provide some 'evidence' of a lack of odour nuisance this may demonstrate, where they haven't been able to in this submission, that there is no need for the condition as the existing odour abatement system at the premises suitably addresses odours.

The recommendations are amended accordingly as follows:

## **RECOMMENDATIONS**

**(a) REFUSE the *removal* of condition 14 for the following reason:**

**In the absence of the provision of a suitable odour abatement system to the kitchen ventilation system of the hot food takeaway adjoining the site on Lower Ash Road there is a high impact risk that odour arising from that premises will adversely affect the living conditions of the occupiers of the development. It is therefore considered that if the condition is removed as proposed the residential development is not appropriate for this location, contrary to the aims and objectives of the National Planning Policy Framework;**

**and**

**(b) APPROVE the *variation* of the condition in question so that it now reads:**

**Within 9 months of the date of this decision an odour abatement system to the kitchen ventilation system of the hot food takeaway adjoining the site on Lower Ash Road *shall have been* installed in accordance with full and precise details that have been submitted to and approved in writing by the Local Planning Authority beforehand. The system shall be designed to operate in full accordance with the approved details before any of the dwellings hereby permitted are occupied and shall thereafter be maintained in accordance with the approved details. The kitchen ventilation system shall be regularly maintained to ensure its continued operation and the cooking process shall cease to operate if at any time the extraction equipment**



**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**

**20<sup>th</sup> June 2017**

**Agenda item 10**

**Application ref. 13/000266/CN06, CN07 & CN11**

**Land off Slacken Lane, Kidsgrove**

The **Lead Local Flood Authority** (LLFA) has confirmed, following consideration of a revised Strategic Drainage report, that a response has been provided to all outstanding queries and that it is satisfied with the drainage details works that have been proposed in response to condition 6 of the planning permission 13/00266/FUL (in application 13/00266/CN06). In addition a representative of the LLFA has confirmed, orally, that it has no basis upon which it could object to the proposals that it is the responsibility of the home owners to manage the drainage system.

The **Landscape Development Section** has confirmed that the information submitted by the developer regarding the highway improvements of Slacken Lane as required by condition 7 of the planning permission 13/00266/FUL (and contained in application 13/00266/CN07) is acceptable subject to the provision of Tree Protection Fencing and 'no dig' ground protection in identified positions, and that all excavations should be outside this area unless additional information is provided to demonstrate how this will be done in a way that avoids tree roots. Such tree protection measures will ensure that all the trees in that area not identified on the plan are protected and retained.

The plan submitted in response to condition 11 of the planning permission 13/00266/FUL (and contained in application 13/00266/CN11) has been resubmitted and now includes the parking spaces for the dwelling to the east of the turning head which had been omitted.

In light of the responses from consultees reported above the recommendations are amended as follows:

**RECOMMENDATIONS**

- (a) **Approve the drainage details provided with application 13/00266/CN06 as acceptable and satisfying the requirements of condition 6 of planning permission 13/00266/FUL.**
  
- (b) **Approve the proposed Slacken Lane widening and resurfacing details provided with application 13/00266/CN07 (including the provision of a new hawthorn hedge adjoining the widened Slacken Lane) as acceptable and satisfying the requirements of condition 7 of planning permission 13/00266/FUL subject to the requirement that Tree Protection Fencing is provided in the position shown on a plan to be provided to the applicant; that 'no-dig' ground protection is undertaken in the identified area; and that all excavations works are carried out outside of such areas unless it has first been demonstrated that this can be done without damage to tree roots.**
  
- (c) **Approve the waste and recycling details provided with application 13/00266/CN11 (including the plan identifying on-site turning head and parking for all properties) as acceptable and satisfying the requirements of condition 11 of planning permission 13/00266/FUL.**

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**SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**

**20<sup>th</sup> June 2017**

**Agenda item 10**

**Application ref. 13/000266/CN06, CN07 & CN11**

**Land off Slacken Lane, Kidsgrove**

A further representation has been received on behalf of the residents of Slacken Lane since the publication of both the main agenda and the advance supplementary report. This is summarised as follows:

- The views of the Members have been ignored as the development has continued and intensified.
- Given the historical and ongoing issues that residents are faced with involving frequent flooding of the Lane residents are at pains to ensure that all relevant agencies acting or commenting on the foul and surface water drainage arrangements, as required by condition 6, put their fears to rest. The Lead Local Flood Authority (LLFA) appear to be satisfied with the infiltration data provided but there is nothing in his response the suggest that other legitimate issues raised by him have been considered and addressed. These related to more manhole covers where there are changes of direction to improve flow to the soakaways and reduce the chance of siltation and blockages and the maintenance of the systems by the new home owners.
- Visitation by sewage specialists have identified that a connection to the foul sewage system on Slacken Lane as it joins Pickwick Place as identified in the information submitted to satisfy condition 6 is not possible. The connection, according to the specialist, must be done further up in Pickwick Place and would necessitate a private pumping station.
- The photograph provided by the developer in respect of condition 7 shows that Slacken Lane has been cleared to within 1m of the existing hawthorn hedge to No. 17 Slacken Lane and approximately 60cm of the younger hawthorn hedge on the other side which shows that there is very little room for further enhancement of the width. The condition requires the widening to 6m it is currently 3.5m wide.
- Although there has been some filling in of ruts by the developers on the section of the access owned by Lawton Estates this has washed away. No remediation works have been done to the Slacken Lane itself.
- The Landscaping and Tree Protection Plan is inaccurate in that it doesn't show the 15 trees that are there. The embankments and the trees should not be removed.
- There are discrepancies between two of the submitted plans. The turning point for the refuse vehicles proposed as the solution for condition 11 is shown on plan for condition 7 as the drive for the fifth bungalow. A modified plan that has been submitted to address this has reconfigured the placement of the drive to the 5<sup>th</sup> bungalow in order to make the turning head viable. The Waste Management, as a result have assured residents that this will ensure that all waste receptacles will continue to be collected from both Slacken Lane and the development site. It is hoped that this is an assurance that has the full agreement of the Council and its elected Members.

Officer comment

As indicated in the first advance supplementary report the LLFA have confirmed that information has been provided that addresses all their outstanding queries including those relating the management of the drainage system.

As previously reported the foul drainage details that have been submitted are considered to be acceptable by the relevant consultee, United Utilities, as such there is no basis upon which the details can be refused. If the residents are correct and foul drainage cannot be provided in

accordance with the details provided the developer will need to submit an amended drainage scheme for consideration and approval.

Plans have been submitted showing the widening of Slacken Lane to 6m as required by condition 7 of the planning permission. Such widening will in part need to be undertaken using a no-dig method of construction to ensure the retention of the 15 trees that the residents refer to. It is not necessary for the 15 trees to be shown on the plan and any decision issued will confirm that there is no approval for their removal.

Upon reflection it is considered that the comments of the Landscape Development Section as reported in the first advance supplementary report could be misinterpreted. Therefore for the avoidance of doubt please note that their advice is that no excavations should be undertaken within the Tree Protection Fencing are unless it has been demonstrated that this can be done in a way that avoids tree roots. Excavations can be undertaken within the 'no-dig' ground protection area provided that they are undertaken using the no-dig method of construction as detailed within the submission.

Condition 7 does not specify that remediation works should be undertaken on Slacken Lane and therefore whilst the residents' comments in this regard are noted they are not material to the determination of this condition application.

Whilst not within the written representation hereby reported the residents have question where the new hawthorn hedge, as referred to in the section of the main agenda report that considers condition 7, is going. This has highlighted a minor error in the report. A hawthorn hedge is not proposed to be planted, as indicated within the report, the intention is for an existing, newly planted, hawthorn hedge to be retained. The comments of LDS remain unchanged as a result of this correction.

The modified plan showing the turning head that the residents refer to demonstrates that a turning head and suitable parking for all the permitted properties can be provided.

The recommendations remain as set out in the first advance supplementary, with a minor amendment to recommendation (b) to improve clarity, as follows:

## **RECOMMENDATIONS**

- (a) Approve the drainage details provided with application 13/00266/CN06 as acceptable and satisfying the requirements of condition 6 of planning permission 13/00266/FUL.**
- (b) Approve the proposed Slacken Lane widening and resurfacing details provided with application 13/00266/CN07 (including the provision of a new hawthorn hedge adjoining the widened Slacken Lane) as acceptable and satisfying the requirements of condition 7 of planning permission 13/00266/FUL subject to the requirement that Tree Protection Fencing is provided in the position shown on a plan; that all excavations works are carried out outside of the Tree Protection Fencing unless it has first been demonstrated that this can be done without damage to tree roots; and that 'no-dig' ground protection is undertaken in the identified area.**
- (c) Approve the waste and recycling details provided with application 13/00266/CN11 (including the plan identifying on-site turning head and parking for all properties) as acceptable and satisfying the requirements of condition 11 of planning permission 13/00266/FUL.**