

## **PLANNING COMMITTEE**

Tuesday, 5th August, 2014

**Present:-** Councillor Sophia Baker – in the Chair

Councillors Mrs Bates, D Becket, Braithwaite, Cooper, Mrs Hambleton, Mrs Heesom, Northcott, Proctor, Miss Reddish, Waring, White and Williams

### **1. APOLOGIES**

There were no apologies.

### **2. DECLARATIONS OF INTEREST**

Cllr Braithwaite declared an interest in item 6 on the agenda.

Cllr Waring declared an interest in item 5 on the agenda.

Cllr Becket declared an interest in item 15 on the agenda,

### **3. MINUTES OF PREVIOUS MEETING**

**Resolved:** That the minutes of the previous meeting be agreed as a correct record.

### **4. APPLICATION FOR MAJOR DEVELOPMENT - TUDOR HOUSE, MAIN ROAD, BETLEY; DR PAULA RICHARDS; 14/00355/FUL & 14/00356/LBC**

**Resolved:**

- a) That the application 14/00355/FUL be permitted subject to a condition identifying the approved plans.
- b) That consent be granted for application 14/00356/LBC subject to a condition identifying the approved plans

### **5. APPLICATION FOR MAJOR DEVELOPMENT - 27 HARDINGSWOOD ROAD, KIDSGROVE; MRS KATY STANWAY; 14/00453/FUL**

Cllr Robinson Spoke in favour of the application.

**Resolved:**

That the application be refused as demolition of the building would be detrimental to the overall character and appearance of the Trent and Mersey Canal Conservation, would not result in any public benefit and it had not been demonstrated that the building was incapable of beneficial use. As such the application was contrary to policy.

### **6. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF PEPPER STREET, KEELE; KEELE HOME LTD; 13/00970/OUT**

Cllr Naylor addressed the committee and objected to the application.

An update was provided by the Council's Environmental Health Officer who stated that Environmental Health was satisfied that concerns could be addressed through conditions.

Cllr Cooper Proposed the recommendation and Cllr Stringer seconded the proposal. A vote was taken with 6 in favour, 4 against 2 abstentions.

**Resolved:**

Subject to the applicant entering into a Section 106 obligation by 5th October 2014 to require:-

1. A contribution towards school spaces of £364,627 and the sum being able to be adjusted should the development as built be for less than the full 100 units;
2. 15% Affordable Housing provision;
3. The entering into of a Management agreement to secure the long term maintenance of the public open space and any play equipment provided to meet the needs of the residential development, and the maintenance of any boundary treatment to prevent access to the landfill site;
4. A Travel Plan monitoring fee of £6,500;
5. A financial bond (the precise amount to be agreed) to be held by the council to be used to fund the works necessary to complete the process of extinguishing the fire and reinstating that part of the site affected by such works should the developer fail to do so following commencement of such works; and
6. That a financial viability reappraisal be undertaken if the development has not been substantially commenced within 18 months, from the grant of this outline planning permission and appropriate adjustments be made, on the basis of such reappraisal(s) to the level of affordable housing with a cap of 25% and a floor of the level of affordable housing referred to in 2) above;

That the application be permitted subject to the following conditions:

1. Submission and approval of reserved matters.
2. Time limit for the submission and approval of reserved matters and for commencement.
3. Reserved matter submission to be informed by principles within the submitted Design and Access Statement and set out in the Master Plan (drawing no. 14-019-SK1001 Rev D dated Feb 2014) with the residential development being contained within the area shown and being restricted to 100 dwellings maximum.
4. Reserved matter submission to include full details of cycle/pedestrian links.
5. Prior approval of the full and precise details of the methodology for the remediation of the burning spoil heap, and that works are to be carried out in accordance with the approved details before development commences.
6. Prior approval of full and precise details of the steps to be taken to protect public health and the amenity of residents and users of the woodland before any engineering works take place, and that works to be carried out in full accordance with the approved details.
7. The residential development shall not be commenced until such time as it has been demonstrated that the fire has been extinguished and is unlikely to reignite.

8. Contaminated land conditions to be satisfied for the area of the site to be developed for residential purposes and the area identified as public open space on the Master Plan if it is intended that this area will be accessible to the occupiers of the development and the wider public.
9. Area identified as public open space shall be fenced off in accordance with approved details and access prevented unless the contaminated land conditions have been satisfied.
10. Japanese Knotweed
11. Construction Management Plan and restriction on the hours of construction.
12. No impact piling on any part of the site.
13. No external lighting without prior approval.
14. Notwithstanding the details shown on the submitted access plans no development, other than demolition, shall be commenced until revised access details indicating a minimum width of 5.5m for the first 10m from the carriageway edge should be submitted and approved and the access completed prior to first occupation and retained as such for the lifetime of the development.
15. Access visibility splays to be maintained clear of obstruction.
16. Prior approval of a Highways Construction Method Statement details the site compound with associated temporary buildings; parking of vehicles for site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; and wheel wash facilities.
17. Prior to first occupation all private parking and vehicle access areas shall be hard surfaced in a porous material and drained in accordance with details that have been approved.
18. Prior approval and implementation of a Travel Plan.
19. Closure of existing accesses that are made redundant as a result of this development.
20. Development shall not be commenced until such time as a scheme to limit the surface water run-off has been agreed.
21. Development shall not be commenced until a scheme to manage the risk of flooding from overland flow of surface water on the proposed development has been agreed.
22. Contaminated land conditions.
23. Piling or any other foundation designs using penetrative methods shall not be permitted unless it can be demonstrated that there is no resultant unacceptable risk to groundwater.
24. If during development, contamination not previously identified is found to be present at the site development to cease until a remediation strategy has been agreed.
25. Prior to commencement of development further intrusive site investigation works to be undertaken in order to establish the exact situation regarding the coal mining legacy issues on the site to be submitted and agreed, including any identified remedial works to treat the mine entries and/or areas of shallow mine workings to ensure the safety and stability of the proposed development
26. In the event that such site investigation works required by condition 22 confirm the need for remedial works, such remedial works identified shall be undertaken prior to commencement of the development.
27. Submission of a detailed arboricultural survey is undertaken and used to inform a landscape led final Master Plan which shall show the exact alignment of dwellings within areas of woodland using principles demonstrated in the draft Master Plan.
28. Submission of existing and finished levels.
29. Retained trees and root protection areas shown on a proposed layout plan.
30. Arboricultural Impact Assessment in accordance with BS5837:2012

31. Dimensioned tree protection plans in accordance with BS5837:2012
32. Schedule of works to retained trees
33. Arboricultural method statement in accordance with BS5837:2012
34. Full hard and soft landscaping proposals based upon principles identified in the Landscape and Visual Impact Assessment
35. Full landscape maintenance schedules.
36. All recommendations contained within the submitted ecological surveys to be complied with.
37. Prior approval and implementation of a written scheme of archaeological investigation of the buildings to be demolished.

**B.** Failing completion by 5th October 2014 of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that in the absence of such obligations the proposal fails to provide appropriate level of affordable housing which is required to provide a balanced and well-functioning housing market, secure the on-going maintenance of on-site open space provision, secure effective monitoring of the Travel Plan, and an appropriate contribution towards school provision; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

7. **APPLICATION FOR MINOR DEVELOPMENT - MINTON STREET/HIGH STREET, WOLSTANTON; VODAFONE LTD, 14/00480/TDET**

**Resolved:** That prior approval is not required.

8. **APPLICATION FOR MINOR DEVELOPMENT - TRANSMISSION STATION, CAMP HILL, BALDWINS GATE; TELEFONICA & VODAFONE LTD; 14/00507TDET**

**Resolved:** That prior approval is not required.

9. **APPLICATION FOR OTHER DEVELOPMENT - CAR PARK, SCHOOL STREET; NEWCASTLE UNDER LYME BOROUGH COUNCIL; 14/00418/DEEM3**

**Resolved:** That the application be approved subject to a condition identifying the approved plans.

10. **APPLICATION FOR OTHER DEVELOPMENT - CAR PARK, GOOSE STREET; NEWCASTLE UNDER LYME BOROUGH COUNCIL; 14/00420/DEEM**

**Resolved:** That the application be approved subject to a condition identifying the approved plans.

11. **APPEAL DECISION - 10 CASTLE WALK, NEWCASTLE UNDER LYME, HERON FOODS LTD; 13/00977/FUL**

**Resolved:** That the decision be noted.

12. **APPEAL DECISION - GARAGE SITE, 82-88 HARRISEAHEAD LANE; ASPIRE GROUP; 13/00714/FUL**

**Resolved:** That the decision be noted.

13. **APPEAL DECISION - GRANGE FARM, SCHOOL LANE, ONNELEY; MR & MRS CORNES; 13/00739/FUL**

**Resolved:** That the decision be noted.

14. **OPEN ENFORCEMENT CASES**

**Resolved:**

- a) That the report be received
- b) That a further update be provided alongside the next quarterly monitoring report on cases where enforcement action has been authorised.

15. **QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED.**

**Resolved:** That the information be received.

16. **DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:** That the public be excluded.

17. **QUARTERLY ENFORCEMENT REPORT - RESTRICTED APPENDIX**

**Resolved:**

- a) That the information be received.
- b) That Council Officers liaise with the ward councillors concerned regarding the item referred to in the appendix prior to the next quarterly enforcement report.
- c) That all information, including that received from ward councillors be included in the next quarter report.
- d) That a decision be made at that meeting whether to continue to provide a quarterly report on this item or to update members only on an annual basis

18. **APPEAL IN RELATION TO LAND TO THE REAR OF GATEWAY AVENUE, BALDWINS GATE; 13/00426/OUT**

Cllr Loades outlined his concerns regarding the application and requested that the Committee take them into consideration when making its decision.

Members re-emphasised their concerns in relation to the highways and that this reason for refusal remain.

**Resolved:** That subject to the Council's consultant ensuring that in the Statement of Common Ground it is agreed by both parties that appropriate conditions with respect to drainage are recommended to the Inspector, the Council should no longer defend reason for refusal No.7 and should offer no evidence in support of that particular reason for refusal at the appeal.

**COUNCILLOR SOPHIA BAKER**  
**Chair**