

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
9th December 2014

Agenda item 6

Application ref. 14/00767/FUL

Former Woodshutts Inn, Lower Ash Road

Since the preparation of the agenda report comments have been received from the **Coal Authority** who advise that their records indicate that there are 5 mine entries and their resultant zones of influence within 20m of the site boundary. No treatment records are held for 3 of the mine entries. They therefore object to the application in its current form until such time that it can be demonstrated that no significant risk to the development is posed by coal mining legacy issues and that it can be demonstrated that the application site is, or can be made, safe and stable for proposed development, in accordance with the requirements of the NPPF.

Your officer's comments

Following receipt of the comments of the Coal Authority the applicant has been in discussion with them. They have made the Coal Authority aware that they have an investigation planned to locate the shaft adjacent to the site, which is the main concern, and will then instruct an appropriate company to investigate and treat shallow mine workings. It is anticipated that upon receipt plans, that have already been prepared, showing the shaft position relative to the development the Coal Authority will withdraw their objection. This may not, however, be before the Committee meeting and as such the recommendation is amended as set out below.

Consideration has been given to the mechanism for securing the level of affordable housing, in perpetuity, to meet policy requirements. Whilst, as stated in the Committee report, the securing of such affordable units within a S106 obligation would prevent the applicant from obtaining funding from the Homes and Communities Agency it is understood that the same problem would not arise through the imposition of a condition.

Whilst it is understood that discussions have taken place with the Environmental Health Division regarding the submission of a further noise assessment this has not happened. It is considered that this should be addressed through the imposition of a condition.

The **recommendation** is therefore amended as follows

a) Subject to the applicant entering into a S106 obligation by agreement by 20th January 2015 to secure the following:

- **A financial contribution of £22,062, index linked towards the provision of education facilities**
- **A financial contribution of £64,746, index linked for open space enhancement/improvements and maintenance**

Permit subject to conditions relating to the following matters:

- **Standard Time limit condition**
- **Approved plans/drawings/documents**
- **Approval of all external facing and roofing materials**
- **Inclusion of windows in side elevation of plots 21 and 22**
- **Landscaping scheme**
- **Details of boundary treatments, including to the rear of the adjoining commercial properties to block the existing gap**
- **Construction Method Statement.**

- Provision of access drives, parking and turning prior to occupation.
- Access to plots 4 to 11 to comply with submitted Cameron Rose Associates plan.
- Width of driveway to plots 1 to 3 to be 4.5m for first 6m rear of the highway boundary.
- Permanently closure of redundant access.
- Driveways to be surfaced in a bound material for 5m from the highway boundary.
- Surface water interceptors to be provided where driveways fall towards the public highway.
- Contaminated land conditions
- Site to be drained on a separate system with no surface water to be discharged into combined sewer network.
- Provision of 10m access strip to public sewer crossing site.
- Updating of ventilation system of adjoining fish and chip shop
- Submission of a further noise assessment relating to noise from the adjoining industrial doors business and the details of the measures to be undertaken within the development to mitigate the impact of noise arising from that and other noise sources. Implementation of the approved details.
- Prior approval of a scheme for the provision, in perpetuity, of 6 affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity prospective and successive occupiers of such units and the means by which such occupancy will be enforce.

b) Should the matters referred to in (i) and (iii) above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure provision for education; and the provision of adequate public open space as applicable, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.