

LAND OFF SLACKEN LANE
ASHGREEN LIMITED

13/00266/CN06, CN07, & CN11

The applications relate to approval of details required by conditions of planning permission reference 13/00266/FUL for the erection of 6 bungalows and the formation of new accesses which was granted planning permission on appeal. The applications are as follows:

13/00266/CN06 concerns condition No.6 which is worded as follows:

Development shall not begin until foul and surface drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority. The submission to be approved shall include details of how this would be maintained in the future.

13/00266/CN07 concerns condition No.7 which is worded as follows:

Development shall not begin until proposals to widen the south-east section of Slacken Lane to 6m and to make up the section between Congleton Road through to the site access have been submitted to and approved in writing by the local planning authority. This should include a programme for the works and, thereafter, the agreed scheme shall be implemented accordingly.

13/00266/CN11 concerns condition No.11 which is worded as follows:

No development shall take place until details of the arrangements for recycling materials and refuse storage including, designated areas to accommodate sufficient recyclable materials and refuse receptacles to service the development and details of collection arrangements have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the designated areas for recyclable materials and refuse receptacles have been provided for the dwellings.

The site lies within the urban area as defined on the Local Development Framework Proposals Map.

The eight week statutory determination period expires on 22nd June for applications 13/00266/CN06 and 13/00266/CN11 and on 30th June for application 13/0266/CN07. These applications were brought to the Planning Committee at its meeting on the 23rd May and the resolution of the Committee was to defer a decision in each case

RECOMMENDATIONS

- (a) Subject to the Lead Local Flood Authority being satisfied that the proposed soakaways are acceptable, approve the drainage details provided with application 13/00266/CN06 (including any additional acceptable details that are required but not yet received) 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.**
- (c) Approve the waste and recycling details provided with application 13/00266/CN11 (including the on-site turning head) as acceptable and satisfying the requirements of condition 11 of planning permission 13/00266/FUL.**

Reason for Recommendation

The information provided in response to conditions 7 and 11 are acceptable and satisfy the requirements of such conditions. To date sufficient and appropriate details/information has not been provided that satisfies the requirements of the condition 6. Further information is being sought and the comments of the relevant consultee are awaited.

KEY ISSUES

When granting planning permission for five bungalows, reference 13/00623/FUL, the Planning Committee resolved that the details required by conditions relating to foul and surface water; the widening and improvement of Slacken Lane; and the details of arrangements for recycling materials and refuse storage be brought to the Committee for approval. Whilst the condition applications that are the subject of this report do not relate to application 13/00623/FUL but to application 13/00266/FUL (for six bungalows granted on appeal following refusal) given the decision of Committee on the later development, and the interest that was thereby expressed on such matters, the relevant "conditions applications" are brought to the Committee for decision.

Please note that it is not the case, as expressed in the representation received, that a decision cannot be reached as to whether the details provided in respect of the conditions are satisfactory until any right in civil law to use Slacken Lane has been established. It is not for the Local Planning Authority to confirm whether or not there are such rights and there is no requirement that a declaration is provided from the applicant to that affect.

Looking at each condition application in turn:

13/00266/CN06

As indicated above this application relates to details required by condition 6 of planning permission 13/00266/FUL requiring the approval and implementation of foul and surface drainage works as required, including details of the maintenance of such drainage works in the future. The information as submitted in the first instance is a plan that shows that the surface water will be drained to three soakaways shown within the site close to the northern boundary. In addition the indication is that the foul drainage will be addressed by a connection to the existing foul sewer in Slacken Lane close to the end of Pickwick Place.

United Utilities have been consulted and have now approved connection of the development to public sewer.

During the course of this application the applicant has provided additional information in response to the comments of the Lead Local Flood Authority (LLFA) however their latest response is that more investigation are required to show that soakaways are acceptable. Upon receipt of additional information the further comments of the LLFA will be sought and hopefully will be received in time for your Officer to make a clear recommendation on this application.

As previously advised, In response to the comments within the representation, it is confirmed that alterations to the junction of Slacken Lane with Congleton Road, including any drainage features at that junction, that were approved under application reference 13/00623/FUL do not form part of the planning permission to which the conditions within this report relate and the developer is not required to carry out such junction improvements as he is not intending to, and indeed is unable to, implement that other planning permission.

13/00266/CN07

As indicated above this application relates to details required by condition 7 of planning permission 13/00266/FUL requiring the approval and implementation of the widening and making up of Slacken Lane to 6 metres in width. The information as submitted in the first instance is photographs which are said to demonstrate that they have already started surfacing the narrow section of Slacken Lane using a compacted hard-core base finished with recycled tarmac topping to match the remainder of

the unadopted highway. The portion of Slacken Lane that is to be widened to 6m will be done in the same manner.

More recently an amended plan has been received indicating that a hawthorn hedge is to be planted adjoining part of the section of Slacken Lane that is to be widened to soften the visual appearance of this widening. Information regarding tree protection measures has also been provided.

Whilst not required by the condition, information has also been provided regarding the maintenance of Slacken Lane indicating that the developer will ensure that the construction of the road will be robust enough to take delivery vehicles without 'rutting'. Regular pot-hole filling exercises for the whole length of Slacken Lane will be undertaken regularly to keep whole lane in good condition. At the end of the development a final check will be conducted and any pot-holes/ruts will be repaired.

The Highway Authority 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.

The further views of the Landscape Development Section are still awaited however as it is understood that the revised plans have been agreed by the applicant with a representative of the LDS on site it is anticipated that they will confirm their approval of the details. The requirement to achieve 6 m width is part of the planning permission granted on appeal.

As previously advised concern has been expressed in the representation received that the Lane cannot take the vehicular movements associated with the development construction. In addition it has been indicated that the public footpath is being obstructed by the site gate which is left open. Such issues are not material to the determination of this or any of these condition approval applications.

13/00266/CN11

As indicated above this application relates to details required by condition 11 of planning permission 13/00266/FUL requiring the approval and implementation arrangements for recycling materials and refuse storage including, designated areas on collection day. An amended plan has now been received indicating a turning head where a refuse vehicle can turn on site to enable refuse and recyclable materials to be collected from the frontages of individual properties within the site. Whilst a response from the Waste Management Section has not yet been received in writing they have orally indicated that they are happy with such arrangements. This will enable refuse vehicles to both access and exit Slacken Lane in a forward gear which is currently not possible as there is no suitable turning area. It will avoid the need for refuse and recyclable materials receptacles from the new properties being stored at the junction of Slacken Lane and Congleton Road on collection day. These factors will be beneficial to the occupiers of the proposed development and existing Slacken Lane residents.

As previously advised please note that the condition as worded by the Planning Inspector specifies that the details of the arrangements for recycling materials and refuse storage are to be agreed before any development takes place and that designated area for recyclable materials and refuse receptacles has been provided before any dwelling is occupied. Unless the comments within the representations have been misunderstood, the concerns expressed in them that a decision on such arrangements will be left until occupation is incorrect.

APPENDIX

Policies and Proposals in the approved Development Plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

None relevant

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

None relevant

Other material considerations include:

Relevant Planning History

Application 13/00266/FUL for the erection of 6 bungalows was refused and subsequently allowed on application. Application 13/00623/FUL for 5 bungalows was permitted.

Views of Consultees

The latest response of **Lead Local Flood Authority** commenting on **13/00266/CN06** is that they cannot at present recommend approval of the details submitted to satisfy condition 6 as more investigation is required to show that soakaways are acceptable. While the information in the Strategic Drainage Report (Keytech Development Design Ltd, October 2015) suggests specific soil infiltration rates are acceptable, the associated graphs and results do not show a discharge from full to half-volume within 24 hours in readiness for subsequent storm flows as detailed in BRE Digest 365.

United Utilities commenting on 13/00266/CN06 confirm that the drainage strategy is in line with United Utilities requirements and consider that the condition can be approved.

The **Highway Authority** commenting on **13/00266/CN07** has no objections. The **Landscape Development Section** has not commented on the latest plans received in respect of this application and any comments received will be reported. They have previously expressed some concern about the proposal to widen the access to 6 m given that this would result in the loss of existing verges and may have an impact on adjacent ornamental trees and hedgerows, and on trees that overhang (the access) from a neighbour's property. Furthermore they point out that the position of the 6 m (wide) route is not made clear on the submitted information. For the above reasons they had sought additional information including a tree survey, an arboricultural implications assessment and a plan showing retained trees and their Root Protection Areas.

The **Waste Management Section** commenting on **13/00266/CN11** originally advised that the information provided to satisfy this condition relates to waste generated during construction and as such does not provide the information that is required by the condition. They report that concerns were raised during the initial application about regular collections of refuse, recycling and garden waste from the properties once they are occupied. They have been in discussions directly with the applicant since they made these comments

Representations

A representation on behalf of the Slacken Lane residents (in 5 parts) has been received raising the following concerns:

- Following the granting of planning permission for 5 bungalows on the land (13/00623/FUL) the Planning Committee resolved that conditions relating to a refuse collection point, disposal of foul and surface water, safeguarding of the public footpath and the Lane surface should be brought before them for approval following the establishment of any right in civil law claimed by the developer to do so. The approval included plans to meet the suggestions of the Highway Authority. It was shocking to discover that the alterations to the junction layout, set

to include additional drainage to cope with the excess surface run off from Congleton Road would no longer feature in such plans.

- The lives of residents of Slacken Lane have been blighted by the arrival of the developers on site since 24th April due to speeding vehicles, movements of large loads, blockage of driveways and inappropriate parking. The unadopted surface of the Lane is not equal to this task and the residents are not prepared to countenance its destruction.
- Gates to the entrance to the development site are routinely opened, extending across the width of the public footpath thereby blocking it.
- The position of the collection point for the waste and recyclable materials should not be left until first occupancy. Given the Council's current position regarding the collection of bins from unadopted and private roads, this could potentially mean that the existing 8 dwellings in Slacken Lane would have to leave bins and boxes for collection every week on the footpath to Congleton Road which will not be visually acceptable. Bearing in mind that the last 300ft to the development site is only 6 foot wide and neither the land nor Slacken Lane is owned by the developer, it begs the question as to how this is to be achieved. It is not a decision to be left until later.
- There are concerns about the proposed accessing of the United Utilities sewer. Originally the access point was to be to the rear of the site, but now that has been denied the access point now proposed is to the rear of Pickwick Place. This suggests that they plan to go beneath the culverted stream which runs along Slacken Lane and would leave the Lane at risk of flooding. This proposal has not been subject to the same scrutiny of the Flood Risk Officer which is imperative as the Lane already suffers from flooding following heavy rainfall.

Applicant/agent's submission

The application details as submitted are available to view at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/13/00266/CN06>
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/13/00266/CN07>
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/13/00266/CN11>

Background Papers

Planning file
Planning documents referred to

Date report prepared

8th June 2017