

# Public Document Pack

**Date of meeting**      Tuesday, 2nd October, 2012

**Time**                      7.00 pm

**Venue**                    Council Chamber, Civic Offices, Merrial Street,  
Newcastle Under Lyme, Staffordshire ST5 2AG

**Contact**                 Peter Whalan

## **Supplementary information to the Planning Committee**

### **AGENDA**

#### **PART 1– OPEN AGENDA**

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|-----------|--|----------------------|
| <b>14</b> | <b>Application for Major Development - Former Thistleberry House Residential Home, Keele Road, Newcastle. Taylor Wimpey North Midlands. 12/00466/FUL</b> | <b>(Pages 1 - 2)</b> |
| <b>15</b> | <b>Application For Other Development - The Coach House, Butterson Road, Butterson. Mrs S Bradbury. 12/00494/FUL</b>                                      | <b>(Pages 3 - 4)</b> |
| <b>16</b> | <b>Application for Other Development - Allendale House, Milehouse Lane, Newcastle. Ms M Anderson. 12/00504/FUL</b>                                       | <b>(Pages 5 - 6)</b> |

**Members:**      Councillors Miss Baker, Boden, Cairns, Clarke (Vice-Chair), Fear (Chair), Hambleton, Mrs Hambleton, Howells, Jones, Matthews, Miss Reddish, Stringer, Studd, Sweeney, Williams and Mrs Williams

**'Members of the Council: If you identify any personal training / development requirements from the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Committee Clerk at the close of the meeting'**

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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FORMER THISTLEBERRY HOUSE RESIDENTIAL HOME, KEELE ROAD  
TAYLOR WIMPEY NORTH MIDLANDS. 12/00466/FUL (item 4 – main agenda)

## **Representations**

A further letter has been received from a third party questioning the Council's ability, on the basis of the information before it, to determine the application in the light of case law (specifically in relation to the consideration of protected species).

The letter refers to the possible use of features on the site by roosting bats and the recommendation of Natural England and whether sufficient information has been provided to determine the presence of bats, and to grant the permission, having regard to the guidance within the relevant Circular, the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010.

The letter also questions the compliance of the proposal with Policy CSP3 specifying a lack of evidence on the applicant's part to demonstrate this.

## **Applicant's Submission**

In response to these comments the applicant has provided further submissions. In relation to the compliance with policy CSP3 a detailed response has been provided by the agent on each individual criterion.

A bat survey report, not previously submitted, has been received from the applicant. This includes the findings of an internal inspection and dusk and dawn studies. The report concludes that "currently the site is of negligible interest and value for roosting bats".

The applicant's consultants refer to the qualifications of the person who undertook the survey and the methodology employed and they submit that an appropriate level of bat survey has been undertaken and submitted in support of the application so as to allow the planning authority to determine the application in accordance with their legal and statutory objections.

A revision to the layout of the development has also been received in response to the recommendation within the report that specified that a footpath link to plots 16-21 should be provided. This illustrates the provision of footpath links from the rear garden areas of plots 16-21 allowing direct access by the occupiers of those properties to Keele Road.

## **Your Officer's Comments**

In relation to the comments raised by the third party and the subsequent responses by the applicant, your Officer remains satisfied that the broad aims and objectives of policy CSP3 are met. Although the initial submission by the applicant was lacking in terms of specific details on each element of this policy, their response has now rectified this with a comprehensive submission.

The view of your Officer has similarly not changed with regards to the issue of bats. This view appears correct and justified by the findings of the bat survey that have been undertaken by a qualified professional and which have now been submitted.

The change to the layout of the estate to facilitate the provision of footpath links for plots 16-21 achieves the required permeability. To achieve this, a small section of rear garden is lost from 4 of the dwellings but an acceptable level of private open space continues to be provided and with appropriate gating (which could be secured by an appropriate condition) no adverse impact on residential amenity or increased risk of crime would result.

It has been noted that there is duplication within the suggested conditions in relation to boundary treatments and this would be rectified as part of any decision notice if approved.

**The recommendation therefore remains as per the report with the following changes:**

- **With the receipt of the revised plan the decision is no longer subject to such receipt (and the condition referring to plans would need to reflect this).**
- **Inclusion of a condition relating to rear access gates.**
- **Removal of duplicated boundary treatment condition.**

THE COACH HOUSE, BUTTERTON ROAD, BUTTERTON  
MRS S BRADBURY. 12/00494/FUL (item 6 – main agenda)

Since the preparation of the agenda report the **Landscape Development Section** and **Conservation Area Working Party (CAWP)** have provided comments on the application.

The **Landscape Development Section** have recommended a number of conditions which include the submission and agreement of a plan showing Root Protection Areas, an Arboricultural Impact Assessment and Method Statement, block surfacing and edging details and a tree protection plan before development commences being agreed in writing.

**CAWP** raised no objections but felt that some attempt should be made to match the garage design to the house as well as the materials i.e. hipped roof with extending barge boards.

### **Your Officer's Comments**

Policy N12 of the local plan details that the Council will resist development that would involve the removal of any visually significant tree. In this regard there are trees within close proximity to the proposal which the applicant has indicated will be retained and in addition there is some doubt about what harm would be caused to an ash tree believed to be on the neighbouring land. Therefore it is considered that the conditions advised by the Landscape Section would help to avoid any harm or loss to this visually significant tree and any trees on the front boundary to the property and are therefore justified.

In response to the comments of CAWP the applicant's agent has indicated that the applicant would be amenable to a hipped style roof with extending barge boards to match the main Coach House. It has not been possible for the applicant to submit amended plans in time for consideration and therefore a condition is recommended that requires the submission of a plan showing a hipped style roof with extending barge boards for approval before development commences, and indicates that the development should be carried out in accordance with the approved plans.

**The recommendation remains as set out in the agenda report but with the addition of the conditions as follows:-**

- **submission and agreement of a plan showing Root Protection Areas;**
- **submission and agreement of an Arboricultural Impact Assessment and Method Statement;**
- **submission and agreement of block surfacing and edging details;**
- **submission and agreement of a tree protection plan;**
- **submission, approval and implementation of amended plans providing a hipped roof and extending barge boards.**

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ALLENDALE HOUSE MILEHOUSE LANE NEWCASTLE  
MS. M. ANDERSON. 12/00504/FUL (item 7 – main agenda)

Since the preparation of the agenda report the applicant's agent has made representations to the Local Planning Authority advising a site meeting has taken place on 21 September between the applicant's transport consultants and the Highway Authority in respect of the concerns raised by the Highway Authority during the application process. The applicant's agent advises that a potential solution to the concerns of the Highway Authority have been reached which could overcome the reasons for refusal involving the provision of four on-site parking spaces at the front of Allendale House and an amended egress ramp, which removes the second wall located between the bungalow driveway and the garages access road, which provide access on to the adjacent access drive which is the applicants control.

Construction drawings have been requested to demonstrate the above can be achieved to the satisfaction of the Highway Authority.

**Officer's Comment**

To date no such drawings have been submitted, and in light of this the applicant's agent has requested that the decision on this application be deferred so that the amended plans can be fully accessed by the Highway Authority. Your Officer has advised the applicant's agent that the local planning authority are not willing to recommend such a deferral of the application, in this instance, given the application is at well advanced stage and advising them that such issues should have been resolved prior to the submission of the application.

Since the preparation of the agenda report Officers have reconsidered their recommendations to the Planning Committee given there is off street parking available which is in the control of the applicant (the section 52 land) and which is identified within the application submission Officers are now revising their **recommendation (a) to Permit the application subject to a condition requiring the parking for the new use be provided on the section 52 land in accordance with details to be submitted and agreed.**

**Recommendation (b) remains unchanged.**

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