

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.

RECOMMENDATIONS

- (a) Subject to no objections being received from United Utilities and the Lead Local Flood Authority, approve the drainage details provided with application 13/00266/CN06 (including any additional acceptable details that are required but not yet received) that such bodies have confirmed are acceptable and satisfy the requirements of condition 6 of planning permission 13/00266/FUL.
- (b) Subject to no objections being received from the Highway Authority and the Landscape Development Section, approve the proposed Slacken Lane widening and resurfacing details provided with application 13/00266/CN07 (including any additional acceptable details that are required but not yet received) that such bodies have confirmed are acceptable and satisfy the requirements of condition 7 of planning permission 13/00266/FUL.
- (c) Subject to no objections being received from the Waste Management Section, approve the waste and recycling details provided with application 13/00266/CN11 (including any additional acceptable details that are required but not yet received) that they have confirmed are acceptable and satisfy the requirements of condition 11 of planning permission 13/00266/FUL.

Reason for Recommendation

To date sufficient and appropriate details/information has not been provided that satisfies the requirements of the conditions 6, 7 and 11 of planning permission 13/00266/FUL. Further information is being sought where required and the comments of the relevant consultees 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/information 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 effect.

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 provided 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 their comments upon the foul drainage arrangements are awaited. Initial comments received from the Lead Local Flood Authority (LLFA) indicate that additional information (calculations) is required to demonstrate that the soakaways are adequate to address the surface water generated by the development. In addition no details of how the drainage arrangements will be maintained have been provided as specifically required by the condition.

In response to this the applicant has advised that they will use a 'crate' soakaway system which will be agreed on site with Building Control. The indication is that all foul surface water drainage on-site will be maintained by the new home-owners when the properties are sold. The foul pipe that leaves the site will be maintained by United Utilities.

The further comments of the LLFA have been sought and hopefully will be received in time for your officer to make a clear recommendation on this application. If not it will be recommended that the decision on the application be deferred to allow additional time for that process to be completed.

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. The information provided 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.

Whilst not required by the condition, information has also been provided regarding the maintenance of Slacken Lane indicating that they 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 views of the Highway Authority are awaited and it is not yet known whether the information provided is sufficient for them to recommend approval of the details. The comments of the Highway Authority will be reported in addition to any additional information provided to in response to their comments. If it transpires that there is not sufficient time for any further information as may be required by the Highway Authority to be submitted by the applicant and for their further comments to be obtained, it will be recommended that the decision on the application be deferred to allow additional time for that process to be completed.

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. The information provided to date relates to the construction phase of the development and as such does not address or satisfy the requirements of the condition. The applicant has been advised of this and further information is expected to be submitted. Upon receipt of the further information the Waste Management will be reconsulted and their comments will hopefully be received in time for your officer to reach a recommendation on this application. If not it will be recommended that the decision on the application be deferred to allow additional time for that process to be completed.

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 **Lead Local Flood Authority** commenting on **13/00266/CN06** advise that the submitted document shows that surface water is to drain to soakaway. The applicant should submit soakaway calculations to support the document for discharge of Condition 6. This condition also requires details of proposed maintenance programme and who is responsible for maintaining the drainage system in future. They recommend that the condition should not be discharged until all supporting information has been submitted and approved.

United Utilities have also been consulted on **13/00266/CN06** and their views are due by 22nd May. Their comments will be reported if received

The **Highway Authority** and **Landscape Development Section** have been consulted on **13/00266/CN07** and their views are due by 19th May. Their comments will be reported if received.

The **Waste Management Section** commenting on **13/00266/CN11** advise 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. Concerns were raised during the initial application about regular collections of refuse, recycling and garden waste from the properties once they are occupied and those issues remain.

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

10th May 2017