

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
14th August 2018

Agenda item 9

Application ref: 18/00262/REM

Land off Pepper Street, Keele

Since the preparation of the main agenda report **two further representations**, including one that is signed by 23 residents of Pepper Street and Quarry Bank have been received objecting to the proposal and asking the LPA to refuse the application

Points made include

- The proposals include building over a railway tunnel to which the Railway authorities have previously objected
- Only 6 of the homes are designated “affordable”
- It would be negligent to build family homes close to the ponds on the site
- The access point onto Pepper Street would be dangerous
- No provision has been made to deal with the risk associated with the uncapped and unlined landfill site
- Attempting to put out the fire presents an extreme danger, and a bond and comprehensive risks insurance must be in place prior to such works
- There should be an up to date independent thermal imaging survey taken of the fire – it is wrong to rely on one that is out of date and was submitted by the developer
- Keele Homes have removed a large number of trees regardless of some having TPO’s
- Despite White Young Green advising that fencing should be provided around the underground fire site this has not been provided, the Borough Council has failed to insist upon this
- Residents need assurance that should KH attempt to open up the underground fire site there will be regular monitoring of air pollution

With respect to the first point Network Rail only objected previously because the outline application originally included land within the ownership of Network Rail. Further comments now received from Network Rail are considered below.

With respect to the number of affordable units that figure on the plans reflects what was subsequently agreed by the LPA albeit for a limited period that has now passed. The issue of the number of affordable units in the scheme will be the subject of a separate report, as explained in detail in paragraphs 5.1 - 5.3 of the main agenda report

With respect to the issue of the proximity of the housing development to water bodies this was known at the time of the outline consent and the design includes natural surveillance by properties of these features and further details of separation of these features from key routes and play facilities can be achieved by conditions.

The issue of the suitability of the main access onto Pepper Street was addressed at outline stage and accepted by the Local Planning Authority (it cannot be reopened now). The Highway Authority has no objections to the “new” access serving the three units.

The former landfill site although included within the red edge area is no longer to be publically accessible. Any potential issues arising from its proximity is addressed by conditions of the outline planning permission which include a condition which requires the area to be fenced off and access prevented if, as is the case, it is not to be accessed.

Approval for the principle of residential development has been granted. This is an application for the approval of the reserved matters of that outline planning permission. As such objections to the principle of housing development are not material to the determination of the application now before the authority. Nevertheless members will want to note that a number of matters raised by the third parties are the subject of conditions attached to the outline planning permission which will still need to be discharged before the development can proceed- for example the provision of fencing to prevent access to the site of the former tip.

Having been reconsulted following the submission of a revised site layout plan **Keele Parish Council** wish their previous comments (reported in the consultation section of the main agenda report) to be considered, whilst **Silverdale Parish Council** add to their previous comments expressing concern about the reduction in the number of affordable housing units, that the landscape proposes more losses than replacements and finally that the proposal for one access and no loop road will cause an issue for bin wagons, emergency services and estate traffic if there is on road parking as well

Network Rail has commented. Whilst they list details of further information that they require and a considerable number of conditions that they wish the developer to comply with, it would appear that such conditions are not ones that need to be included in any grant of planning permission with the exception of the request for further information to clarify the depth of dig above the tunnel, foundation works, excavation/earthworks. As it is now known that dwellings are proposed in a location above the tunnel it would be appropriate to impose such a condition.

The **Highway Authority** has commented upon the revised layout now before the LPA. They have no objection to the scheme on highway grounds provided a number of conditions are attached. These conditions are similar to those that they sought on the scheme as originally submitted, and such conditions have been taken into account in the list of conditions presented in the main agenda report with the exception of a condition requiring the retention of garages for the parking of vehicles. Such a condition is not justified as sufficient parking is provided within the plots to accord with policy without the need to retain garages for the parking of vehicles.

The **Landscape Development Section** has reviewed the most recent site layout and an Amended Strategic Landscape Plan. The importance of preventing any further works until Tree Protection fencing is agreed and installed is emphasised. They make some comments about the further information that had been provided by that stage accepting that some of their continued concerns could be dealt with by appropriately worded conditions. Additionally they ask for additional replacement planting on the area currently occupied by the burning spoil heap to mitigate the loss to date of woodland, the retention where possible of the hedgerow along Pepper Street and an adjustment of the proposed footpath along the southern boundary of the site.

Subject to the above they suggest the following conditions

- Retention of roadside hedgerow along Pepper Street except where removal is required to provide the access.
- Tree Protection Plans (to include hedgerows)
- Approval of a Schedule of works to retained trees.
- Full Landscaping proposals including replacement woodland planting (positioned on the burning tip area)
- No levels alterations within RPAs of retained trees
- Approval of an Arboricultural Method Statement to all works within RPAs of retained trees.
- Approval of proposals for boundary treatment
- Management plans for the areas of open space within the development

Such conditions are considered to be reasonable and appropriate and are therefore recommended. It is not, however, necessary to include a condition regarding the

management of the areas of open space as this was addressed within the Section 106 Agreement entered into in connection with the outline planning permission.

Subsequently in response to a revised Arboricultural Method Statement and Arboricultural Impact Assessment Statement, and further comment by the applicant's arboricultural consultants the LDS have commented further. They confirm that having expressed previously the view that the proposals do not demonstrate that the play equipment can be installed where shown (without adversely impacting trees that remain) they do say that they still have such concerns. However they have concluded that they would not object to the principle of having play equipment within the tree'd areas and they seek a number of conditions relating to the following matters

- Exact type of equipment to be confirmed
- Confirmation of the exact location of the LEAP equipment which may need to include some of the area of the restored burning spoil heap
- Type of surfacing to be used for the play area
- Means of protection/separation for site users from the road and pond.

Recommendation

The recommendation remains as per the main agenda report but a number of additional conditions are required to address issues raised by consultees since the main agenda report was prepared. The conditions are now recommended are as follows:

1. Approved plans/documents
2. Prior to commencement of the construction of the dwellings details of the house types and location of the affordable housing units at the level stipulated within the relevant S106 Agreement shall be agreed by the Local Planning Authority (LPA).
3. Prior to commencement of the construction of the dwellings details submission and approval of all external facing materials and hard surfacing materials.
4. Prior to commencement of the construction of the dwellings full details of the pedestrian/cycle links from the development onto Hollywood Lane shall be agreed by the LPA and implemented prior to occupation of any of the dwellings.
5. Prior to commencement of construction of the dwellings on plots 1-3 and 93-97 and the access to those plots, details of the depth of dig above the tunnel, foundation works and excavation /earthworks
6. Approval of tree protection plans (including of hedgerows)
7. Approval of a schedule of works to retained trees
8. Prior approval of further landscaping details (planting numbers, density and sizes), including replacement woodland planting to supplement the approved Strategic Landscape Masterplan.
9. No levels alterations within RPAs of retained trees unless prior written consent obtained
10. Approval of an Arboricultural Method Statement for all works within RPAs of retained trees
11. Approval of proposals for boundary treatment
12. Prior approval of revised internal access road details providing 6m internal access road junction radii.
13. Prior approval of surfacing materials and surface water drainage of private, parking and turning areas.
14. Provision of visibility splays.
15. Private drive to have a minimum length of 6m.
16. Retention of roadside hedgerow along Pepper Street except where removal is required to provide the access.
17. Tree Protection Plans (to include hedgerows)
18. Approval of a Schedule of works to retained trees.
19. Full Landscaping proposals including replacement woodland planting (positioned on the burning tip area)
20. No levels alterations within RPAs of retained trees

Published 13.08.2018

21. Approval of an Arboricultural Method Statement to all works within RPAs of retained trees.
22. Approval of proposals for boundary treatment
23. Prior approval of the full and precise details of the LEAP including the type of equipment to be installed, its location, surfacing and means of protection/separation from the road and the pond.