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Chief Executive

PLANNING APPLICATIONS COMMITTEE SUPPLEMENT AGENDA

Date: Thursday, 22 November 2018

Time: 2.00 pm

Venue: Council Chamber, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Please find below an additional report which was unavailable when the agenda was published.

PART 1

15. NOTE - A Late Representations Report will be circulated prior to the meeting i.e. any representations received since this agenda was published. **(Pages 3 - 12)**

SIMON BAKER
CHIEF EXECUTIVE

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<p>Tree Preservation Order No. SM.307 –</p>	<p>10 Curzon Rise, Leek</p> <p>The following additional comments have been received from the owners of the tree:</p> <p><i><u>The Human Rights Act 1998</u></i> <i>If the Authority confirms this TPO the balance of the wider public interest will have superseded our right to peaceful enjoyment of our property.</i></p> <p><i><u>Further Retort to the Report for the Planning Applications Committee(22nd November 2018)</u></i></p> <p><i>5.2 Your comment:</i> <i>“In the meantime, the TPO would not be a constraint to the owners’ desire to retain the tree.” – A TPO is permanent - the use of meantime which has a meaning of non permanent is ridiculous.</i></p> <p><i>5.4 Your comment:</i> <i>“A Deodar Cedar is a notably graceful and attractive tree, and the fact that it is evergreen does not detract from this nor in itself make a tree oppressive.” – This is a subjective comment – you do not live at 10 Curzon Rise.</i></p> <p><i>“The elevated ground level of the back garden of 10 Curzon Rise relative to the house increases the prominence of these trees, but also their perception of dominance.” – There is no perception about the dominance, it is reality, again you do not live at 10 Curzon Rise.</i></p> <p><i>“The lowest branches of the Cedar come within approximately 2.5 – 3.0m of the ground; this is lower than many mature trees, and whilst still allowing reasonable walking headroom beneath the crown this is comfortably low enough to contribute to the character and amenity of this garden itself.” – This is a subjective comment.</i></p> <p><i>5.5 Your comment: “Similarly, trees growing on sloping ground have usually adapted to such situation throughout their lives and are not considered to be at notably greater risk of failure.” – Let us hope that this is correct as I will hold the Council fully liable.</i></p>	

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	<p><i>“The line of slabs on-edge is clearly not designed or constructed to be formal retaining structure, and the pressure of ground water and soil slump could over time contribute to them being displaced. At this distance from the base of a tree, direct contact from root growth alone behind the slabs would be very unlikely to exert sufficient force to push over a paving slab.”</i> – The debate as to whether the line of slabs on-edge is currently a formal retaining structure is nonsensical; the slabs on edge were erected as a formal structure the cumulative effect of the growing tree roots, soil and water will only continue to affect the retaining structure.</p> <p><i>5.7 Your comment:</i> <i>“Similarly, trees growing on sloping ground have usually adapted to such situation throughout their lives and are not considered to be at notably greater risk of failure.”</i> – Let us again hope that this is correct as I will hold the Council fully liable.</p> <p><i>5.15 Your comment:</i> <i>“Meanwhile retention of the Beech T1 appears not to be an issue for the tree’s owners, and the work they wish to undertake to the tree thus far has been allowed by grant of consent.”</i> – This is a subjective comment and Mr Massey should be fully aware of the need to seek permission to undertake works, this does not mean that it is not an issue, quite the contrary.</p>	
<p>SMD/2017/0722</p>	<p>Land at Blythe Park, Sandon Road, Cresswell</p> <p><u>Representations</u></p> <p>Two representations have been received and re-iterates earlier comments as contained within the officer report.</p> <p>(1)</p> <p><i>“The outline planning permission for this proposed development identified certain conditions.</i></p> <p><i>Condition 4 concerned access and Highway requirements, which were to be completed before any development works commenced on the Blythe Park site.</i></p>	<p>Pages</p>

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	<p><i>This application proposes works on a classified public highway, which the applicant does not own, and, more importantly, over which Staffordshire Moorland District Council has no jurisdiction. Put simply, Staffordshire Moorland District Council has no authority to consider, debate, or determine:</i></p> <p><i>Item 1. The installation of a roundabout on Sandon Road, nor the creation of amended access to the existing properties which currently enjoy long-established access rights to the existing Sandon Road.</i></p> <p><i>The proposal to amend the access to the existing properties on Sandon Road is, in my opinion, unworkable as drawn, owing to the inadequate radii of the turnings to and from the proposed realigned Public Road, and the inherent danger to residents wishing to enter or leave the realigned road in close proximity to a roundabout.</i></p> <p><i>The proposal takes no account of the potential for the intolerable and permanent disruption to the lives of the existing residents, and their human rights to enjoy their properties without interference.</i></p> <p><i>Item 2. The widening of narrow sections of Sandon Road</i></p> <p><i>Item 3. The creation of a roundabout on the A522 at Draycott</i></p> <p><i>For this reason alone you have a duty to reject this application.</i></p> <p><i>It also appears that the current proposal before you does not contain acceptable information on these items.</i></p> <p><i>In February 2018, along with many others, I submitted a formal objection to the application to formalize the development of Plot 1.</i></p> <p><i>I wish my letter of objection dated 22.02. 2018 to remain in force, and to be put before your committee on the 22.11.2018 as part of their deliberations. For ease of reference, my objection letter is included below”.</i></p>	

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	<p>(2)</p> <p><i>“Application SMD/2017/0722 Blythe Business Park Cresswell should be refused as it has the potentiality to prejudice the ongoing Local Plan Inspection process.</i></p> <p><i>At the very least the application should be adjourned until the Inspector has formulated his 35 major modifications. Blythe vale is part of that process and that affects this development regarding its impact on Blythe Bridge and the surrounding area.</i></p> <p><i>Under the Local Plan Process, Regarding National Policy Guidance Paragraph 48 of the newly adopted NPPF it states that: “...decision-takers may also give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given.</i></p> <p><i>Example, The Emerging Policies</i></p> <p><i>The following policies (including their weighting) are considered to be relevant to this application:</i></p> <p><i>SS1 Development Principles (Moderate) SS1a Presumption in Favour of Sustainable Development (Significant).</i></p> <p><i>7.4 Once again achieving sustainable development sits at the heart of the Framework as referred to within paragraphs 10 and 11. As before, achieving sustainable development requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental where they are to be applied to local circumstances of character, need and opportunity as follows</i></p> <p><i>7.5 Paragraph 11 of the Framework requires decision</i></p>	

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	<p><i>makers to apply a presumption in favour of sustainable development this development is not as pointed out by Rachel Simpkin. For decision makers this means approving development proposals that accord with an up-to-date development plan without delay.</i></p> <p><i>It states that the development shall thereafter be implemented in accordance with the approved details and phasing plan and be completed in respect of each phase prior to first occupation of that phase of the development. This means that none of the units should be started until the infrastructure is in place and this includes the widening of the road and the construction of a footpath.</i></p> <p><i>11.The development hereby permitted shall not be commenced until details of the offsite highway works at the junction of Cresswell Lane and Uttoxeter Road indicated on drawing no. 120314-08 rev B and footway works indicated on drawing no. 120314-06 rev have been submitted to and approved in writing by the Local Planning Authority and built fully. This detail is missing from this application.</i></p> <p><i>Simply put the entrance roadway to and from the industrial estate will be constructed in the wrong place. The HGV vehicles will shine their lights through residents window day and night by way of where the roundabout is situated and the vibration of these vehicles will shake them, this application must be stopped it is not constant with the emerging Local plan and it is unsustainable as the case officer has previously pointed out”.</i></p> <p><u>Applicant:</u></p> <p>The current employment numbers for The Greenhouse People are:</p> <p>Directors - 2 Office based staff – 16 Warehouse / Workshop – 42 <i>Total 60 employees</i></p> <p>The projected increase is anticipated for the foreseeable future as being a maximum of:</p>	

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	<p>Director and Office based – 20 Warehouse and Workshop – 50 <i>Total 70 employees</i></p> <p>As indicated on the drawing, 64 spaces have been provided in the Main Car Park and Visitors Parking areas in accordance with our clients requirements. The future provision of a further 56 spaces can be made available in the Service Yard to comply with the above as illustrated on plan reference A-082-P-11.</p> <p><u>SCC Highways:</u></p> <p>In respect of scheme floorspace calculations provided by the applicant, the proposed unit would generate parking spaces as follows:</p> <p>B1 Office at 930sqm - (100sqm discounted) and 1 per 25sqm thereafter = 33 spaces, B2 Manufacturing at 2088sqm – 1 per 25sqm for the first 250sqm then 1 per 50 thereafter = 47 spaces, and, B8 Storage at 7334sqm at 1 per 80sqm = 92 parking spaces.</p> <p>This totals 172 parking spaces based on SMDC emerging parking standards.</p> <p>The additional information from the applicant in respect of employee numbers would support an under provision of spaces against emerging parking standards and there are opportunities to provide additional parking spaces within the site if these are required.</p> <p>In these circumstances, any such under provision against emerging standards would not lead to a highway safety issue and I am satisfied with the additional parking as shown.</p> <p><u>Officer Comment</u></p> <p>The scheme demonstrates that a total of 120 parking spaces can be provided within the site curtilage if these are required with the end user proposing to deliver 64 spaces for its current requirements, which is deemed as acceptable based</p>	

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	on employee numbers subject to those conditions as detailed within the officer report.	
SMD/2017/0434	Land off Thorncliffe Road, Leek None.	Pages
SMD/2018/0174	<p>Land at Cheddleton Park Avenue, Cheddleton</p> <p><u>Conservation Officer comments</u> I note there is no heritage statement with this application even though the site affects the setting of two Conservation Areas and the setting of Grange Farm (Grade II Listed Buildings) and the locks on the Cauldon Canal. These matters really should be given detailed consideration (in accordance with the NPPF) before determining if this is a suitable site for housing, especially given the raised ground levels and undulating topography. Development modelling would be particularly essential to demonstrate how development would sit in the landscape, including measures to mitigate the visual impact of the development with land modelling and planting.</p> <p>I have viewed the site from the Canal and the northern approach to Cheddleton on Leek Road and can confirm that the development of the site will impact on the open, rural setting of designated heritage assets.</p> <p>The steeply undulating fields between Cheddleton Park Avenue and Cheadle Road provide an important open space reinforcing the rural setting of the historic village centre and Grange Farm, separating them from recent suburban development. The existing housing on Cheddleton Park Avenue runs along a relatively level contour on the side of the hillside and the stopping point towards the village is logical given the rising and undulating ground levels and degree of prominence visual prominence. This is clearly seen from the Listed river bridge, from along the Canal towpath and from vantage points on Cheadle Road, north of the village.</p> <p>The indicative information shows the housing rising onto significantly elevated ground with substantial ground engineering works to cope with the undulating levels, cutting</p>	Pages

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	<p>into the bankside and creating artificial platforms rather than working with the landforms in a more organic form. The development will represent a harsh, linear intrusion into an attractive open landscape.</p> <p>In the absence of a heritage assessment and more detailed information on the proposed development and its likely impact it is not an application that can be supported due to harm to heritage assets (less than substantial – which is still a significant objection requiring substantial public benefits).</p> <p><u>Officer Comments</u></p> <p>Additional reason for refusal in respect of harm to heritage assets. This harm is considered to be less than substantial (para 96 of the NPPF) but it is not outweighed by the public benefits as set out in the attached report at paragraph 7.20.</p> <p>Recommend the inclusion of Policy DC 3 which relates to the protection of local landscape character within reason for refusal one. Any reference to heritage harm and Policy DC2 in reason for refusal one to be removed and placed in separate heritage reason as outline above.</p>	
SMD/2018/0522	<p>Land adjacent to 2 Hillside Avenue, Endon</p> <p>No updates</p>	Pages
SMD/2018/0455	<p>Briar Clough, Clay Lake, Endon</p> <p><u>Pre application advice</u></p> <p>Following publication of the Officer Report, which stated that the applicant had not sought pre application advice, the Agent for the applicant contacted the Officer to inform him that the applicant and Agent did speak with the Officer of the previously approved application prior to submitting the current application. Although this was not recorded as a formal pre application enquiry this is brought to the attention of members to ensure accuracy.</p>	Pages

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SMD/2018/0410	Tunstead, Park Lane, Cheddleton No updates	Pages
	Agenda Item 13 – Appeals report <u>Application no. SMD/2017/0694</u> Please note that the summary description of the proposal should read: Outline for a single dwelling in the Green Belt. <u>Application DET/2018/0002</u> The appeal decision should read “allowed”.	Pages

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