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Chief Executive

## PLANNING APPLICATIONS COMMITTEE SUPPLEMENT AGENDA

**Date:** Thursday, 19 September 2019

**Time:** 2.00 pm

**Venue:** The Council Chamber, Moorlands House, Stockwell Street, Leek

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

### PART 1

13. 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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## PLANNING APPLICATIONS COMMITTEE

### Late Representations – 19<sup>th</sup> September 2019

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SMD/2018/0789	<p><b><u>Blythe Park, Cresswell</u></b></p> <p><b><u>SCC Highways:</u></b> I am happy that my form X from 12<sup>th</sup> July 2019 addresses all my concerns and those in the EIA conformity document attached.</p> <p><b><u>Officer:</u></b></p> <p><u>Relevant Site History, includes:</u></p> <p>DOC/2017/0087 - Discharge of conditions 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 24, 25, 31, 32, 33, 35, 36, 37, 38, 39 in regard to planning permission ref. SMD/2014/0576. Satisfied.</p> <p>DOC/2017/0088 - Discharge of conditions 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 24, 25, 31, 32, 33, 35, 36, 37, 38, 39 in regard to planning permission ref. SMD/2014/0576. Satisfied.</p> <p><u>Condition 18 (clarified):</u></p> <p>No phase of the development hereby permitted (including works of demolition) <u>shall commence</u> until a scheme for detailed surface water drainage works on the site, including the timescales for the implementation of such works (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) for that phase has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The scheme to be submitted shall include:-</p> <ul style="list-style-type: none"> <li>▪ Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 (or any subsequent amendment) and with non-statutory technical standards for sustainable drainage systems when the detailed design of the surface water drainage system is undertaken;</li> <li>▪ Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the runoff from the undeveloped site and must not increase the risk of flooding off-site;</li> <li>▪ Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '<i>Science Report SC030219 Rainfall Management for Developments</i>';</li> <li>▪ Demonstrate detailed design (plans, network details</li> </ul>	13 – 46

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	<p>and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods, and,</p> <ul style="list-style-type: none"> <li>▪ Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.</li> </ul> <p>The scheme shall also include:-</p> <ul style="list-style-type: none"> <li>▪ Final drainage calculations for the site taking into account the drainage catchment areas as they contribute to the site network;</li> <li>▪ Infiltration tests for use of soakaways;</li> <li>▪ Final drainage layouts including SuDS;</li> <li>▪ Details of how the scheme shall be maintained and managed in perpetuity after completion, and,</li> <li>▪ Details of the landscaping and safety features of any balancing ponds.</li> </ul> <p>The scheme shall be fully implemented and subsequently maintained in any phase in accordance with the timing arrangements embodied within the scheme.</p> <p>Reason:- To reduce the risk of flooding to neighbouring / proposed development and future occupants.</p> <p><u>Conclusion</u></p> <p>In the context of the wider approved mixed use scheme, it is considered that the proposed amendment would be minor-material as the proposed changes are of a scale and nature, which would result in a development that is not substantially different from the one which has been approved.</p>	
SMD/2019/0397	<p><b><u>Land adj. to Prospect House Farm, Sutherland Road, Longsdon</u></b></p> <p><u>Erratum</u></p> <p>The applicant's for this application are Mr and Mrs McDermott not Mr and Mrs Carter as shown at the top of the Committee report.</p> <p><u>Additional Neighbour Representation:</u></p>	47 – 62

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	<p>“We are writing to inform you that all of our original objections to the many revised Location Block &amp; Site Plans, that have been submitted still stand.</p> <p>We are increasingly aware of the issues raised by our neighbours at Wishwood &amp; Portree, along with the frustrations &amp; concerns that they are experiencing (the same as us at The Lodge) regarding the resubmissions of plans.</p> <p>It is becoming farcical now, as we seem to have gone full circle, because these revised plans look the same as those submitted beforehand.</p> <p>It is ironic also, that since the original site plans were submitted, the parking, access &amp; volume of traffic problems have increased on our section of Sutherland Road”</p> <p><u>Joint email received from neighbouring properties:</u></p> <p>In line with standard protocol, this representation has been summarised below followed by an Officer response. To view the representation in full, please visit the following link</p> <p><a href="http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=129997">http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=129997</a></p> <p>Refers to a letter from Ben Haywood dated 13<sup>th</sup> Feb 2019 which in relation to Ecology Surveys, states that survey work is generally considered to be up-to-date for a period of 12 months, and notes that the same Ecology Surveys have been submitted with this re-submission and as such are now out of date.</p> <p>Draws attention to the consultation with Civicance on 16<sup>th</sup> September and that this refers to the original position and does not take account of the revised location in the centre of the site.</p> <p>Refers to the legality and easement issues relating to the drainage running under the site which serves neighbouring properties, and asks why Civicance are providing technical advice for development across land that these neighbours control.</p> <p>Objects to the re-consultation timescale of 7 days given to neighbouring properties to comment on the revised Site Plan and considers this to be unacceptable.</p> <p>Refers to conflicting information in relation to the drainage</p>	

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	<p>layout between the original Site Plan (Ref: 2018-2381-07) and the Revised Site Plan (Ref: 2018-2381-07A). Why is this acceptable to Planning Officers and Civicance?</p> <p>Become increasingly clear that applicants and agents are now able to put forward what they want, where they want, and when they want, with scant regard for long standing existing drainage rights and this being aided by Planning Officers and Civicance.</p> <p>Referred to the previous application involving Shaun Simms and Denis Colgan of SMDC Environmental Services and Environmental Health respectively. This as we are concerned, representative of the application and situation we find ourselves in, different to the Civicance consultation response.</p> <p>Repeats concerns relating to residential amenity – the re-positioning of the proposed dwelling does not alter the fact that the amenity of occupiers of Wishwood, The Lodge, and Portree will all be impacted by this proposal, specifically with regards to visual outlook.</p> <p>Refers to verbal assurance from the applicant at Outline stage that the application would be for a bungalow, also mentioned as appropriate within the Ecology Survey.</p> <p>Reiterates objection that the proposed dwelling is far too large and with the addition of the double garage would become a very dominant feature when viewed from all our surrounding properties.</p> <p>Notes that with reference to the objection received by Wishwood, paragraph 7.30 of the report states that the objection did not relate specifically to matters of residential amenity – stresses that the objection does indeed refer to matters of amenity and to state otherwise is misleading.</p> <p>Identifies that whilst the required distance of 14m in the Space About Dwellings SPD has been achieved between Portree and the proposed dwelling, no account has been made for the change in levels which adds a further 2m for every 1m difference in elevation.</p> <p>Referring to the 'Other Matters' section of the report, it is challenged that the drainage proposal cannot be implemented as it would amount to illegal interference with privately owned drains.</p> <p>States that the application mentions several times that the</p>	

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	<p>site benefits from extant outline planning consent (SMD/2018/0231) stating that this represents a fall back position if required. Argues that the proposed location under the Outline application does not meet the requirements of the SPD so therefore cannot be relied upon as a fall back position.</p> <p>Notes that the decision to approve the Outline application came with restrictions in the form of a Grampian condition due to its proximity over Portree's foul drain.</p> <p><u>Officer Comment:</u></p> <p>The report assesses the principle of development in the context of national Green Belt policies at paragraphs 7.1 – 7.12 and confirms that as per the Outline application that was approved by members, the application constitutes limited infill in a village and therefore is acceptable.</p> <p>Ecology matters have been assessed by an appropriate ecology consultee as part of the consideration for the Outline application (Sept 2018) and previously refused full application (May 2019). On both occasions the Ecology Survey was found to be acceptable and there were no objections subject to conditions. The representation notes that they had previously been advised that an Ecology Survey would be considered up-to-date for a period of 12 months. This statement was made in respect to a specific query about a resubmitted application made within 12 months. It does not state that a survey older than 12 months is automatically out of date. Each survey and site must be considered on its own merits and it has now been confirmed by the Council's in-house ecologist that this report can due to the site context and nature of the ecological interest identified, be considered up-to-date for up to 24 months and as such an updated Ecology Report is not required in this case.</p> <p>Design and Landscape Character issues are assessed at paragraphs 7.13 – 7.22, and conclude that the revised Site Plan is broadly consistent with the indicative layout which accompanied the approved Outline application. The scale, height, character and appearance of the proposed dwelling is considered to be appropriate for the plot and its surroundings and comprises high quality design.</p> <p>Impact on residential amenity (which includes any loss of light and loss of privacy) is assessed at paragraphs 7.25 – 7.32 of the report. The original plans were found to be harmful to neighbouring residential amenity – due to its close proximity with Portree to the north. However, the revised plan which</p>	

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	<p>shows the dwelling positioned some 14.5m to the south of this neighbour fairly centrally within the plot addresses these issues. Members will notice on site that there are minimal changes in land levels and as such this separation is considered to be satisfactory. The principal elevations of the proposed dwelling are separated from that of the neighbouring property on the other side of Sutherland Road 'Wishwood' by 24m, thus exceeding the minimum distances required by the Space about Dwellings SPD.</p> <p>Highway Safety is assessed at paragraphs 7.33 – 7.38 of the report. The impact on traffic volume as a result of one dwelling will be negligible. There is sufficient off-street parking to serve the property. The Highways Authority have no objections subject to appropriate conditions.</p> <p>The drainage issue is one that has been debated at length during the previous applications on this site. To assist in reaching a recommendation, the Officer consulted Civicance (Building Control) in order to ascertain whether or not the proposed drainage strategy could be implemented at a technical level (notwithstanding any outstanding civil/legal matters). Having clarified that this drainage scheme could work, it is considered that from a planning perspective, subject to an appropriate Grampian condition similar to that applied to the Outline application that requires a drainage scheme shall be fully implemented prior to occupation, there are not considered to be any reasonable planning grounds for refusal.</p> <p>With regards to the applicant's ability to submit revised plans and the re-consultation process, a revised plans was submitted at the request of the Case Officer in order to address the valid concerns raised by a neighbouring property with regards to impacts on their residential amenity. The revised plan is judged to address these concerns. It is a matter of judgement for the Local Planning Authority as to whether or not a re-consultation takes place and for how long this process will last. It was considered appropriate to contact the four objectors directly by email inviting comment, giving 7 days for such comments to be received.</p>	
SMD/2019/0192	<p><b><u>197 High Lane, Brown Edge</u></b></p> <p><u>Erratum</u></p> <p>Paragraph 7.2 of the report should include the words "will be permitted" at the end of the sentence after the words "larger villages"</p>	63 – 80

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	<p><u>Additional Neighbour Representation:</u></p> <p><i>“I have been reading the comments made by Mr Mark McDermott who is a Flood Risk Planning Officer for Staffs County Council and I am concerned that no one seems to know about the watercourse that runs through our garden and then out to Keith's car park. It seems that it is not on their records!! I would like to know if any one from the planning department has been out to look at it as I did highlight this in the letter I sent in when the planning application was first submitted”</i></p> <p><u>Officer Comment:</u></p> <p>As set out at paragraphs 7.40 and 7.41 of the Committee Report, the Lead Local Flooding Authority (LLFA) were consulted in light of the objection raised by this neighbour, and have confirmed that this matter of drainage (referring to the watercourse) can be suitably dealt with by way of condition. Such conditions (8, 14, and 16) have been attached to this recommendation.</p> <p><u>Additional Condition</u></p> <p>Paragraph 7.17 recommends a condition be attached to the Decision Notice which requires all dwellings to conform to the Nationally Described Space Standards published by DCLG. However, this condition has not been included in the report.</p> <p>Members are therefore advised to approve the application and an additional condition that relates to minimum space standards</p>	
SMD/2018/0679	<p><b><u>Land at Bridge End, Macclesfield Road, Leek</u></b></p> <p><u>Additional Neighbour Representation:</u></p> <p><i>“In addition to our objections for planning application SMD/2018/0679 I have attached two videos as I am unable to upload them onto the planning application online.</i></p> <p><i>These videos demonstrate the sheer amount of water that can run down Bridge End in heavy rain, including the debris of dirt and leaves it also brings. One of our objections is that the residents at Bridge End added a flood defence and rain gully to the track after a few of the houses were flooded.</i></p> <p><i>As you can see from the videos the flood defence does its job by diverting water away and down the gully, but even with this after heavy rain there is still a large amount of running water</i></p>	81-106

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	<p><i>down the track.</i></p> <p><i>I ask that these videos are shown to the Committee as this will be a point we will be raising and I also ask that they are sent to the Flood Risk Management Team as on the 24th January 2019 their response was that they have no comment to offer as the plan is only for 5 dwellings.</i></p> <p><i>However, the plan includes Bridge End track which has an existing 8 houses, making the total number of houses within this plan 13.</i></p> <p><i>If you are unable to view the videos please let me know and I will send them in a different format”.</i></p> <p><u>Officer</u></p> <p>The above neighbour representation with video evidence has been forwarded to the LLFA (Lead Local Flood Authority) for comment. The LLFA has previously declined to comment on the basis that the scheme is not a major planning application. The application type, however, is defined on the site edged red, which would include only the proposed rather than existing dwellings. In these circumstances it is correct that the scheme is not defined as a major application. Members will be provided with an update at the meeting.</p> <p>In addition, whilst affordable housing was secured for the previous scheme dismissed at appeal, this submission does not warrant affordable housing under the current local plan and NPPF, which only requires affordable housing for major applications unless they are categorised as a rural exceptions site.</p>	
SMD/2019/0404	<p><b><u>2 Breach Road, Brown Edge</u></b></p> <p>No update.</p>	107 - 126
SMD/2019/0451	<p><b><u>Land at the rear of former St. Johns School, Mill Lane, Wetley Rocks</u></b></p> <p><u>Tree Officer</u></p> <p>The layout plan has been amended to include a suitable specification for the proposed new hedgerow planting, to include a good few standard native trees within the hedge, and infilling of gaps in the existing hedge along the northern boundary of the field – all as requested. Indicated landscaping is now fully specified, appropriate and acceptable, and avoids the need for further landscape</p>	127 - 138

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	<p>submission/approval for this proposal under conditions.</p> <p>For completeness, I would update the suggested landscaping implementation/maintenance condition as follows:</p> <p>The planting scheme shown on Sammons Architectural “Site Layout Plan and Section” Drg. No. 2010-1714-37 Rev B shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.</p> <p><u>Highways</u></p> <p>No objection subject to conditions. They’re still referring to the wall as a ‘dry stone wall’ so I’ve included a structural calcs condition as it will be a retaining wall supporting the highway. This could be covered under the S7 technical approval....</p> <p><u>Additional Condition</u></p> <p>Provision of structural calculations and construction details for retaining wall supporting the highway.</p>	

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