

# Public Document Pack



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Chief Executive

## PLANNING APPLICATIONS COMMITTEE SUPPLEMENT AGENDA

**Date:** Wednesday, 18 December 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

- NOTE - A Late Representations Report will be circulated prior to the meeting i.e. any representations received since this agenda was published. **(Pages 3 - 16)**

**SIMON BAKER**  
**CHIEF EXECUTIVE**

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## PLANNING APPLICATIONS COMMITTEE

### Late Representations – 18<sup>th</sup> December 2019

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SMD/2019/0057	<p><b><u>Consall Hall and Gardens, Consall Lane, Consall.</u></b></p> <p><b><u>The Coal Authority</u></b> has removed its objection to the proposal and their comments are summarised as follows:</p> <p><i>The revised Coal Mining Desk Study Preliminary Risk Assessment (Kiwa CMT Testing, 28 November 2019) has reviewed an extensive range of appropriate and up to date coal mining information for the proposed development and application site.</i></p> <p><i>The Coal Authority recommends that the LPA impose a condition which requires the submission of the details for a robust boundary treatment to restrict access to the area of mine entry 398348-002 for approval. This treatment should be required for the lifetime of the proposed development and needs to be implemented prior to that part of the new development being taken into beneficial use. On the basis the LPA secures the above, The Coal Authority withdraws its objection to the proposed development.</i></p> <p><b><u>Staffordshire Wildlife Trust and Staffordshire County Council Flood Team</u></b> has no objection to the changes made on 3<sup>rd</sup> December 2019 comprising the final lodge positions and the drainage field/reed bed proposals.</p> <p><b><u>Planning Conditions</u></b></p> <p>Alterations to the following conditions have been made together with new conditions imposed at the end:</p> <p>2. The development hereby approved shall only be carried out in complete accordance with the amended application details and drawings, as follows:</p> <p>1824 AL01 Location Plan            1824 AL50E Site Plan            AL51B Site Block Plan            AL52B Site Access Routes            AL53C Site Service Routes (Below Ground Electric, Gas, Water, Data)            AL54F Drainage Site Plan (Foul Drainage, Sewage Treatment Plants, Reed Bed/Ditch Drain, Surface Water Rain Garden, Surface Water Drains)            AL57B Garden Maintenance Plan            AL65B Site Plan</p>	

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	<p>AL100E Hub Site Plan  AL101B Hub Ground Floor Plan  AL102B Hub First Floor Plan  AL103B Hub Roof Plan  AL104B Hub Elevations  AL120D Wedding Venue Site Plan  AL121D Wedding Venue Ground Floor Plan  AL122B Wedding Venue Roof Plan  AL123B Wedding Venue Elevations  AL131D Wedding Reception Building Ground Floor Plan  AL132 Reception First Floor Plan  AL133 Reception Roof Plan  AL134B Reception Elevations  AL150E Treehouses Site Plan  AL151 Treehouse Single  AL152 Treehouse Double  AL160E Spa Lodges Site Plan  AL162A Spa Lodge Double  AL170E Lake Lodges Site Plan  AL171 Lake Single  AL176 Lake Lodge Double  AL180E Garden/Treehouse Lodge Site Plan  AL184A Garden Lodge Double  AL190D Wedding Pods Site Plan  AL191 Wedding Pod Single  AL192 Wedding Pod Twin  AL193 Wedding Pod Bridal  AL194 Wedding Pod Family  AL201 Shepherd Hut Single  AL202 Shepherd Hut Double  Materials Schedule Rev B</p> <p>Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.</p> <p>3. The number of guests for weddings or events at the wedding venue shown on the approved drawings shall not exceed 150no. and no more than one event/wedding shall take place at any one time anywhere on site other than events at the hub building which shall be restricted only to overnight guests of the lodges and/or shepherd huts as shown on the drawings hereby approved.</p> <p>Reason:-  In order to limit the number of vehicles visiting the site, in the interests of highway safety and sustainability and also to minimise noise in the interests of residential amenity.</p> <p>4. All visiting vehicles including service and staff vehicles shall</p>	

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	<p>use only the west access as shown in the application drawings. The east access shall be used only by maintenance vehicles associated with the maintenance works required at the site. Reason:- To control traffic in the interests of highway safety and to minimise noise in the interests of residential amenity.</p> <p>5. The occupation of the wedding pods shown in drawing AL190D shall be restricted solely to the guests of the wedding/events taking place at the site and no pod shall be occupied by the same guest(s) for more than two nights. A register of bookings shall be available for inspection by the Local Planning Authority at all times. Reason:- In order to limit the number of vehicles visiting the site and to control traffic, in the interests of highway safety and sustainability.</p> <p>6. The lodges and shepherd huts hereby approved as shown on the site plan shall not be occupied by any person(s) for a period of longer than one calendar months and no person(s) who has occupied any of the lodges or shepherd huts shall occupy any of the lodges or shepherd huts again at any time within one months of the day of the last occupation of the lodges/shepherd huts. A register of bookings shall be available for inspection by the Local Planning Authority at all times. Reason:- In order to prevent the use of any of the lodges or shepherd huts as a permanent unit of accommodation/dwelling which would be harmful to the character of the rural area.</p> <p>7. Day visitors to the site to use the restaurant or spa facilities or visit the gardens who are not overnight guests shall not be allowed to access the site unless the lodges, shepherd huts and wedding pods are not fully occupied and the number of visitors shall equate to the number of person(s) capacity of the vacant lodges / huts / wedding pods on the particular day of the guests visiting the site and shall visit only via prior appointment with the site operators. A register of bookings for day visitors shall be available for inspection by the Local Planning Authority at all times. Reason:- In order to limit the number of vehicles visiting the site and to control traffic, in the interests of highway safety and sustainability.</p> <p>9. The development hereby approved shall be constructed only in full accordance and compliance with the Tree Heritage Ltd</p>	

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	<p>Arboricultural Method Statement reference THL-R18/132AMS-2 dated 27<sup>th</sup> November 2019 submitted in support of the planning application, and with details approved in accordance with Condition 8 of this planning permission. In particular but not exclusively, such compliance shall include:</p> <ul style="list-style-type: none"> <li>- Provision for on-site arboricultural monitoring and supervision;</li> <li>- Provision and maintenance of all temporary tree protection barriers and temporary ground protection measures in advance of and for the duration of any development (including any demolition, construction, provision or improvement of access, site clearance, site stripping, site establishment or installation of services) in any area containing or close to trees to be retained, in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations and as set out in the Tree Heritage Ltd Arboricultural Report reference THR18-132-2 dated 27<sup>th</sup> November 2019 submitted in support of the planning application, providing that such temporary tree and ground protection measures need only be provided on a phased basis in association with the phased progress of implementation across different areas of the overall site;</li> <li>- As far as reasonably possible locating all underground services outside the Root Protection Area of any tree to be retained, and otherwise where this is not reasonably possible any installation within the Root Protection Areas shall only be carried out either by hand in accordance with the National Joint Utilities Group Publication 10 Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees or by the use of trenchless technology such as impact moling;</li> <li>- Siting, installing and fixing of accommodation lodges and pods within the Root Protection Area of any tree to be retained using only such spiked foundations or other means of foundation as may be approved under Condition 8 of this planning permission.</li> <li>- during the construction period of the development hereby approved;</li> </ul> <p>Reason:- In the interests of protecting trees which contribute positively to the character and appearance of the area</p> <p>10. Within 12 months of the first use or occupation of the development hereby approved, a comprehensive site-wide Garden, Landscape and Habitat Restoration, Management and</p>	

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	<p>Development Plan (“the Plan”) shall be submitted to and approved by the local planning authority. Such a plan shall include:</p> <ul style="list-style-type: none"> <li>- Objectives and outline proposals including proposed timescales and delivery mechanisms, across the full range of landscape and habitat types, garden features and structures as detailed below, for the first 20 years following approval of the Plan;</li> <li>- More detailed specific proposals and work programme including proposed timescales and delivery mechanisms, across the full range of landscape and habitat types, garden features and structures as detailed below, for the first 5 years following approval of the Plan;</li> <li>- A scheme of replacement tree planting, with proposed timescales, to reflect, address and mitigate for the initial tree felling required in order to directly accommodate the development hereby approved or remove trees identified as posing unacceptable potential risk to buildings, structures, vehicles, guests, visitors and staff;</li> <li>- The broad principles and objectives set out in the Tree Heritage Ltd Woodland and Landscape Management Plan Overview Statement dated January 2019 and submitted in support of the planning application;</li> <li>- Provision for an initial tree and woodland survey to identify existing stock and short, medium and long term management objectives;</li> <li>- Provision for appropriate on-going tree safety inspections and monitoring, and implementation of associated tree safety works;</li> <li>- Provision for the restoration or replacement where required, and on-going maintenance and development, of all ornamental planting areas, formal lawns and amenity grass areas, including proposed timescales and delivery mechanisms</li> <li>- Provision for the survey, inspection, restoration and maintenance as appropriate of the various follies, garden structures and access roads, paths and tracks;</li> <li>- Provision for the survey, identification, management and enhancement of existing ecological habitats and, where appropriate opportunities may exist, creation and management of new ecological habitats (including establishment and aftercare management prescriptions), together with timescales and delivery mechanisms;</li> <li>- Provision for 5-yearly monitoring, review and update of the Plan to include detailed proposals and work programme for the following 5 years.</li> </ul> <p>Following approval of the Plan, it shall be fully implemented in</p>	

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	<p>accordance with the objectives, details and timescales set out within it, unless otherwise agreed by the local planning authority.</p> <p>Reason:- In the interests of ensuring the long-term future and maintenance of the gardens as an asset of the area and in the interests of the character and appearance of the area.</p> <p>11. Before the commencement of any demolition or removal of any trees that are identified as having potential for bats within the accompanying ecology reports, a Natural England EPS Bat Licence shall be obtained for works and details provided to the Local Planning Authority. The bat mitigation/compensation measures, as set out in BiOME Bat Survey Report Version 3 28.1.19 shall be undertaken before the development is first brought into use and in accordance with specific details to be submitted to and approved by the Local Planning Authority. This shall include the lighting mitigation strategy.</p> <p>Reason:- In the interests of the ecological value of the site.</p> <p>12. The habitat loss mitigation provisions, as outlined in additional information document 25/11/19 and Figures 2.1 &amp; 2.2 by BiOME Consulting shall be undertaken before the development is first brought into use.</p> <p>Reason:- In the interests of the ecological value of the site.</p> <p>13. Within 12 months of the development being first brought into use, an Ecological Management Plan (EMP), which includes an appropriate monitoring regime, shall be submitted to and approved by the Local Planning Authority and the approved EMP shall be adhered to throughout the life of the development. The EMP will include, as a minimum:</p> <ul style="list-style-type: none"> <li>· Purpose and conservation of objectives of the proposed enhancements.</li> <li>· Provision for stepping stone habitats linked into the surrounding landscape and Churnet Valley SSSI buffering impacts, adding to the value of the SSSI and promoting habitat connectivity.</li> <li>· Habitat management works to ensure that the site value is maximised (so far as practicably possible) for bats (both foraging/commuting and roosting).</li> <li>· Details of habitat management for reptile and amphibian species.</li> <li>· Details of habitat management for bird species of</li> </ul>	



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	<p>conservation concern noted during the baseline surveys.</p> <ul style="list-style-type: none"> <li>· Details of habitat management for invertebrates based upon the results of a dedicated site assessment by a recognised invertebrate specialist (to be completed post-consent).</li> <li>· Full details of habitat management works to mitigate for habitat losses within the compensation area.</li> <li>· Full details of ecological compensation/enhancement of newly created water features.</li> <li>· Details of post-construction ecological monitoring. This should include a 20 year plan detailing implementation, monitoring and remediation and habitat maintenance measures.</li> <li>· Type and source of material e.g. the planting of native species of local provenance.</li> <li>· Timetable for the implementation of works demonstrating that works are aligned with the proposed phases of the development.</li> </ul> <p>Reason:- In the interests of the ecological value of the site.</p> <p>15. All landscaping on site shall include native tree and shrub species and no plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 shall be planted. It shall be ensured that Rhododendron does not spread within the site and is removed as soon as is practicable. If any other non-native species are to be incorporated into the landscaping of the site, details of such landscaping shall be submitted to and approved in writing by the Local Planning Authority before being planted and shall be planted in accordance with the approved details.</p> <p>Reason:- In the interests of the ecological value of the site.</p> <p>17. The development approved shall only be carried out in accordance with the approved revised Flood Risk Assessment (FRA) and Drainage Strategy dated November 2019 report no. ST17361 V2.0 compiled by Wardell Armstrong, and the following mitigation measures detailed within the FRA: - The finished floor levels of buildings adjacent to the ponds will be set to a minimum 300mm freeboard allowance above the water levels of the ponds taking into account a 'worst case'</p>	

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	<p>estimate in the increase in water level as a result of the proposed development in a 1 in 100 year storm event (including a 40% allowance for climate change).</p> <p>- Flood risk management measures will be put in place before the development is first brought into use to ensure that the risk of flooding to other areas of the site and areas downstream of the site is not increased as a result of the proposed development including the use of 'precautionary' SuDS features such as bio-retention rain gardens and swales to intercept and retain runoff during storm events to slow down its rate of flow and progression to the pond network.</p> <p>Reason:- To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p> <p>18.No phase of the development hereby permitted shall take place until a Demolition and Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-</p> <ol style="list-style-type: none"> <li>I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;</li> <li>II. the arrangements for prior notification to the occupiers of potentially affected properties;</li> <li>III. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;</li> <li>IV. a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;</li> <li>V. a scheme for recycling/disposal of waste resulting from the construction works; Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.</li> <li>VI. the parking of vehicles of site operatives and visitors;</li> <li>VII. the loading and unloading of plant and materials;</li> <li>VIII. the storage of plant and materials used in constructing the development;</li> </ol>	

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	<p>IX. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</p> <p>X. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works.</p> <p>XI. identified and relevant environmental and habitat protection measures along with all relevant mitigation and working method statements to protect species and ecological receptors from harm during works.</p> <p>All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration. Reason: - To protect the amenities of the area including residential amenity and the ecological value of the site.</p> <p>25. Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and/or smell created from cooking activities on the premises, before the kitchens at the wedding venue are first brought into use. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior to their installation, and shall thereafter be installed and maintained in accordance with the approved details. Reason: - To ensure that unsatisfactory cooking odours outside the premises are minimised, in the interest of the amenity of occupiers nearby properties.</p> <p>27. The wedding venue buildings shall not be occupied by guests/visitors and shall not be in operation outside the hours of 09:00 - 0030hrs, and between the hours of 09:00 New Years Eve to 02:00hrs on New Years Day. Reason:- To safeguard the amenity of neighbouring residential occupiers.</p> <p>28. The hub and spa facility building, as shown on the approved drawings, shall not be occupied or be in operation outside the hours of 07:00 to 0030hrs, and between the hours of 07:00 - 22:00hrs on New Years Eve. Reason:- To safeguard the amenity of neighbouring residential occupiers.</p>	

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	<p>29. No bonfires or wood burning fire pits associated with the lodges / shepherds huts shall be formed at any time within the site. Reason:- To protect the visual and residential amenities of the area</p> <p>30. Prior to the commencement of the walled garden, wedding venue and hub building works, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication. The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved. The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved as part of the condition and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured. Reason:- In the interests of the historical value of the site.</p> <p>31. Before any part of the development is brought into use, a scheme of energy efficiency measures for the development shall be submitted to and approved by the Local Authority. The energy efficiency measures shall thereafter be implemented in accordance with the approved details before any part of the development is brought into use and shall be maintained in accordance with the details for the lifetime of the development. Before any part of the development is brought into use, ground source heat pumps and solar/PV panels shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority. Reason:- In the interests of energy efficiency and the environment.</p> <p>32. Before the commencement of the development hereby approved, a robust boundary treatment to restrict access to the area of mine entry 398348-002 shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority and this will be maintained for the lifetime of the proposed development. Reason:- In the interests of ground stability affected by historical coal mining activity.</p>	

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	<p>33. None of the lodges or shepherd huts shown on the approved drawings shall be sold off or let out separate to the sole operator of the overall development hereby approved. Reason:- In order to protect the character and amenities of the area, to control traffic and to ensure a sustainable development is achieved.</p> <p>34. No works shall be undertaken within the Bird Nesting Season and where this is not possible a Bird Survey Report shall be submitted to and approved by the Local Planning Authority and the development shall be undertaken in accordance with the approved report. Reason:- In the interests of the ecological value of the site.</p>	
<p><b>SMD/2019/0616</b></p>	<p><b><u>Cattle Market, Junction Road, Leek</u></b></p> <p>‘Elite Ecology’ have surveyed the existing building for the potential presence of bats and birds and submitted their findings in a report.</p> <p><i>“6.3 The ecological value of the building to bats has been deemed as ‘negligible’ due to the lack of suitable roosting features and ingress/egress points. The ecological value of the building to birds has been deemed ‘high’ due to the presence of bird nests from the previous breeding season”</i></p> <p>On the recommendation of ‘Elite Ecology’ and the advice of the Council’s qualified ecologist, the planning permission should be granted as recommended in the report and subject to the additional conditions and information as follows:</p> <p><b>At any time during and following the completion of the development all exterior lighting installations shall be erected only in accordance with the protocols contained in the Institute of Lighting Engineers document “Guidance for the Reduction of Obtrusive Lighting” (2005) and the Bat Conservation Trust’s “Artificial Lighting and Wildlife Interim Guidance: Recommendations to Help Minimise the Impact of Artificial Lighting” (2014).</b></p> <p><b>Reason: to minimise disturbance by artificial light to protected species including bats and minimise sky-glow across the site.</b></p> <p><b>No development or construction works shall be</b></p>	

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	<p>undertaken during the breeding bird season of March to August. If this timescale cannot be achieved, an inspection for active nests no more than 24 hours before works commence must be submitted to the Local Planning Authority for approval.</p> <p>Reason: To avoid the harm and disturbance to protected species.</p> <p>The development shall not be brought into use until two Robin and Wren FSC Nest Boxes and two Blackbird FSC Nest Boxes have been installed on the eastern elevation of the building post construction.</p> <p>Reason: To enhance the available habitat of protected species.</p> <p><b><u>Informative</u></b></p> <p>1.You are reminded of your responsibilities under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 in respect of any protected species that may inhabit the site including bats. As a result of the survey information submitted it has been judged unlikely that protected bat species would be at risk as a result of this development. In the unlikely event that bats or bat droppings are encountered prior to or during the development all operations should be immediately ceased and advice obtained from an ecologically qualified bat specialist. Work should then continue only in accordance with the advice obtained. There may be a requirement for a Protected Species Licence to be obtained before the proposed development can continue. Failure to carry out the requirements in accordance with the legislation risks offences being committed which could result in legal action including prosecution.</p> <p>2.All wild birds including their nests and eggs are protected by law. It is an offence, with certain exceptions, to kill, injure or take wild birds or to take, damage, or destroy their nests or take or destroy their eggs. Site clearance and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February to mid August. As this development involves vegetation clearance and/or demolition and/or other activities which would be damaging to any nesting birds present the work should avoid the bird nesting season so far as possible. If such work is to take place in the nesting season an ecologist experienced in bird</p>	

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	nesting habits should first be engaged to advise on and ensure that the intended work can legally take place.	

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