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Chief Executive

PLANNING APPLICATIONS COMMITTEE SUPPLEMENT AGENDA

Date: Thursday, 16 January 2020

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 - 8)**

SIMON BAKER
CHIEF EXECUTIVE

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PLANNING APPLICATIONS COMMITTEE

Late Representations – 16th January 2020

FILE REF.	SITE AND DETAILS	PAGE NO.
SMD/2019/0635	<p><u>Land between Folly Lane and Cheadle Road, Cheddleton</u></p> <p>No updates</p>	
SMD/2019/0241	<p><u>Peak Wildlife Park, Ellastone Road, Winkhill</u></p> <p>No updates.</p>	
SMD/2019/0414	<p><u>Gorseydale, Cheddleton Heath Road, Leek</u></p> <p><u>Additional information received from Applicant 09.01.2020:</u></p> <p>A landscaping plan and planting specification have been submitted by the applicant which they advise should be read in conjunction with the Ecological Design Strategy.</p> <p>The applicant also wishes to reiterate that the layout of the original outline application was indicative only with all other matters reserved (apart from Access). They state that the current scheme has significantly less excavation than the outline scheme.</p> <p><u>Additional Information received from Applicant 14.01.2020:</u></p> <p>The applicant has submitted a drainage/services drawing which they hope will deal with the drainage condition recommended in the original committee report so that there is no need to apply this condition. The drawing indicates that the access drive and parking areas will be finished with porous surfacing to allow for SUDS and soakaways. It also indicates a sewage treatment plant unit to serve the two properties.</p> <p><u>Arboricultural Officer</u></p> <p>Reserved matters application layout plan shows the two dwelling footprints in slightly different positions and orientations than the indicative-only layout plan at outline application stage. However, the dwellings as now proposed, together with the proposed garages, vehicle access/turning/parking areas (other than existing drive past the eastern side of the existing garage to Gorseydale) and the majority of any indicated cut-and-fill ground level changes, would all be located outside tree Root Protection Areas.</p> <p>There is a proposed gabion basket retaining wall to support the shared drive to the two proposed dwellings together with the proposed excavation of existing slope to accommodate</p>	

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	<p>the rear garden to Plot 1. The gabion wall itself, together with the excavation to the south of it, is also comfortably outside RPAs. It is noted that the backfill behind (north of) the proposed gabions would extend within the RPA of tree T2 (large mature Sycamore east of Gorseydale); however, this is a tapering level of infill to build-up the existing slope to approximately level ground behind the gabion wall (i.e. no excavation which would potentially cut roots) and the actual encroachment within the RPA is only by a very minor amount on one part of the RPA circumference, where the infill tapers to zero to blend in with existing ground levels. It is considered that this would in practice have a negligible impact on the condition of T2, and would not constitute grounds for objection or refusal.</p> <p>Meanwhile the primary windows outlooks for both new plots are well clear of existing tree crowns and would not be unduly affected by shading, over-bearing, obstructed outlook etc.</p> <p>Amended landscaping details have recently been submitted, which provide further although still slightly basic details of the proposed planting scheme; however, this now confirms the native species mix for the new hedgerow along the southern boundary of the development, together with native species infill to the eastern boundary, a group of new fruit trees (ecological value to pollinating insects) and new tree planting along the shared drive and again adjacent to the southern boundary. Overall, the proposed planting scheme is considered appropriate and acceptable.</p> <p>In conclusion I have no objection to this application, but would request that the following conditions be imposed in the event that planning permission is granted:</p> <ol style="list-style-type: none">1. The planting scheme shown on RLM Associates Proposed Landscape Scheme Drg No. RLM942/10 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, shrubs, herbaceous plants and grass 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>Note: the outline planning permission SMD/2017/0494 already includes Condition 7 requiring erection of temporary</p>	

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	<p>tree protection barriers, so a similar condition is not also required in association with this reserved matters application if approved.</p> <p><u>Additional Neighbour Representation:</u></p> <p><i>"I am astonished to read that you have referred the above application for approval by the Planning Applications Committee albeit with further conditions.</i></p> <p><i>When you visited the Spinney you were demonstrably shocked by the potential serious negative impact of this development on visual amenity and my right to privacy and peaceful enjoyment of my property and gardens. The Spinney as you well know is a three floor building with its main rooms, lounge, dining room and kitchen , on the centre floor. (10 feet above ground) No amount of ground level landscaping can disguise the impact of the development in the position and layout proposed. You fail to draw attention to this!</i></p> <p><i>You also state that there is a 34 metre separation between the development and the Spinney. Please advise the points between which this measurement was made as I do not accept your assertion.</i></p> <p><i>You make much of the disguising of the development from the southern aspect. This viewing aspect is of little import compared to the viewing impacts from adjacent properties and is a blatant attempt to reduce ground preparation costs rather than respect the developments relationship to adjacent premises. This must be the most important consideration.</i></p> <p><i>You also fail to draw attention to the fact that the development as proposed is materially different from the plan on which outline planning permission was granted and I contend that the decision might well have been different if based on the plans now presented.</i></p> <p><i>This overbearing, inappropriately positioned proposed development, if approved fails to recognise my human rights to the peaceful enjoyment of my property and to privacy and I am now taking legal advice on redress against the Council if the development is approved in its current form".</i></p> <p><u>Officer Comment:</u></p> <p>The Arboricultural Officer has raised no objection advising that the proposed dwellings, garages and hard surfacing and</p>	

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	<p>the majority of the cut and fill changes would be located outside the RPAs. The backfill behind (north of) the proposed gabions would extend within the RPA of tree T2, however the encroachment within the RPA would be minimal and would have a negligible impact on the condition of T2.</p> <p>The proposed landscaping details show native species mix for the new hedgerow along the southern boundary of the development, together with native species infill to the eastern boundary, a group of new fruit trees and new tree planting along the shared drive and adjacent to the southern boundary. Overall the proposed landscaping scheme is considered acceptable. It is recommended that Condition 4 (landscaping) of the original recommendation be amended to require the planting scheme to be implemented before the end of the first available dormant season following completion of the development.</p> <p>With regard to the drainage/services drawing received on 14th January, this has been forwarded to Severn Trent for comment but their comments were not available at the time of writing. Subject to Severn Trent confirming that the submitted drainage details are acceptable, this condition would not be considered necessary.</p> <p>In relation to the neighbour's additional comments regarding the impact on the amenities of their property (The Spinney), the impact on this property is considered at paragraph 7.11 of the report. The separation distance between the rear elevation of Plot 1 and The Spinney is approx. 34 metres, which accordingly provides a sufficient separation (being well in excess of the 22 metres suggested as being acceptable in the Space About Dwellings Guidance). The existing trees and additional landscaping on the boundary will also filter views between the site and The Spinney. In addition, as pointed out by the neighbour, their main habitable room windows are elevated above the site which further reduces the impact on the amenities of the neighbour in terms of privacy, loss of light and outlook. It is accepted that the development will affect the neighbour's views but this is not a material planning consideration. The neighbour does not accept that there would be a 34 metre separation between their property and Plot 1. This distance has been measured on the site plan between the rear corner of Plot 1 nearest to the eastern side boundary of the site to the rear corner of The Spinney nearest to the site.</p> <p>The neighbour states that the proposed development is materially different from the plan on which the outline</p>	

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	<p>planning permission was granted. The outline application plans were indicative only and matters of layout, scale, appearance and landscaping were all reserved for future consideration.</p> <p><u>Amended Condition 4</u></p> <p>The planting scheme shown on RLM Associates Proposed Landscape Scheme Drg No. RLM942/10 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, shrubs, herbaceous plants and grass 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.</p> <p>Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity.</p>	
<p>SMD/2019/0721</p>	<p><u>Heather Hills, Birchall Lane, Leek</u></p> <p><u>Amended plans</u> have been received to show the reduction in the size of the dormer window.</p> <p><u>Additional plans</u> have been received to show in clearer detail the appearance of the retaining wall to the rear of the house and also to the east side.</p> <p><u>SMDC Trees and Landscaping Officer:</u> No objection subject to conditions requiring the landscape scheme be implemented at the right time of year and also for protection measures for the existing trees, during construction.</p> <p><u>SMDC Environmental Health:</u> No objection subject to standard conditions relating to construction hours, dealing with unexpected contamination, soil importation and waste disposal.</p> <p><u>Neighbour Representations:</u> Two further letters have been received from local residents who have previously objected to this current application. Both letters respond to the letter from</p>	

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	the agent in response to the earlier objections.	
SMD/2019/0525	<p><u>Brantwood, Birchall, Leek</u></p> <p><u>Neighbour Representations:</u> One further representation received 13th Jan 2020 – drawing attention to the next door property, Birchwood, and commenting that there is no objection from the occupier of that property and saying it is they who would “take the brunt” should there be any further work.</p> <p><u>Officer’s recommendation of additional conditions:</u></p> <ul style="list-style-type: none"> • There shall be no amplified sound and/or music audible within or at the boundary of any noise sensitive (occupied) premises either attached to or in the vicinity of the premises to which this application refers. Reason: To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution. • No amplified music shall be played outside buildings being proposed in connection with this permission. Reason: To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution. • Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Classes E and F and Part 2 Classes A and B other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority. Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, to ensure that adequate private or shared amenity space is retained within the curtilage of the building and to protect neighbour amenity. 	