

# Public Document Pack



## PLANNING APPLICATIONS COMMITTEE SUPPLEMENT AGENDA

**Date:** Thursday, 20 August 2020

**Time:** 2.00 pm

**Venue:** Virtual Meeting

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)**

**MARK TRILLO**  
**EXECUTIVE DIRECTOR & MONITORING OFFICER**

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## PLANNING APPLICATIONS COMMITTEE

### Late Representations – 20<sup>th</sup> August 2020

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SMD/2020/319	<p><b>Item 6</b>  <u>Land off Thorley Drive, Cheadle</u></p> <p>Further two letters of objection raising the following issues:-</p> <ul style="list-style-type: none"> <li>• the builder has illegally raised the ground of the first row of houses, especially plots 1 and 2, they have not followed ground levels on Thorley Drive and have not created a "sympathetic appearance" a condition of approval of the original application.</li> <li>• If accepting this error, planning and SMDC will become complicit in this failing.</li> <li>• Planning enforcement have only visited the site on 4 occasions (as per FOI ) all 4 visits were instigated by complaints from local resident's with regard to noise, illegal hedge removal x2 and currently regarding the height of buildings.</li> <li>• The planning department have finally decided to assess the site, however this is very much after the event ! Why is this not done as a matter of cause?</li> <li>• By your own assessment the proposal is on a knife edge.</li> <li>• Why is it that the planning department consistently support the actions of property developers rather than consider the concerns of local resident's ?</li> <li>• The houses are incorrectly constructed / badly built and have not followed the original sympathetic approach.</li> <li>• The actual ground level drawings have only recently appeared on the website doc/2019/0039 only uploaded in 2020 and are all shown as "waiting decision"so why has building commenced then?</li> <li>• The drawings are inaccurate showing house to house measurements taken from the house not the principal window in the lounge or kitchen extension , losing 3m ,this makes the distance 21m not 24m an illegal dimension by your own figures !!</li> <li>• If you do pass this proposal, who is going to oversee that obscure glass is retained in the future ? The answer will not be planning enforcement it will undoubtedly be the residents and by personal experience of your emails it will become a "civil matter". SMDC wash their hands of any problems,</li> <li>• I have a sinking patio and cracks in my property walls since work commenced on the site. SMDC are not interested and the builder's response to my issue is wait and see?</li> <li>• What a shambolic system and attitude by SMDC who</li> </ul>	11-24

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	<p>are happy to pass plans and destroy green field sites and then run away from problems encountered.</p> <ul style="list-style-type: none"><li>• The answer is simple, remove the houses and rebuild them at the correct height and distance for the entire row.</li><li>• It is now time for all of you to do the right and just thing for local residents - support our concerns, we are the people who support and vote for you !</li><li>• If allowed to pass it will set a precedent for future raising of heights of buildings on this site.</li><li>• The site has a number of mounds of soil including one close to my garden fence, No 68 Thorley Drive. This mound is some 1.5 to 2 metres high and is the largest on the site.</li></ul> <p><u>Letter from Greg Powell, Councillor Cheadle CE</u> raising the following matters. The plans referred to can be viewed on this link <a href="http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136445">http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136445</a></p> <ul style="list-style-type: none"><li>• We have had no significant time to prepare the following and the Planning Applications Committee may not have time to fully digest our comments which is of great concern.</li><li>• It is our opinion that the significant raising of ground levels on large scale development sites by over a metre upwards (See Appendix 1) should be a matter for clear and timely consultation with the local community. Further we have had no justification for the raising of the ground levels. We have requested the original and amended site sections and street elevations as seen from Ashbourne road looking onto the development detailing the original and change in appearance of the site in relation to the existing landscape and properties of Thorley Drive. We have not had these standard 'best practice' documents and question whether they were ever presented to the Planning Applications Committee</li><li>• The attached drawing (Appendix 2) is taken from the developers drawing [70160 D11 rev letter I] cross section E-E. The points made here are made in relation to No 88 as that is the property detailed on that drawing. The situation is even more contentious for No 86 for both current and future residents (as presented in section 8.7 section h) of the agenda pack which states no 86 is 'more finely balanced and does weigh against the application'. We have marked</li></ul>	

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	<p>on in red and in boxes additional information.</p> <ul style="list-style-type: none"> <li>• The agenda pack section 8.4 Draws on the adopted Supplementary Planning Document SPD ‘Space About Dwellings Appendix 3 1998’ and states in section 8.4 i). That the distance between dwellings should be at least 22 metres between rear elevations. Further the agenda pack section 8.7 c) draws on a calculation of allowing an <i>‘increase in the separation distance of 1metre for every 0.5m change in level’</i>. For an increase in level of 1.59m that relates to <math>1.59m/0.5 = 3.18\text{metres}</math> taking the total distance requirement to <math>22m + 3.18m = \mathbf{25.18\ metres}</math> The planners drawing shows the distance between properties as <b>24.543 Metres</b>, as a rear to rear dimension that is clearly a breach below the Minimum Requirement. Agenda Pack 8.6 c) confirms Minimum distances based on these common sense figures are not achieved.</li> <li>• Residents have further pointed out that the SPD document further states that the measurement should be taken from ‘principle’ windows. The SPD does not qualify that the principle window has to be based on the original plot. At 88 Thorley drive their long established kitchen window (which clearly under the SPD qualifies as principle window) is a distance of around 2.75m further towards the proposed development. It would be reasonable to assume a 3 metre (standard extension) safety margin for a new build to avoid ambiguity in interpretation of the SMDC SPD. If this were to apply the actual distance for the 2.75m extension would only be 21.793 meters between properties a shortfall of 3.387 Metres. Either way (with or without this interpretation) the distance is a breach of the SPD Space about dwellings.</li> <li>• The SMDC guidance notes to the PAC suggest through re-arrangement of windows, obscure glass and reduction of the rear garden that the developers are in fact compliant. This clearly is an abhorrent position not least given that the developer has already breached the development guidelines in raising natural site levels by over a metre and continuing developing without agreement of those ground levels. As is the defence argument prepared for the developers perspective by SMDC that by rearranging windows makes the rear of the property a flank wall. A flank wall in construction is by definition [1] <i>‘A side wall of a building in contrast to the front or rear wall’</i>. Plots 1 and 2 are semi-detached properties there can clearly be no ambiguity in the front and rear</li> </ul>	

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	<p>as is the case on the modified drawings D102C for house type 832. The Modified drawings for properties on plots 1 &amp;2, show that the rear of these properties still retain windows and patio doors. The garden for these plots is clearly at the rear. Obscure glass, smaller windows and wider seated area in front of a patio door at the rear are clearly items that can very easily be changed by future residents without any perception of a breach of terms.</p> <ul style="list-style-type: none"><li>• As a councillor I am aware that we are here to represent not only existing but future residents. The very first paragraph of the SPD on space about dwellings states that the guidance is: <i>'to provide privacy to existing and proposed residents and the protection of their amenities to enable reasonable enjoyment of their residence and gardens.'</i> . It won't be reasonable to expect the occupants on the new development to have no principle rear view of their garden and of the safety of their children as they play given the layout and aspect of the development. Therefore the claim that the rear of plots 1 and 2 do not and will not contain principle windows is clearly not reasonable and would not be defensible in the future in preventing a change of glass or window arrangement. On health and safety matters and family security alone this surely would not be acceptable. I would suggest planning officers should know this in advising the PAC. It is not appropriate to suggest an application be approved in order for SMDC to wash their hands of any failing to address inappropriate plan submissions and inadequate policing. Placing existing residents in a compromised position to police and defend their privacy and potentially raise issues of conflict amongst their neighbours should not be a remit that we as residents of the Moorlands sign up to. The view from the Kitchen sink through the side window of plot 2 is clearly not the principle view, not least as to claim it is, would be a breach on the privacy of occupants on plot 3 and is in itself contentious in the statement of 8.8 that it would simply face a boarded fence. A 'buyer beware' stance (8.9 of the agenda pack) should not be acceptable. THAT WOULD SUGGEST NO PRINCIPLE WINDOW EXISTS AT THE REAR OF THE PROPERTY IN EITHER THE KITCHEN OR THE DINING AREA. The patio door is therefore clearly intended to be the principle window for the occupants around the kitchen areas as they eat and entertain and work in the kitchen. If there is any claim</li></ul>	

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	<p>that a patio door cannot be a principle window, a note at the top of page 128 of the SPD details how light should be measured for principle windows giving a patio door as a full height example of a principle window. The assertion of section 8.4 ii) of the Agenda Pack that patio doors are not mentioned is clearly not appropriate. It will therefore not be defensible to deny occupants a clear view of their garden and to that end the rear of the proposed property cannot be considered a flank wall and therefore the application is a clear breach of the SPD space about dwellings. The Agenda Pack has clearly not been constructed to support the residents of Thorley Drive or the future residents of Plots 1 &amp; 2 of the proposed development.</p> <ul style="list-style-type: none"> <li>• In summary 9.4 of the agenda pack suggests that the conclusion is 'finely balanced'. Ultimately finding for the application on the suggestion that the changes proposed actually give more privacy to the occupants of number 86 and 88 Thorley Drive than if they are rebuilt to the original plans. What it fails to balance is just how unenforceable those changes are and how they in fact breach provision for the new occupants of plots 1 and 2 with a suggestion of no principle windows at the rear of these properties and a basic denial of their ability to look onto and enjoy their own main private space and supervise their own children, garden weather washing etc. They also fail to recognise that when a patio door is open it has no obscure glass. Which they will clearly do whenever possible.</li> </ul> <p><u>Trees and Woodland Officer</u> Verbally advised that the proposed trees are fruit trees, cooking apple and pear. They are to be a minimum height of 3.5 m at planting with a 12-14 cm girth so of substantial size and sufficient to provide some immediate softening/filtering of views. They are suitable trees for a garden location and shown to be just away from the boundary.</p>	
SMD/2020/0182	<p><b>Item 7</b> <u>Draycott Moor College, Draycott Old Road, Draycott</u></p> <p><u>Additional Conditions:</u> Conditions to be inserted to secure surfacing materials of car park extension and cycle storage as follows:</p>	25-44

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	<p>Prior to first use of the school extensions hereby approved, surfacing details of the car park extension shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be completed in full prior to first use of the school extensions and retained for the lifetime of the development.</p> <p><b>Reason:-</b> In the interests of highway safety and for the avoidance of doubt.</p> <p>Prior to first use of the extensions hereby permitted details of cycle storage for 10 cycles shall be submitted to and approved in writing by the Local Planning Authority. Details shall include (but not be necessarily limited to) location of the storage within the site, construction details, materials and sizes. The development shall be carried out in accordance with the approved details, be completed in full prior to first use of the extensions hereby approved and retained for the lifetime of the development.</p> <p><b>Reason:-</b> To encourage alternative transport modes and in accordance with the intentions of section 9 'Travel Plan Statement' within the Transport Statement dated March 2020.</p> <p><u>County Highways:</u> No objections subject to conditions.</p> <p><u>Public Representations:</u> 1 additional letter received making the following comments;</p> <ul style="list-style-type: none"> <li>- In/out vehicular arrangement has been refused;</li> <li>- Taxis arrive sometimes up to half an hour before the school opens, they have the engine running (diesel) on the public highway for some time;</li> <li>- More pupils will mean more fumes;</li> <li>- How is the problem to be solved;</li> </ul>	
SMD/2020/0271	<p><b>Item 8</b> <u>West Winds, Cheddleton Road, Birchall, Leek</u></p> <p><u>Additional Representation received (18<sup>th</sup> August 2020):</u></p> <p>The proposed vehicular access depends upon using the existing private lane that runs adjacent to Cheddleton Road (A520).</p> <p>Each of the six existing houses in the lane has an obligation to maintain the part of the private lane that runs in front of their property.</p>	45-54



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	<p>SCC Highways stated (19th March 2018) that the agreement of the owners of the track will be required.</p> <p>As one of the owners I have not been approached at all in order to confer agreement for the private lane in front of my property to be used by the new owners of the proposed two properties.</p> <p>I like the existing lane the way it is and would not wish the existing surface to be replaced by a layer of tarmac, concrete or the like. Yet part of the planning stipulations, states that a 10 metre apron is required to be constructed on the northern access to the A520 (nearest to me) and on my part of the private lane. How can this requirement be proceeded with, without my agreement?</p> <p>The proposed two new properties could each have 3 vehicles, thus leading to many extra weekly journeys being made along the private lane. It would not be equitable that the existing properties should remain fully responsible for the maintenance of the lane, whereas the owners of the two new properties would have no contribution to make. This could lead to possible legal challenges in the years to come, which potential purchasers should be made aware of.</p> <p>The new plan differs to the plan submitted in 2018. Previously there were to be three properties, but now there are two properties. The bottom property has been turned around so that it now faces directly over my property [Boundary House] which is lower down the hill. The upstairs of the lower new property overlooks the upstairs part of my house, which would affect my privacy greatly.</p> <p><u>Response to the above from the Planning Agent:</u></p> <p>a) The issue of the access is a domestic one and does not fall within the remit of any planning decision, the principle of the use of the access road having already been established at outline stage. Please note that my client has every intention of ensuring that the future occupiers of the properties have an obligation to financially support any future maintenance costs for the access road running parallel with Cheddleton Road - this could be dealt with by the formation of a management trust comprised of the all interested parties.</p> <p>b) The representation makes reference to the indicative plan submitted with the outline application, which is not relevant, as the outline consent was granted for two dwellings</p>	

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	<p>reference drawing RLM865/6F. If you refer to the latest submitted layout plan RLM974/3D, it can be seen that the nearest proposed dwelling's orientation has been rotated away from Boundary House and is set slightly further back from that shown on the outline approved plan. In addition there is only a 'single' storey element (with an en-suite in the roof space) close to the boundary with Boundary House and the garage has been positioned to 'shield' Boundary House. The window in that gable is not in a habitable room but if it was felt appropriate a condition could be attached so that the glazing to that window should be obscure and permanently maintained as such.</p> <p><u>Officer comment</u></p> <p>Matters concerning the rights or not to use the shared access lane for this development and any contribution required to its up-keep are private matters between the parties outwith the planning process. This would not however absolve the developer of the need to meet the Highways requested surfacing condition.</p> <p>Regarding overlooking and privacy for Boundary House, the separation distance between this and the nearer of the two new dwellings is 45m. The Space About Dwellings separation distance required for elevations that face one another with principal windows is 22m. In this case the elevations are not directly facing but are offset so that any interaction would be at an oblique angle. Although the proposal dwelling would be at a higher level on the slope the more than double the required separation distance and the offset angle mean that the proposal can be accepted as not being unduly intrusive nor overbearing, especially as a bungalow style dwelling. Comparison may be made with the relationship for example between the modern detached dwellings of Boundary Close such as 1 Boundary Close and The Croft with a separation between their more-or-less directly facing elevations with principal windows of c.26m. The agent's comments can be noted but there is no necessity for any amendment to the proposed glazing arrangements.</p>	
SMD/2019/0318	<p><b>Item 9</b>  <u>Land west of Sutherland Road, Longsdon</u></p> <p><b>ERRATUM</b></p> <p>The report states in error that the application was called in by Cllr Heath &amp; Cllr Bowen.</p>	55-70

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	<p>Cllr Bowen has confirmed that he only wanted the application to go to committee if the recommendation was to approve. He is happy with the recommendation to refuse and therefore his call-in request does not apply.</p> <p>The application has been called in by Cllr Heath</p> <p>The following additional representations have been received:</p> <p><b>Cllr Gill Heath</b></p> <p>Could I be recorded as in support of application 2019/0318 please. The application would greatly aid the tourism offer we have in the Moorlands offering an alternative choice, The previously perceived problems around access and flood issues have been successfully resolved.</p> <p><b>Public Comments</b></p> <ul style="list-style-type: none"> <li>• Only received notification of meeting at 3.30hours before the deadline of 5pm. There was no time to register even Were all parties given such short notice? This could disadvantage an argument</li> <li>• I would object vehemently to the pods and building linked to the objections i submitted and photo of deep flooding of area; disturbance of wildlife; local barn owl population hunting in that area links to 3 owl boxes and 4 chicks this year supported by staffs wildlife trust barn owl action group at the trust; light pollution.</li> <li>• Already loss of owl habitat at wallgrange due to extensive willow tree planting in meadow land.</li> <li>• I would politely request Committee Members to review the public comments to the planning application, in particular the two published by Mr Krahenbuhl and Mr. Sauntry on 28th October 2019 that show photographs of the site of the proposed development badly affected by the flooding that occurred on 26th October 2019.</li> </ul>	
SMD/2020/0094	<p><b>Item 10</b>  <u>3 The Cottages, Hazles Cross Road, Kingsley</u></p> <p>NO UPDATES</p>	71-78

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