

# Public Document Pack



## PLANNING APPLICATIONS COMMITTEE SUPPLEMENT AGENDA

**Date:** Thursday, 9 September 2021

**Time:** 2.00 pm

**Venue:** Council Chamber - Moorlands House, 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)**

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

This page is intentionally left blank

## PLANNING APPLICATIONS COMMITTEE

### Late Representations – 9<sup>th</sup> September 2021

FILE REF.	SITE AND DETAILS	ITEM
SMD/2020/0684 & 0685	<p><u>Land off Froghall Wharf, Froghall Road, Froghall</u></p> <p><b><u>Officer clarification</u></b> Summary of recommendation should read:-</p> <ol style="list-style-type: none"> <li>1. Refuse full planning application SMD/2020/0864</li> <li>2. Approve Listed building consent application SMD/2020/0685</li> </ol> <p><b><u>Planning history for Listed Cottage farmhouse</u></b> SMD/2001/0824 Listed building consent for extension and alterations. Approved.  SMD/2001/0823 Domestic extension. Approved</p> <p><b><u>Staffordshire Wildlife Trust</u></b> No objection. Biodiversity net gain would be achieved with the additional proposed restoration of Harston Hill LWS alongside the development, as well as mitigation measures on site. Species mitigation will need to be included in the off-site measures to accommodate species that are displaced from the development. Advise that Harston Hill offers the opportunity to restore a priority habitat of greater distinctiveness than those impacted on the development site. Key habitats to be retained and created on the site need to be enhanced and managed, as part of a detailed enhancement and long-term management plan. This includes the brook, woodland areas, orchard and species-rich grassland. Where possible, plants such as orchids should be translocated to retained grassland and any felled timber relocated on site to enhance wooded areas. The brook channel should be enhanced as far as possible with additional material within the constraints of the site e.g. contamination. Recommend conditions to secure:-</p> <ol style="list-style-type: none"> <li>1. Detailed habitat enhancement and initial establishment plan for the site and Harston Hill LWS, including detailed baseline surveys of the LWS, updated BIA using metric 3.0, and including habitat features for priority birds, grass snake and invertebrates.</li> <li>2. 25 year habitat management and monitoring plan for all retained and created habitats, including repeat surveys for key species.</li> </ol>	ITEM 6

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 9<sup>th</sup> September 2021**

FILE REF.	SITE AND DETAILS	ITEM
	<p>3. Further survey of the farmhouse for hibernating bats, and trees for bat roosts, along with appropriate method statements and mitigation in line with licences obtained.</p> <p>4. Method statement for reptile, amphibian and nesting bird protection during construction.</p> <p><b><u>Local Lead Flood Authority</u></b> Maintain their objection. Have considered the further information provided by the applicant but advise that there do not appear to be any details of canal breach assessment modelling undertaken. A breach of the canal could present a significant risk of flooding to the site. We would therefore expect to see evidence of the results (e.g. depth, velocity and hazard mapping) of breach analysis to ensure there is no increase in flood risk to properties within the vicinity of the retaining wall and the wider site.</p> <p><b><u>Environment Agency</u></b> Confirm receipt of the updated information provided by the applicant on the 3<sup>rd</sup> September. They advise that they require a minimum of 4 weeks to review this. In the meantime they maintain their objection on flood risk grounds.</p> <p><b><u>Caldon and Uttoxeter Canals Trust</u></b> Maintains its objection relating to the lost opportunity to preserve the line of the Uttoxeter canal. It says that the supplementary statement submitted by the applicant selectively plays up and down the importance and legal weight of the Churnet Valley Masterplan to suit the points the applicant wants to make in different parts of their submission, and does the same with the Halcrow study. There are some fundamental misunderstandings about the restoration, the need or desirability for realignment in various locations and specifically about how a river might be canalised that render the document essentially worthless as an appraisal of the restoration. States that it is really disappointing that the applicant has chosen not to engage at all with the Trust in the last year or more, but we remain open to discussions about a new and more appropriate scheme.</p> <p><b><u>Further information from the applicant</u></b> <b>3<sup>rd</sup> September 2021 by e-mail</b> – Updated reporting, model data and survey data received in a link together with confirmation that should a significant breach of the canal bank occur adjacent to the site the updated FRA proposes to manage this flood risk by:</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 9<sup>th</sup> September 2021**

FILE REF.	SITE AND DETAILS	ITEM
	<ul style="list-style-type: none"> <li>• Ensuring properties are elevated above road levels, thereby ensuring flood flows in the event of canal breach are conveyed within the roads and directed to the watercourse on site.</li> <li>• Provision of the retaining wall on the downslope of the canal, it would serve to direct flows around the site.</li> </ul> <p>It is envisaged that the detail of this design of the retaining wall can be conditioned</p> <p><b>7<sup>th</sup> September 2021 by e-mail</b></p> <p>a) Six larger scaled drawings of the Sections AA and BB provided.</p> <p>b) Amended site and section drawings to reflect the updated FRA and the requirement for a new retaining wall to structural engineers details and a note advising that the final FFL's of the dwellings is to be confirmed and approved by the EALA.</p> <p>c) Comment on the Viability – <i>'In summary, the build costs used to generate the figures in the Bruton Knowles report appear to be very low and may not reflect the complexities of the site (ground contamination remediation, grouting, piled footings, landscaping, drainage etc).</i></p> <p><i>The report refers to the site as "A cleared vacant and redundant former industrial site". The site is not cleared, there are existing buildings and structures that require asbestos removal, demolition and remediation including a large reinforced concrete slab.</i></p> <p><i>It is also worth noting since our initial cost appraisal was conducted there has been additional items requiring additional cost (increased level of fill for flood mitigation, additional upstand to retaining wall for flood mitigation and off-site ecological enhancements).</i></p> <p><i>We are concerned the valuation appraisal is key document in support of the application and the independent viability report is clearly incorrect.</i></p> <p><b>8<sup>th</sup> September by e-mail</b></p> <p>Do not agree with the design assessment in the Report. Summary of comments include:-</p> <p>Pedestrian rear gates fronting Froghall road give the impression of active frontages.</p> <p>Ashford in the water has similar rear garden relationship</p> <p>Plots 27, 31, 36, 41 and 46 directly front the brook and overlook the brook. with water course</p> <p>New more appropriate trees in better locations will be planted and over time will become established creating a unique sense of place</p> <p>The design in concept (not in form, or appearance) is similar to parts of the Cotswolds and Millers Dale</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 9<sup>th</sup> September 2021**

FILE REF.	SITE AND DETAILS	ITEM
	<p>Consider the landscaped courtyards a simple strategy that will enable sufficient parking to be achieved away from the main public thoroughfare and watercourse adjacent to the brook, trees could be added to provide further softening if required.</p> <p>The increased fill level will reduce the scale of the existing wall, the trees and retaining wall will add a sense of enclosure and add amenity to the dwellings.</p> <p>Plots 46 – 48 will enjoy expansive views under and through the trees to the natural valley and Brook beyond.</p> <p>There are examples of existing 3 storey dwellings locally.</p> <p>The quantum of development is required to enable the scheme to be financially viable.</p> <p>Hetty's Tea shop - Note no chimneys, steeply pitched roofs</p> <p>These are new dwellings, it would seem inappropriate to include chimneys on buildings which don't have fireplaces, however chimneys could be used to assist with ventilating the properties. It is our view that the scheme is an honest contemporary response however incorporating and referencing traditional and vernacular details (quality brick work, local materials and traditional roof forms) responding to the local topography.</p> <p>We could add chimneys to the dwellings as a condition if d</p> <p>The design concept of House type 9 is not too dissimilar from the proposal in the Churnet Valley Masterplan for Moneystone quarry on page 100.</p> <p>Believe the scheme is well designed and therefore should be approved.</p> <p><b><u>Response of Bruton Knowles to applicant's viability concerns</u></b></p> <p>The build costs in the applicant's DA include all professional fees etc whereas we have set these out separately. In actual fact if you look at the feasibility breakdown and look at the build costs before any fees etc are included, there isn't much difference between the build costs.</p> <p>Clarification was sought by email on the 31<sup>st</sup> August for clarity on demolition referred to in the DA at A9 of the main summary for the refurbishment of the existing properties. No response has been forthcoming</p> <p>Clarification has also been sought by e-mail on the 30<sup>th</sup> August on the land price of £419k and if there was a benchmark land value. No response has been forthcoming.</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 9<sup>th</sup> September 2021**

FILE REF.	SITE AND DETAILS	ITEM
	<p><b><u>Further letters of objection</u></b>            Over 50 letters of objection received. The majority of these do not raise issues above and beyond those already noted in the Report. The primary concern relates to the fact that the proposed development would prevent the full restoration of the Uttoxeter Canal. This is a long term project which has already achieved some success. The canal restoration would bring visitors to the area benefitting tourism and the local economy. The Concept Statement in the Churnet Valley Masterplan says that any development at this site should not prejudice potential reinstatement of the route of the Uttoxeter canal.</p>	
SMD/2021/0469	<p><u>Land east of Sandfields, Kingsley Road, Cellarhead</u></p> <p><u>Environmental Health Officer</u>            Advises that the site is adjacent to an existing Air Quality Management Area, and therefore the LPA must consider whether the development will introduce new public exposure into an area of possible existing poor air quality. The setting back of the houses is welcomed and may well be sufficient to move the sensitive receptors away from the pollution source (road) and thus be acceptable in terms of AQ, however this needs to be demonstrated by means of an AQ assessment.            Further conditions are recommended including a requirement to carry out an Air quality assessment</p> <p><i><u>Air quality</u></i>  <i>Prior to the commencement of development an Air quality assessment shall be carried out for the proposed development and a scheme for protecting the future residential occupiers of the building[s] from the effects of nitrogen dioxide/airborne particulate matter (PM10 and PM2.5) arising from road traffic shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to the occupation of the building hereby approved, and thereafter maintained for the lifetime of the development.</i></p> <p><b><i>Reason:</i></b> <i>In order to safeguard the amenities of the occupiers of the proposed dwellings in respect of atmospheric pollution</i></p> <p><u>Construction &amp; Demolition Works: Time of operations</u></p>	ITEM 7

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 9<sup>th</sup> September 2021**

FILE REF.	SITE AND DETAILS	ITEM
	<p><i>Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.</i></p> <ul style="list-style-type: none"> <li>• <i>08:00 - 18:00 hours (Monday to Friday); 08:00 - 13:00 hours (Saturday)</i></li> <li>• <i>No working is permitted on Sundays or Bank Holidays.</i></li> </ul> <p><i>In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.</i></p> <p><b><i>Reason:</i></b> <i>To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.</i></p> <p><u><i>Construction &amp; Demolition: Construction Method Statement</i></u>  <i>The development, including demolition hereby permitted shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement should include the following details:-</i></p> <ol style="list-style-type: none"> <li><i>I. A scheme to minimise dust emissions arising from demolition/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.</i></li> <li><i>II. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;</i></li> <li><i>III. a scheme for recycling/disposal of waste resulting from the demolition/construction works;</i></li> <li><i>IV. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary;</i></li> <li><i>V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;</i></li> <li><i>VI. 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.</i></li> </ol> <p><i>Once approved, all relevant activities on the site should be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to</i></p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 9<sup>th</sup> September 2021**

FILE REF.	SITE AND DETAILS	ITEM
	<p><i>commencement of the alteration.</i></p> <p><b>Reason:</b> <i>To protect the amenities of the area during construction</i></p> <p><u><i>Unexpected Contamination</i></u></p> <p><i>In the event that contamination, including coal deposits, is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. If after consultation with the Local Planning Authority the contamination is considered to pose a possible risk, to human health, buildings and other property and the natural and historical environment (receptors), development should not commence further until a site investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority. If the contamination investigation and risk assessment indicates that potential risks exists to receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to the receptors has been prepared, and is subject to the approval in writing of the Local Planning Authority.</i></p> <p><b>Reason</b> <i>To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.</i></p>	
SMD/2020/0279	<p><u>The White House, 50 Draycott Road, Upper Tean</u></p> <p><b>Staffordshire Fire Service:</b> I have spoken to the applicant who informs me that the access route to the courtyard at the front of the premises from the entrance gate is 3.1m wide and the courtyard is a minimum 3.7m in width, given this information I would deem that the access is deemed satisfactory for fire appliances and associated firefighting.</p> <p>Case Officer response: The measurements expressed are correct and therefore there is no issue in respect of the proposed dwellinghouse being served by a fire appliance, if required.</p>	ITEM 8

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 9<sup>th</sup> September 2021**

FILE REF.	SITE AND DETAILS	ITEM
SMD/2021/0235	<p><u>Rose Cottage, Back Lane, Heaton</u></p> <p>None.</p>	ITEM 9
SMD/2021/0272	<p><u>Sky Cottage, Top Road, Biddulph Moor</u></p> <p>None.</p>	ITEM 10
SMD/2021/0263	<p><u>Land at Blakeley Farm, Blakeley Lane, Whiston</u></p> <p>None.</p>	ITEM 11
SMD/2021/0436	<p><u>The Barn, Ringe Hay Farm, Basford</u></p> <p><u>A further letter from the applicant has been received in support of his application and this states the following:</u></p> <p><i>“Due to balance / co-ordination issues it is vital that a suitable seating, height, space is available which enables eating and drinking. Removing the dining facility inhibits independence. For example I cant make a cup of tea and carry it into the TV room; the cup will be empty and I will burn myself. Hence I curenntly have burns / scolds on my arms.</i></p> <p><i>Eating on a sofa or breakfast bar (with stools) is not possible. Our dining table wont fit in the TV room or the proposed kitchen.</i></p> <p><i>We have underfloor heating (100mm of concrete overlplayed by Indian Stone). Any water source for a dishwasher / sink etc. Is buried under the concrete therefore is utilising the dining really feasible.</i></p> <p><i>Regarding the Velux windows; there aren't any in the existing dining room. We already have one in an upstairs room and have proposed some in the dining room as the kitchen extension will reduce the light in this room. Please note that the barn opposite has three plus our Neighboars barn has them as well. Given this precedent and the fact that this remote farmstead cant be seen from the road plus the Neighboars haven't objected why is this application considered "harmful". I would question as to who is it going to harm?</i></p> <p><i>There is no mention of the non registered heritage site in Hannah Hollins planning response in September 2020. Perhaps if the council would have notified us of these</i></p>	ITEM 12

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 9<sup>th</sup> September 2021**

FILE REF.	SITE AND DETAILS	ITEM
	<p><i>restrictions we would not have pursued this barn.</i></p> <p><i>There is no mention of the planning permission approved on 14/7/21 which has a very similar setting to this barn except its in green belt.</i></p> <p><i>Although we are discounting the suggestion of utilising the dining as a kitchen I appreciate that you would want to build it sympathetically. Therefore as a compromise we could replace the French doors with a similar window to the existing one in the dining room; therefore when you look at the barn from the rear it looks less domestic and retains the same look and feel as the original structure. We could move the French door to the side facing the duck pond (as they are now).”</i></p> <p><u>Case Officer Response:</u></p> <p>It is considered there would be sufficient space in within the current ground floor of the house for an enlarged kitchen with space for a dining table. The presence of concrete underneath the dining room needing to be removed to access water pipes is not considered a sufficient reason to avoid using this space.</p> <p>The committee report outlines and assesses the harm caused.</p> <p>The planning permission approved on 14/7/21 relates to a different proposal on a different site. Each application has to be judged on its own individual merits and therefore what was approved in that permission does not set a precedent for this particular site.</p> <p>The Council does not consider the replacement of proposed windows would alleviate the level of harm identified by the proposed extension to the building due to its overall scale and form.</p> <p><u>Correction in the report</u></p> <p>In point 7.15, existing rooflights are referred to as being sources of light into the existing dining room. There are in fact no existing rooflights for this room. The rooflights are proposed. However, it is considered this error does not have any bearing on the recommendation. There are existing French windows and a standard rear window in the dining room and as this is considered to provide sufficient light into the dining room, the Council still maintains that the provision of a kitchen via the conversion of the dining room rather than</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 9<sup>th</sup> September 2021**

FILE REF.	SITE AND DETAILS	ITEM
	in a new-build extension, would be a preferable and practical solution.	