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PLANNING APPLICATIONS COMMITTEE SUPPLEMENT AGENDA

Date: Thursday, 16 December 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

14. NOTE - A Late Representations Report will be circulated prior to the meeting i.e. any representations received since this agenda was published. **(Pages 3 - 10)**

MARK TRILLO
EXECUTIVE DIRECTOR & MONITORING OFFICER

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PLANNING APPLICATIONS COMMITTEE

Late Representations – 16th December 2021

FILE REF.	SITE AND DETAILS	ITEM
SMD/2021/0649	<p><u>Sandy Lane, Brown Edge</u></p> <p>One further letter of objection has been received, from a previous objector who considers the proposed use would fall under a business use and therefore considers a material change of use would occur and also states that due to noise and disturbance arising from the use, legal covenants would be breached.</p> <p><u>Letter received on 15th December</u></p> <p>On 15th December, the same objector submitted a further letter stating “To assist councillors sitting on the planning committee below we have documented the relevant detail to assist in the decision-making process.....”.</p> <p>The letter describes what exists in the locality, claiming this leads to significant traffic and also highway safety issues (including a picture of a car after collision) and that these will worsen if the new proposed use is allowed.</p> <p><i>Case Officer response: The issue of traffic and highway safety has been addressed in the report and it is not considered the proposed use would lead to a significant difference in vehicle movements than a family 5-bedroom dwelling.</i></p> <p>The letter then outlines instances of vandalism and anti-social behaviour in the area.</p> <p><i>Case Officer response: This is not a material planning consideration but more a matter for The Police and has no bearing on the determination of whether a material change of use has occurred.</i></p> <p>The next section of the letter outlines what the objector perceives to be discrepancies in the applicant’s Planning Statement.</p> <p><i>Case Officer response: These are matters for the applicant but none of the points have a bearing on the overall determination of whether or not a material change of use has occurred.</i></p> <p>The letter then lists ten points which he considers would amount to a “material change in use” of the site as a result of the proposal. This includes; Bedspace is a business, therefore this will be a business premises and a residential</p>	ITEM 6

PLANNING APPLICATIONS COMMITTEE

Late Representations – 16th December 2021

FILE REF.	SITE AND DETAILS	ITEM
	<p>dwelling, sinks will be fitted into each bedroom, exit alarms will be fitted to all exit doors, re-wiring of internal circuits to facilitate isolation of resident bedrooms, lockable doors on staff bedrooms, access to the property is inadequate and unsafe as vehicles will require a turnaround point, this will require a drop in the kerb, the fact that one of the staff is a waking overnight manager means there is an enhanced risk of safeguarding for residents which is not normal for a residential property, the staff are no permanent residents at the property, fences between adjacent properties are easily scalable which is again a safeguarding issue.</p> <p><i>Case Officer response: The points raised do not amount either individually or collectively to a material change of use of the site.</i></p> <p>The letter then states that Bedspace were approached by the local authority to provide this type of facility, it is a highly lucrative business for the owners and it would appear that very little concern is given by either Bedspace or the local authority to the effect it will have on neighbours and to the detriment of other businesses.</p> <p><i>Case Officer response: Whether or not the applicant has approached by the Council and whether it is a lucrative business or not is not relevant to the application.</i></p> <p>The letter then finishes by stating that the information provided by the applicant is inaccurate and insufficient for the purposes of adequately determining the application.</p> <p><i>Case Officer response: Sufficient information has been provided by the applicant to enable the Council to determine if a material change of use of the site would occur.</i></p> <p><u>Emails from the agent</u></p> <p>The applicant's agent would like to make Members aware of the following:</p> <p><i>We would like to make a correction on the planning statement regarding paragraph 4.4. The children will not have en-suites in their bedrooms (contrary to what we have stated in the planning statement).</i></p> <p><i>We would also like to make a correction on paragraph 3.1 - the property is currently <u>not</u> vacant.</i></p>	

PLANNING APPLICATIONS COMMITTEE

Late Representations – 16th December 2021

FILE REF.	SITE AND DETAILS	ITEM
SMD/2021/0461	<p><u>Forest School Nursery, Six Oaks Farm RSPB, Apesford Lane, Bradnop</u></p> <p>Amended condition wording</p> <p>4. The application site shall be occupied by:</p> <ul style="list-style-type: none"> - No more than 30 children and 5 members of staff at any one time on one day per week between the hours of 0900 to 1500.. - No more than 15 children and 4 members of staff at any one time on any other day of the week between the hours of 0830 to 1730. <p>There shall be no use of the site on Saturday and Sunday</p>	ITEM 7
SMD/2021/0654	<p><u>Sharpcliffe Hall, Ipstones</u></p> <p>Application has been withdrawn by the applicant.</p>	ITEM 8
SMD/2021/0565	<p><u>High Street, Kingsley</u></p> <p>Three further letters of objection stating the following;</p> <p><u>Letter one</u> <i>There are material changes which need to be considered since the previous application.</i></p> <p><i>The parking provisions on Kingsley High Street have increased as has the actual presence of parked vehicles within and without the designated zones.</i></p> <p><i>There is an increased risk of danger to all road users especially pedestrians. More vehicles using this access will only increase the dangers in this location.</i></p> <p><i>The applicant had already started work after the previous approval had expired, in so doing it became clear that the boundaries and rights of the other occupants would be compromised.</i></p> <p><i>The proposed dwelling is misleadingly described as a dormer bungalow, it is in reality a large two story dwelling being shoehorned into an inadequate site.</i></p> <p><i>The recommendation to approve contains too many extremely important conditions. A bad application cannot be made good by conditions. It should be rejected.</i></p>	ITEM 9

PLANNING APPLICATIONS COMMITTEE

Late Representations – 16th December 2021

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	<p><u>Letter two</u> <i>Since this plot has been dug out people are having to reverse in or out of the lane. Once this property is developed if the parking spots are taken up by the people in the properties then any other vehicles that come up the land whether it be workmen delivery driver or just relative's then there is nowhere to turn around. With the parking allowed on High Street at the start of the lane anybody reversing out doesn't stand a chance of knowing if a vehicle is coming or not, on several occasions you hear horn's where someone has nearly come unstuck. Further to this there is a property next to no 44 The Smithy, that put in planning for a garage near to the road, highways made them put in a roundabout so they could turn a car around so they didn't reverse out onto busy main road. If this planning is allowed people will need to reverse out and with the amount of traffic and young children walking to and from primary school there is going to be accidents. Hopefully it will only be a car but if it's a child or adult then this was down to a bad decision by planning or highways, who will be responsible?</i></p> <p><u>Letter Three</u> A new family with young children have now moved in to a house on the high street who require use of a space opposite the site entrance for pick-up/drop-off. This also means a new car in addition to existing regular residents parks on the high street. And more young children at risk from lorries mounting the pavement.</p> <p>The site has flooded in the recent rain causing pools of water that have not drained and there are concerns that the drainage has not been assessed or monitored appropriately.</p> <p>Further concerns that the width of access lane itself has been reduced to the point where the new building works prevents anyone visiting the site from precisely seeing by exactly how much.</p> <p>It needs to be clearly reiterated that **if all the cars who have access rights are in their parking spaces currently nobody can exit the site without reversing into a main road with limited visibility</p> <p>Officer response:</p> <p>Whilst the above comments are noted, it is considered that the development does not give rise to any adverse impact on</p>	

PLANNING APPLICATIONS COMMITTEE

Late Representations – 16th December 2021

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	<p>the highway. As set out in the report the Highway Authority raise no objection to the development proposals subject to the imposition of a number of conditions, which will secure the widening of the access drive, surface water drainage and the provision of parking spaces.</p>	
SMD/2021/0491	<p><u>Launders Bank Farm</u></p> <p><u>ERRATUM</u></p> <p>The application was called in by Cllr Ross Ward not Cllr Paul Roberts.</p> <p><u>Public Comments</u></p> <p>Five letters have been received that all support the planning application. They consider that there is a need for the applicant to be in close proximity to look after the animals and for security; that the existing farmhouse is too small for a family in 2021; that the proposed dwellinghouse will be in keeping with other properties in the area; the new farmhouse will be within the curtilage boundaries of the farmyard and will allow the business to operate unhindered; the position of the existing farmhouse is unworkable; and the new farmhouse will not affect neighbouring amenity.</p> <p><u>Officer Comment:</u> All of these matters have been addressed within the Committee Report.</p>	ITEM 10
SMD/2021/0604	<p><u>Freehay Farm</u></p> <p>Cllr Richard Allcock has the following comment on the application:</p> <p><i>“The applicant has got the land, cows and buildings. All he wants is a house. Farming is 24hrs a day, 365 days a year. You cannot leave calving cows for any length of time. You have got to be there all of the time. We have lost half of the village of Freehay to mineral companies. Across the road is one of the biggest holes in England, so whatever this will matter, one house, I don’t know.”</i></p>	ITEM 11
SMD/2021/0700	<p><u>Leek Rail Link</u></p> <p><u>Highways Comments:</u></p> <p>Recommendation Summary: Conditional</p> <p>Site Visit Conducted on: 24-Nov-2021</p>	ITEM 12

PLANNING APPLICATIONS COMMITTEE

Late Representations – 16th December 2021

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	<p>1. No mud or other deleterious material shall be deposited on the highway. Any that is shall be immediately removed by mechanical means.</p> <p>2. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i) a site compound with associated temporary buildings; ii) the parking of vehicles of site operatives and visitors; iii) loading and unloading of plant and materials; iv) storage of plant and materials used in constructing the development; v) wheel wash facilities; vi) mechanical road sweeper for existing carriageway; <p>REASONS</p> <p>To comply with NPPF Paragraph 111; to comply with SMDC Local Plan Policy DC1; in the interests of highways; to protect the surface and structure of the highway.</p> <p>NOTES TO PLANNING OFFICER</p> <p>Application is to reinstate a short length of former railway line as a heritage railway.</p> <p>The D&A states that the station at Froghall will be the main access point for the railway. However, provision for a railway station formed part of the application for the adjacent Cornhill development. Parking for the railway was included in the current reserved matters application - over 100 spaces. Red line does not connect to the highway.</p> <p>Access route for deliveries is not defined. However the station location is accessed through the Barnfields Industrial Estate. Commercial delivery vehicles would not be unusual. There is the likelihood of mud being brought from the site on the highway - hence conditions recommended above.</p> <p><u>Environment Agency</u></p> <p>We have reviewed the information submitted and have no objections to the proposed development. We have the following comments to make:</p> <p>Groundwater & Contamination</p> <p>We have the following comments to make on this application which relate solely to the protection of Controlled Waters. Matters relating to Human Health should be directed to the relevant department of the local council.</p>	

PLANNING APPLICATIONS COMMITTEE

Late Representations – 16th December 2021

FILE REF.	SITE AND DETAILS	ITEM
	<p>Reference to the 1:50,000 scale geological map indicates that the site is located on Alluvium which in turn overlies the Chester Pebble Beds Formation. The superficial deposits are classified as a Secondary A aquifer. These are permeable strata capable of supporting water supplies at a local rather than strategic scale and in some cases forming an important source of base flow to rivers. The bedrock is classified as a Principal aquifer. These are geological strata that exhibit high intergranular and/or fracture permeability. They usually provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale. The superficial deposits are likely to be in continuity with the adjacent River Churnet. The site sits within the total catchment (SPZ3) of a groundwater Source Protection Zone. There is limited information with the application proposal in relation to contamination. As such, we would recommend the unsuspected contamination condition is included on any planning permission granted as a precaution to deal with any contamination identified during development. This is recommended to ensure any contamination subsequently identified during construction is appropriately addressed in order to protect sensitive controlled waters receptors.</p> <p>Condition If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reasons To ensure the protection of ‘Controlled Waters’. Whilst there is no specific information to suggest that there may significant contamination on the application site, railways are seen as high previous polluting activity. Therefore, this condition is recommended to deal with any unsuspected soil contamination encountered during development. This is recommended in order to protect controlled waters receptors, namely underlying groundwater in the Principle and Secondary A Aquifer, Source Protection Zone and nearby surface water receptors.</p> <p><i>Advice to Applicant</i> The Environment Agency’s approach to groundwater protection The applicant / developer should refer to our document ‘The Environment Agency’s approach to groundwater protection’, available from gov.uk. This sets out our position on a wide range of activities and developments,</p>	

PLANNING APPLICATIONS COMMITTEE

Late Representations – 16th December 2021

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	<p>including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Waste management <input type="checkbox"/> Discharge of liquid effluents <input type="checkbox"/> Land contamination <input type="checkbox"/> Ground source heating and cooling <input type="checkbox"/> Drainage <input type="checkbox"/> Storage of pollutants and hazardous substances <input type="checkbox"/> Management of groundwater resources <p>All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website (www.gov.uk/environment-agency).</p> <p>Flood Risk</p> <p>We have reviewed the Flood Risk and Culverts Report, Version 1.0, dated 10 November 2017 submitted in support of this application. The single-track railway line is proposed to be reinstated on the currently existing raised ground, which is classified as Flood Zone 1, and does not propose any further ground raising in Flood Zone 2 or 3.</p> <p>Further to this, the new platform and replacement footpath on the former railway line is also in land classified as Flood Zone 1, according to our Flood Map for Planning (Rivers and Sea). Therefore, we have no objection to the proposed on flood risk grounds.</p>	
TPO SM.323	<p><u>Greywoods, Cheddleton Road, Birchall</u></p> <p>No updates to report.</p>	ITEM 13