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PLANNING APPLICATIONS COMMITTEE SUPPLEMENT AGENDA

Date: Thursday, 9 March 2023

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

6. To Note Late Representations Report (circulated prior to the meeting i.e. any representations received since this agenda was published).

MARK TRILLO
EXECUTIVE DIRECTOR & MONITORING OFFICER

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<p>SMD/2022/0662</p> <p>Crossways Farm, Morridge Top Road, Onecote</p>	<p><u>Comments received from Bradnop Parish Council</u> This application has been met with strong views being expressed with regard to such a business being sited in our area of outstanding beauty and in our lovely green open countryside. This site is very close to the Peak Park which attracts many visitors to our area. With this proposal nearby it could have an extremely strong effect on current business's around, holiday lets, Airbnb, and caravan parks etc. No one would like to live or stay in a property near to a business of this nature. Concern was expressed about the wording "storage of animal by products and derived products" as we believe products stored for any amount of time could cause very unpleasant odours. This together with the smell from the collection vehicles and problems that could arise from effluent waters all combine to give a smell. There would be an increase of heavy traffic on our country roads. If the business were to change hands in the future a new operator might not be as considerate as the applicant says that he intends on being.</p> <p><u>Comments received from Planning Policy at Peak District National Park Authority</u> Further to the comments submitted from the Peak District National Park Authority in respect of the transport implication of the application, we would in addition wish to raise the following. In considering the application, under Section 62 of the Environment Act 1995 SMDC has a duty to have regard to the purposes of a national park. One of the purposes of a national park is to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. The special qualities of the Peak District National Park include that it is an inspiring space for escape (special quality 6), with clean air (special quality 7). The enjoyment of these qualities would be compromised by the proposal due to its close proximity to the boundary.</p> <p><u>3 additional objections received, the comments are summarised as follows:</u></p> <ul style="list-style-type: none"> • The development would not generate notable employment opportunity • The development would conflict with the interests of the tourism sector within the area and locality • The development would increase traffic in the area on the local country roads • The development would adversely affect landscape quality 	

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	<ul style="list-style-type: none"> • The site and collection vehicles would create a stench • Water run off would pollute the environment • Already other fallen stock sites within the locality • Property values would be adversely affected 	
<p>SMD/2022/0361</p> <p>Churnet Works, Abbey Green Road, Leek</p>	<p>Lead Local Flood Authority</p> <p>Following a request for additional information by the LLFA an amended FRA has been submitted on behalf of the applicant. The LLFA were reconsulted and are now satisfied that the application could be approved subject to the imposition of 4No. conditions (2 pre-commencement and 2 compliance).</p> <ol style="list-style-type: none"> 1. No development shall begin until details of the offsite drainage system to which the site proposes a connection has been provided to and approved by the LPA in conjunction with the LLFA. The applicant provides as built drawings and a CCTV survey of the drainage system (including any attenuation features along the length) located downstream of the site boundary and discharging to the wetland area to the north-east of the site. Alternatively, a new connection to the wetland discharging at green filed run off rates shall be submitted and approved by the LPA prior to commencing works. Reason: To demonstrate that the as built infrastructure downstream of the site has been built in accordance with approved plans and that the system is in an appropriate condition to accept surface water discharges from the application site. 2. No development shall begin until confirmation that the rate of discharge and point of connection is agreed with the asset owner. Reason: To demonstrate that a connection to existing downstream infrastructure at the point and rate of discharge is confirmed by the asset owner. 3. The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the reports below have been implemented:- <ul style="list-style-type: none"> • McDonalds Leek - Flood Risk Assessment, Glanville, MD421069/ZM/003, Issue 3, 2nd March 2023, • as appended by Proposed Drainage Layout 	

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	<p align="center">Drawing 4210369-SK17 Revision I2 (13/01/22).</p> <p>Thereafter the drainage scheme shall be retained and maintained in accordance with the SuDS Management and Maintenance Plan (4210369/ZM/005, Issue 1, 5th November).</p> <p>Reason: To reduce the risk of surface water flooding to the development and surrounding properties during construction.</p> <p>4. Developer to ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy.</p> <p>Reason: To reduce the risk of surface water flooding to the development and surrounding properties during construction.</p> <p>It is recommended that these conditions are incorporated in the resolution</p> <p>Environment Agency</p> <p>Comments are still awaited from the EA. It is recommended that the resolution to approve is subject to no objection being raised by the EA</p> <p>Amended Plans</p> <p>The agent has agreed to submit amended plans showing the change of materials from cladding to brick and render. These were awaited at the time of update preparation. It is recommended that approval is subject to these being received.</p>	
<p>SMD/2021/0456</p> <p>Land to the east of Froghall Road and north of Ayr Road and Cheltenham Avenue, Cheadle, Staffordshire</p>	<p><u>Officer</u></p> <p>The 'as built survey' was received by the applicant on the 3rd March 2023 accompanied by an explanatory note as set out by below. It particularly concerns neighbouring gardens to plots 59 to 66. These matters, however, would not alter the officer recommendation for approval whereby the referenced planning conditions would secure a suitable retaining wall / boundary treatment for relevant neighbouring properties.</p>	

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	<p><u>Applicant</u></p> <p><i>The survey shows the extent of the fence forming the rear fence of purchasers gardens marked orange, with the yellow fence delineating the gravel board and fence boundary between the application site and existing residents gardens.</i></p> <p><i>As mentioned previously, this is stepped off the actual ownership and application boundary due to the previous presence of existing residents boundary fences and retained hedgerows; in some cases, existing residents have now removed their original fencing such that the boundary fence (yellow) forms the common boundary. The blue line denotes the concrete retaining within our application boundary, however as a result of removing the existing fence by residents, this appears within their rear gardens albeit is still within our ownership.</i></p>	
<p>SMD/2022/0249</p> <p>Land Off Cheadle Road, Upper Tean, Staffordshire</p>	<p><u>OUTSTANDING MATTERS:</u></p> <p>As per the committee report issued there were three outstanding matters that remain final resolution. The progress and resolution of these has been set out below.</p> <p>Air Quality</p> <p>Officers wished to receive confirmation that traffic flow from the site would not exceed 500 trips per day which would have necessitated further work on air quality. It has been stated by the applicant that this would not be the case with their TA stating just over 4 trips per day per unit. The LHA considers that this is a little low based on their current understanding of similar sites in the area, however, also confirm that they do not consider that 500 trips per day will be exceeded.</p> <p>On this basis there is no further objection from the environmental health team on matters of air quality subject to the conditions already requested by the authorities environmental health team.</p> <p>Highways</p> <p>As reported in the committee report there were two outstanding matters awaiting final confirmation by the LHA. These included 1. agreement to the visibility splay to be provided from the access (2.4m x 120m) and 2. the parking arrangements and provision for the larger four bed units and integral garages. The LHA has confirmed that the visibility splay is adequate but highlights that several garages are awkwardly shaped and that the parking provision for the larger units is not ideal design solution. Whilst these are not reasons for refusal on highways</p>	

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	<p>grounds, they ask the LPA to confirm they are satisfied with these.</p> <p>Having examined these there are some parking areas that are disaggregated and distant from properties. Planning officers agree with the LHA that whilst not an ideal situation so long as the applicant is content with the design from a marketability perspective that no objection could be sustained.</p> <p>Correspondence with the LHA officers on Thursday 2 March confirmed that they could remove their objection subject to conditions and an informative. Conditions were provided to the LPA on 7th March 2023, to address the following matters and are considered to meet all the relevant tests as set out in the Framework. The conditions are included below.</p> <p>Viability</p> <p>Discussion on matters of viability have been ongoing with costs associated with the abnormal on the site and land value being discussed between the LPAs viability advisors Brunton Knowles and the applicant’s viability consultants. There remains some disagreement between these parties as to the consultants’ fees, benchmark land value and the abnormal costs on the site. The LPAs advisors have also noted that of three other residential schemes in Upper Tean recently approved a policy compliant approach to affordable housing was delivered and agreed. The Council’s advisors are still of the opinion that some contribution should be viable.</p> <p>It now appears that the application agrees that some element of contribution would be viable, however the final details of this are not yet finalised. Correspondence with the applicants agent on 7 March intimated that having examined the feedback and the costs they feel a contribution could be made.</p> <p>A email received from the applicants agent (08 March 2023) states: <i>“Keepmoat have now run their numbers and in effect can offer £383,500 in contributions or alternatively 3 affordable units on site and £70,000 in contributions...It will need to be ratified by Bruton Knowles and then captured in a S106.”</i> They have stated that they have no preference over which of the two options the LPA choose in this case.</p> <p>Whilst officers agree that there is some benefit from this contribution as noted the level of the contribution has not been agreed and confirmed as being an acceptable level by Brunton</p>	

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	<p>Knowles. Given the timescales involved this has been impossible to achieve. If members are minded taking into account, the principle of a negotiated contribution then it is asked that they resolve to grant permission subject to allowing delegated powers to officers to make final negotiations on the section 106 agreement.</p> <p>Permission of course could not be formally granted until such a time as the S.106 was granted.</p> <p><u>PLANNING BALANCE UPDATE</u></p> <p>Having now confirmed that there are no air quality and highway objections to the schemes (subject to conditions) there are no longer any technical matters that would otherwise preclude planning permission being granted for this site. Of course, there remains the concerns regarding the impacts on trees and landscape from the relevant officers which needs to be carefully balanced against this.</p> <p>As previously noted even with the provision of some financial contributions and affordable housing the position is far short of a policy compliant approach which does count against the application, however, the applicants acknowledgement that there is indeed some contribution that can be made to local services, facilities and affordable housing does lessen the negative impacts. Members will note that local community service and facility provision remains the most pressing issue for the local community.</p> <p>Taking the above into account it is not considered that officers would wish to change the recommendation to committee to grant permission however tis would be subject to the changes to the conditions outlined below, and the requirement to sing a s.106 agreement. As a result, a further resolution would be required confirm that the Head of Development Services has delegated authority in consultation with the Chairman of the Planning Applications Committee, to finalise, negotiate and agree the s.106 agreement.</p> <p><u>CONDITIONS:</u></p> <p>The following addition conditions have been requested by the LHA:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall not be brought into use until the visibility splays (maximum achievable and to DMRB) shown on plan P21-1771 SK04 have been provided. The visibility splays shall thereafter be kept 	

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	<p>free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.</p> <p>Reason: To comply with NPPF Paragraph 111 and SMDC Local Plan Policy DC1 in the interests of highway safety.</p> <p>2. The development hereby permitted shall not be brought into use until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority</p> <ul style="list-style-type: none"> • access construction; • footway, including linkages to existing; • relocation of street name plate (if necessary); • relocation of telegraph pole (if necessary); • relocation of lighting column (if necessary); <p>The highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.</p> <p>Reason: To comply with NPPF Paragraph 111 and SMDC Local Plan Policy DC1 in the interests of highway safety.</p> <p>3. The development hereby permitted shall not be brought into use until details of the reinstatement of the existing site accesses to verge with full height kerb, which shall include the access crossing between the site and carriageway edge and field gates made redundant as a consequence of the development have been first submitted to and approved in writing by the local planning authority. The existing site access made redundant as a consequence of the development hereby approved shall thereafter be reinstated as verge with full height kerb in accordance with the approved plans.</p> <p>Reason: To avoid a proliferation of redundant access crossings and disused field access points in the interests of highways safety.</p> <p>4. The submitted and hereby approved Travel Plan shall be implemented in accordance with the timetable set out in the plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date planning consent to the Local Planning Authority for</p>	

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	<p>approval for a period of 5 years from first occupation of the development permitted by this consent. Details of Travel Plan Coordinator and monitoring reports to be sent to smarter.travel@staffordshire.gov.uk</p> <p><i>[Note: This would replace the currently drafted condition 4 from the committee report]</i></p> <p>Reason: To comply with NPPF Paragraph 111 and SMDC Local Plan Policy DC1 to promote alternative sustainable modes of transport.</p> <p>5. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.</p> <p>Reason: To comply with NPPF Paragraph 111 and SMDC Local Plan Policy DC1 in the interests of highway safety.</p> <p>The following items are to be added to the list of requirements for the CEMP (Condition 17 of the conditions set out in committee report:</p> <ul style="list-style-type: none"> • a site compound with associated temporary buildings: • of wheel wash facilities including means of dealing with water runoff; • of the provision for a mechanical road sweeper for existing carriageway. 	
<p>DET/2022/0044 Land at Heath House Lane, Lower Tean</p>	<p><u>Comments received from Cllr Mark Deaville</u></p> <p>With reference to the application off Heath House Lane. This is an area that I know very well. It is an area of great beauty and an area that is loved by local residents and people who live in the surrounding area.</p> <p>Following consultation there have been a number of observations and comments from members of the public who raise issues and queries around this application. Of course people are absolutely entitled to raise these issues, but in the interest of balance and fairness I must comment on some of the</p>	

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	<p>points made:</p> <ul style="list-style-type: none"> - There was a comment made that this application will “pave the way to develop the rest of the field” - The applicant has no intention whatsoever to develop the rest of the field. He has in fact been absolutely clear in his discussions about this that there will be no more development in this field. The application is a one off and is solely for the applicant’s family. - There was a comment that “the applicant is a builder who lives elsewhere, why would he want to live here”. This is irrelevant however the applicant actually lived and grew up on Goldhurst Drive for 15 years. Like us, the applicants love this area and they wish this to become a home for their daughter. - The comment was made that “the site will be visible from Heath House” - This is not the case, I know Heath House very well and I know the area very well and this site is not visible from Heath House. - There is a comment about the South Lodge. “The building is very close to South Lodge and will detract from it” - There have been no objections from the owners of South Lodge, in fact these people have previously written in support of the project. - I know that members will make a balanced decision today and I am grateful for the opportunity to convey my thoughts to the Members. My comments are intended to bring some balance to the observations that can be read in Paragraph 6.2 of the planning report. - The applicants have made this application with the very best intentions and wish to provide a sustainable and safe home for their daughter. 	

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