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Chief Executive

PLANNING APPLICATIONS COMMITTEE SUPPLEMENT AGENDA

Date: Thursday, 7 March 2019

Time: 2.00 pm

Venue: Council Chamber, Moorlands House, Stockwell Street, Leek, ST13 6HQ

Please find below an additional report which was unavailable when the agenda was published.

PART 1

10. 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)**

SIMON BAKER
CHIEF EXECUTIVE

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Late Representations – 7th March 2019

FILE REF.	SITE AND DETAILS	PAGE NO.
SMD/2018/0700	<p>Land adjacent to no. 10 Oxpasture, Cheddleton</p> <p><u>SMDC Conservation Officer:</u></p> <p>It is queried whether the applicant has carried out an assessment of the impact of the development on the setting of the Conservation Area / setting of the Listed church – this should have been undertaken, especially given the presence of the historic footpath, the church and contribution that the site makes to marking the edge of the historic settlement. It would be a difficult site to assess without a detailed analysis. From the top of the field the view funnels down to essentially a good view of the silhouette of the church tower. You cannot see any other historic building but the presence of the church makes you aware that the church marks the historic core of the village. The further down the field you walk the less impressive the view of the church because the silhouette diminishes. In terms of impact on the setting of heritage assets, there would be a degree of less than substantial harm.</p> <p><u>SMDC Regeneration (Planning Policy):</u></p> <p>The Local Plan Inspector issued his post hearing advice in January 2019. The advice sets out the Inspector’s initial views on the soundness of the Local Plan and identifies modifications that should be made to the Local Plan to make it sound. These modifications will be subject to consultation after the end of May 2019. The Inspector will then review the responses prior to setting out his conclusions in a final report.</p> <p>The removal of the proposed Local Green Space (LGS) at Ox Pasture (and one other such site in Werrington) was identified by the Inspector in his post hearing advice as a necessary modification. His advice states; <i>“I would recommend that these two designations be deleted and that other LGS designations are reviewed in the light of this advice”</i>.</p> <p>This was based on the Council’s evidence, representations submitted to the Local Plan and discussions on the matters</p>	

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	<p>the examination hearing sessions held in October 2018.</p> <p>For the avoidance of doubt, there was no further opportunity to influence the Inspector's views prior to the publication of his January post hearing advice. Consultation on modifications to the Local Plan, including the removal of the Ox Pasture designation has yet to commence.</p> <p><u>SCC Highways Officer:</u></p> <p>It is confirmed that the principle of access at this point is acceptable. As the scheme is now all matters reserved, the detailed design of the access will be for the reserved matters stage, however, a 2.4m x 43.0m visibility splay can be provided as shown on the drawing 'Access Details' 2018-2352-03A.</p> <p><u>LLFA (Lead Local Flood Authority):</u></p> <p>We consider that outline planning permission should only be granted to the proposed development if the following planning condition is imposed as set out below.</p> <p><i>Condition</i></p> <p>The development hereby permitted shall not be commenced until such time as the details of a satisfactory surface water design has been submitted to and approved in writing by, the Local Planning Authority. Including:</p> <ul style="list-style-type: none">• The results of ground investigation and percolation tests to determine the viability of Soakaways.• Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).• Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to existing greenfield rates.• Detailed design (plans, network details and calculations) in support of any surface water drainage scheme. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.	

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	<ul style="list-style-type: none"> • Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. • Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development. <p><i>Reason</i> To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.</p> <p><u>Further Neighbour Representations</u></p> <p>An additional c.94 representations of objection to the scheme have been received. The majority of issues raised have already been included the report, however, new matters raised are summarised as follows:</p> <ul style="list-style-type: none"> • The officer report is biased towards facilitating the development and sufficient weight is not given to the detrimental effect it would have to the individual character of the village; • Economic benefits caveated by development scale would be outweighed by the adverse impacts the scheme would cause; • The 'old village' conservation area could be considered as a separate small village making the application site as important as green belt to protect boundaries and the character of this part and of the village as a whole; • The Local Planning Authority has failed to sufficiently engage villagers in terms of both preparation and defending the Submitted Local Plan, which has impacted on the Inspector's recommendation against a Local Green Space designation; • This in turn has influenced the Officer report despite the author stating it is not considered relevant at this stage; • The land, as green space, has special significance to local people, which could have been demonstrated with a survey; • This is also largely demonstrated by the volume of objections received to this planning application; • The importance of the application site to health and 	

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	<p>well being is understated in the Officer report, as many people exercise through walking these paths and benefit from its open, rural nature;</p> <ul style="list-style-type: none">• The fields to either side of the gully are the only green space within this part of the village and not everyone can walk across the village to the recreation ground or the canal or feel safe doing so;• Older people in particular will not benefit from this land being sacrificed to improve football facilities in other parts of the village;• The proposal to spend money on the recreation ground is of concern due to high levels of vandalism and it is suggested that the opinion of the Parish Council is sought;• The significance of the views into and across the land and the effect development would have on these has been understated;• This open space is used regularly by many walkers and children as a recreation area and forms a loop with the tow path on the other side of the Caldon Canal;• The significance, diversity, extent of wildlife is also understated in the Officer report;• As well as the importance of people experiencing this within the village, especially those who are unable to walk in the open countryside;• The bats as a protected species are not fully acknowledged or considered in the Officer report and it understood that the requirement for a bat survey is a statutory obligation and has not been requested;• Concerns are raised due to the late submission of amended information by the applicant;• It is considered that this is both unfair and misleading as the objections raised were based on the information available prior to the end of the earlier consultation period;• It has resulted in disappointment, confusion, mistrust and the feeling throughout the village that there is something wrong within the Planning Department;• Over the weekend March 2st/3rd 2019 there has been another incident on this bend and the safety fence protecting the public footpath has been badly damaged;• Concerns regarding existing drainage and soakaways	

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	<p>in Ox Pasture as the current system is unable to cope with any heavy rain and storms which result in flood water running straight down Ox Pasture and into the property opposite my house;</p> <ul style="list-style-type: none"> • There have been attempts to put in a channel to divert the flood water and maintain the current drains, however, this seems to have had only minimal effect; • Should any surface water from the access road be diverted into existing drains in Ox Pasture, it is considered that this will result in a serious flood risk; • The boundary of the plans are incorrect as they include land that has been fenced off and added to the garden of no. 3 Fold Court. <p><u>Agent:</u></p> <p>Concerning the comments regarding land added at the garden of Fold Court, the agent has confirmed that a 15 feet deep tranche of land across the rear of 3 Fold Court has been sold to the occupiers of the dwelling and has been fenced off. Amended plans in relation to the blue land have been submitted in relation to this.</p> <p><u>Officer:</u></p> <p>As discussed in the report, in terms of the emerging local plan, the NPPF at para 99 confirms that <i>“Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period”</i>.</p> <p>Importantly, at preceding NPPF para 49, it is confirmed that: <i>“in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:</i></p> <p><i>a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and</i></p>	

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	<p><i>b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area”.</i></p> <p>Clearly, such circumstances do not apply to the application proposal and arguments of prematurity would not be relevant as a reason for refusal in relation to the emerging local plan ‘Local Greenspace Designation’.</p> <p>The comments of the LLFA requiring the scheme to achieve satisfactory surface water design to be submitted and approved could be achieved via a planning condition should Members be minded to approve the scheme.</p> <p>In respect of the Council’s Conservation Officer’s comments, NPPF para 189 states that <i>“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting”</i>. This has not been undertaken by the applicant nor requested by the Council.</p> <p>As a consequence, the Council is unable to assess the potential impact of the scheme on such heritage assets. Whilst the harm is likely to be less than substantial in the terms of the NPPF, however, a finding of less than substantial harm should not be equated with a less than substantial planning objection. Such harm will need to be quantified to allow the Council to perform the planning balance.</p> <p>Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and there is a duty of the decision maker in these respects.</p> <p>The applicant should be given the opportunity to provide such evidence provided that an appropriate time extension is agreed to in writing prior to the meeting. Without this, a reason for refusal is proposed on the basis of insufficient information to assess heritage harm.</p>	

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SMD/2018/0614	<p><u>Request from the applicant</u></p> <p>On Thursday 28th February the applicant requested that approval of 'Access' be removed from the application.</p> <p><u>Further letter of objection</u></p> <p>Since the above application came to public notice, there has been adequate time for representations to be made during the consultation period. I do not expect anything new to be brought to the meeting, which has not been in public domain, unless previously stated.</p> <p>Issues of objection include flooding, drainage, nature and wildlife legal protection, traffic management and pedestrian safety along the country roads abutting the proposed development, have all been aired. The county council have issued their opinions, with only the decision of the ecologist being minuted to being given at the meeting.</p> <p>The availability of 3 minutes for up to 3 people speaking for or against the proposal can not be used to provide new information, but only to summarises their opinions.</p> <p>The above issues of objection are still the main reasons for my objection to the proposal, with the Staffordshire Moorlands Local Development Plan clearly identifying land areas for future housing development. The government's forthcoming Environment Bill supports the preservation of the environment in its natural state".</p> <p><u>Officer comment</u></p> <p>The request for removal of approval of Access has come very late in the process and after the Report had been published and with inadequate time for formal consultation. The Local Highway Authority has commented briefly that removal of Access would likely remove their objection at this stage. However they point out that they would of course require all of the improvements/information.</p> <p>Notwithstanding therefore the request to remove determination of Access the issue remains that until the nature and extent of highway works to address a) the</p>	

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	<p>substandard junction, b) the widening of both Caverswall Road and Old Road and c) the provision of pedestrian access are known it is simply not possible to say if these necessary works would be acceptable in terms of impact on existing hedges, trees including impact on trees protected under a Tree Preservation Order and impact on the character and appearance of this rural area. Indeed the Local Highway Authority confirm that widening of Caverswall Old Road would require the removal of trees and vegetation. They also say that visibility can be provided but again this would require the removal of trees and vegetation. These matters are considered to be key to considering the acceptability of the principle of housing development on this site. It is recommended that Reason for refusal 3 remains but is amended to take these matters into account.</p>	
SMD/2019/0036	None.	