
From: clerk@checkley.staffslc.gov.uk
Sent: 31 July 2024 07:26
To: Planning (SMDC)
Cc: Alan Hulme; Bryan Stubbs; Colin Pearce ; Gareth Buckley ; info@theadmingenieuk.com; Keith Flunder ; Paul McCormack; Pete Wilkinson ; Sandra Peck ; Stephanie Akerman ; Steve Buckley
Subject: FW: Application SMD/2024/0313 - Variation of conditions 2, 33 and 39 relating to SMD/2018/0790 - Land South East Of A521, A50 Blythe Bridge Bye Pass, Blythe Bridge

Categories:

Morning

Please find below the response from Checkley Parish Council.

Thanks

Dawn

-----Original Message-----

From: Cllr Steven Buckley <steve.buckley@checkley.staffslc.gov.uk>

Sent: Tuesday, July 30, 2024 10:53 PM

To: clerk@checkley.staffslc.gov.uk

Subject: Application SMD/2024/0313 - Variation of conditions 2, 33 and 39 relating to SMD/2018/0790 - Land South East Of A521, A50 Blythe Bridge Bye Pass, Blythe Bridge

This Application is a Request for Variation of conditions 2, 33 and 39 relating to SMD/2018/0790 the approved Full Planning Permission and is still Under assessment by the case officer. The Application is lacking in defining detail as the Application form states constantly to "Please refer to the supporting covering letter. " which does not appear to have been submitted.

It would appear that the amendments relate to Site Location Plan, Proposed Site Plan, Proposed S104 Layout Plan, Proposed Levels Plan, Proposed Drainage Areas Plan , Proposed Flood Routing Plan , Proposed Impermeable Areas .

Full Planning Permission was granted subject to Conditions. The conditions respective to this Application are:

Condition 2 "The development hereby permitted shall be carried out in accordance with the following approved plans".

Condition 33 "The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment produced by Baynham Meikle (Ref. 12629 05-1218) g and the following mitigation measures detailed within the FRA: Limiting the surface water run-off generated by the site to a maximum of 28 l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Provision of an appropriate volume of attenuation flood storage on the site, to a 100yr + CC standard. Finished floor levels are set no lower than 150mm above ground level. Confirm which responsible body will maintain the surface water system, above ground storage area and retained pond over the lifetime of the development according to an acceptable maintenance schedule and that is achievable . "

Condition 39 " The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) December 2018 12629 05-1218 produced by Baynham Meikle, including the following mitigation measures detailed within the FRA: Limiting the surface water run-off generated by the site to a maximum of 28 l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Provision of an appropriate volume of attenuation flood storage on the site, to a 100yr + CC standard. Finished floor levels are set no lower than 150mm above ground level. "

Note 5 "The permission is granted in strict accordance with the approved plans. It should be noted however that: (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action: and (b) Variation to the approved plans will require the submission of a new planning application . "

The Applicant is also claiming for deemed discharge of Conditions 5, 11, 17, 23, 25, 26, 27, 31, 35, 36 and 37 on SMD/2018/0790 And also requesting a decision on Conditions 8, 12, 38 and 40 which are still outstanding on SMD/2018/0790.

Checkley Parish Council (CPC) are concerned that there are amendments to all of Conditions 5, 11, 17, 23, 25, 26, 27, 31, 35, 36 and 37 for which the Applicant is claiming deemed discharge and also outstanding Conditions 8, 12, 38 and 40, which relate to a material change to the wording of the Conditions to remove reference to timing of application to LPA for approval and to also include reference to amendments to the approved drawings/plans.

CPC are of the opinion that Conditions 2, 33 and 39 cannot be subject to Variation as requested as the Conditions are explicit in their reference to Assessments, Reports and Plans and Note 5 goes further to state specifically that Variation to the approved plans will require the submission of a New Planning Application.

CPC therefore consider that this Application for Variation should be refused entirely as it is contrary to the Conditions imposed on the approved Full Planning Application SMD/2018/0790 and the Applicant be requested to submit a New Full Planning Application as per Note 5 of the Notes attached to the original decision notice.

Cllr Steve Buckley
Planning Coordinator