

DELEGATED DECISION REPORT

SMD/2023/0547
Valid 01/11/2023

**TRAVELLERS CLOSE LEEK
ROAD
LEEKBROOK**

**APPLICATION FOR REMOVAL
OR VARIATION OF
CONDITION 1 IN RELATION TO
APPLICATION SMD/2022/0464**

(FULL - MINOR)

MAIN ISSUES

- The impact on drainage and flood risk
- The impact on the character, appearance and the amenities of the area
- The impact on highway safety

DESCRIPTION OF SITE

The site is within the development boundary of Leekbrook village (defined as being a small village in the Council's Core Strategy) and comprises a former public house, a large detached two-storey early-1930's style building, which has now been fully demolished. The front boundary of the site is shared with Leek Road (A520) to the north-west. The site is now a building site with a number of previously approved new houses complete up to roof ridge level. Outside of the site, there are new houses and farm buildings to the north-east side of the site. There are older houses to the rear of the site to the south-east. The private road to those houses runs along the south-west side boundary of the site and is connected to Leek Road. There is open land to the other side of this. To the other side of the main road to the north-west lies a modern housing development on the site of a former dye works. The site and immediate surroundings, including the side access road, is in a flood plain (Flood Zone 2) but the rear part of the site is outside of the flood plain. The site has a size of 0.43 hectares.

PROPOSAL

This is a Variation of Condition planning application which seeks to vary Condition 1 of a "Reserved Matters" planning approval for the scale, siting, design and appearance and landscaping of a housing development of nine houses which were earlier granted outline permission. Condition 1 requires the development to be carried out in accordance with the approved drawings. The applicant now wishes to make changes to the surface water drainage scheme and therefore is looking to replace one of the drawings in Condition 1 which shows the approved drainage scheme and also add to further drawings which have further details of the proposed drainage. As Condition 1 needs to be varied to refer to the new amended plans and their numbers, a Variation of Condition planning application has to be submitted and this is the purpose of the application.

The reasons for the amendment to the drainage scheme are given in the application forms as follows:

“Technical difficulties in designing suitable on site infiltration system and need to take storm water into adoptable main storm water system.”

Amended plans showing further changes to the drainage strategy including storm water drains under the access road were received on 19.8.24 and 12.9.24.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted September 2020)

DC1 Design Considerations
SD5 Flood Risk

National Planning Policy Framework (December 2023)

Section 12 (Design)
Section 14 (Climate Change and Flooding)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2018/0279 –Change of use of pub into convenience store. Approved. Not implemented.

SMD/2018/0280 – Full application for five dwellings in the rear pub garden and car park. Approved. Not built.

SMD/2019/0048: Outline application with details of access for a development of nine dwellings. Approved on 3rd May 2019.

SMD/2019/0378: Reserved Matters approval for the above outline application. Approved in October 2020.

NMA/2020/0021: Non material amendment application to vary the access. Approved.

DOC/2021/0044: Discharge of Conditions attached to outline approval
SMD/2019/0048. Approved.

SMD/2022/0464: Variation of Condition application to vary Condition 1 of Reserved Matters approval SMD/2019/0378 to make design changes to the dwellings. Approved. This scheme is being built.

NMA/2023/0013: Non material amendment in relation to outline approval SMD 2019 0048 to amend access. Approved.

NMA/2023/0016: Non material amendment in relation to outline approval SMD 2019 0048. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 29.12.23
Neighbour letters expiry date: 29.12.23
Press Notice: N/A

Public Comments

None.

Town / Parish Comments

No objection.

Highways authority

No objection. This will have no effect on trip generation, parking requirement or general use of the access. It will affect technical approval of the development and developer should contact AMEY with updated plans as soon as possible.

No further comments in response to the Sep 2024 amendments.

Environmental Health

Environmental Health have no objection to the proposed variation subject to any drainage/sewage system installed meeting building control approval.

SCC Flood Risk Team

There is a nominal affect upon the total amount of impermeable area. In line with our previous responses on the same site, we would not have any comments upon the layout and would not object to the variation of Condition 1 as proposed by the applicant.

Comments in response to the Sep 2024 amendments:

There was a flurry of emails from the drainage designer/ client on this one a month back - due to the site being 9 houses, we previously advised that the site was non statutory; therefore, my understanding is that the LLFA have not had input into the drainage design previously. My understanding is that other consultees (building control/ Severn Trent) have made comments on the drainage scheme which have resulted in changes being made to the design. As the LLFA did not review and/ or approve the original drainage design, I believe that any changes to the drainage strategy etc., now being put forward would need to be agreed with the consultees that have raised concerns about what has been proposed - presumably building control and Severn Trent.

Severn Trent Water

Comments dated 21.12.23:

We have no comment to make on the foul sewage proposals, as S106 approval has been granted.

The submitted drainage plan (K873-109 Rev. G) shows surface water proposed to partially discharge to soakaways, with the remainder to discharge to a highway drain.

- *Has the applicant received permission from the Highways Agency to discharge to this highway drain?*
- *Has this highway drain been fully surveyed to ensure it is in a suitable condition to receive the flows?*

The plan states “approximately 30m of existing highway drain to become a public sewer” – has the applicant submitted a S104 sewer for adoption application to STW? It is important to know that it is highly unlikely STW will adopt the sewers especially the highway drain, as we cannot control flows and unsure of the existing flows through the highway drain. This would be for the S104 team to make the final decision: <https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/s104-adoption-of-sewers-application/>

Therefore at this time we would request the drainage related condition is not discharged until the agreement with the Highways Agency has been obtained.

Comments in response to the further amended drainage plan received in Sep 2024:

I can advise I have spoken to Joel Haden (Severn Trent Water), who has handled the design element for the S104, who has advised all is acceptable to ourselves as the changes now allow us to adopt the system via the S104 application process.

OFFICER COMMENTS

The application seeks approval to vary the condition to refer to an amended drainage plan drawing in which the development must be carried out. The housing development is at an advanced stage of construction but the access road and drainage strategy have not been undertaken. The changes to the drainage strategy include the reduction of soakaways as it was discovered after works commenced that these would not allow the site to fully drain-off storm or surface water. Changes have been made to the storm drains in order to handle run-off. Further amendments were made to the storm drains which are largely under the proposed access road, in Sep 2024. Severn Trent Water, the local highways authority (SCC) and the local flood authority (also SCC) do not object to the amendments and consider them acceptable and would allow the required S104 licence/agreement relating to highways works and drainage to be made.

The changes will not have any impact on the development at ground level or above and therefore the character and appearance of the development or the surrounding

area is unaffected and there would be no other environmental or highway safety impacts.

Although it is unfortunate that the previous approved more sustainable SuDS drainage system cannot be implemented, the planning policies do allow connections to the mains where it is demonstrated that such a system cannot be achieved and the use of storm water mains drains would be preferable to a situation where the development and the area around it being harmed by potential flooding caused by inadequate soakaways, which would make the development less sustainable overall.

As a result of the drainage strategy changes being deemed acceptable as they will adequately allow the drainage of the development in compliance with policies DC1 and SD5 of the Local Plan and would not lead to any other negative impacts, the approval to vary Condition 1 of the Reserved Matters approval to swap the drainage strategy drawing with the amended drainage drawing, can be made.

CONCLUSION / PLANNING BALANCE

The amendments to the drainage scheme are acceptable and it would remain compliant with the Local Plan and NPPF. Condition 1 of the Reserved Matters approval can therefore be amended accordingly to refer to the proposed new drawing numbers which show the revised drainage strategy that would need to be adhered to as part of the varied condition.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 2.10.24

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council