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PLANNING APPLICATIONS COMMITTEE SUPPLEMENT AGENDA

Date: Thursday, 12 August 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 - 14)**

MARK TRILLO
EXECUTIVE DIRECTOR & MONITORING OFFICER

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Late Representations – 12th August 2021

FILE REF.	SITE AND DETAILS	ITEM
SMD/2021/290	<p><u>Nab Hill House, Nabhill Avenue, Leek</u></p> <p>Comments received from an objector on Nab Hill Court after the agenda was published, summarised below:</p> <p><i>I note the report recommends approval, so much for public consultation. A business will be right on my doorstep instead of making use of other unutilised properties around Leek. Has the officer been to the site to believe there is room for 8 cars.</i></p> <p><i>Just last week a small van from Amazon Prime parked in our court whilst they walked down the Nab Hill driveway. This will be our norm. The officer has not considered how people will travel in and out of the property, it is not addressed within the suggested conditions. Can I complain to the Council when people park in my private court?</i></p> <p>Comments received from an Objector on Hillswood Avenue, summarised below:</p> <p><i>The location of this residence is completely unsuitable for a care establishment to house 6 residents/adolescents with behavioural challenges as it is central to a quiet residential area. I have working experience in this type of environment, 2 staff on duty is inadequate to supervise this number of young people especially if they become distressed, agitated and/or abscond. Leek doesn't even have a well-staffed police presence to respond to any request for support, with any help most likely being sent from the potteries so a minimum of 30 minutes delay in response to crisis situations at least. There are 4 schools in close proximity to Nab hill house and I am concerned about the potential risks to local children the care home residents may pose. Increased traffic would also be problematic as traffic is often congested on both Nab Hill Avenue and Hillswood avenue as both roads only have capacity for single lane traffic. This is obviously a commercial decision and is not 'family life' at all. I would suggest the council look at other establishment and note the number of incidents the police and emergency services have had to respond to since opening and the chaos this has caused to those living in close proximity.</i></p>	ITEM 6
SMD/2021/0210	<p><u>Greywoods, Cheddleton Road Leek</u></p> <p><u>Trees and Woodland Officer</u></p> <p>Summary: no objection subject to conditions; informative notes also requested.</p>	ITEM 7

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	<p>A new Tree Preservation Order, TPO SM.323 has been made to protect the most significant individual tree and groups of trees within the boundary. The TPO reflects the significant contribution to both the character and amenity of the local area, and the character and setting of Greywoods itself.</p> <p>The Rev H indicative layout would retain the existing vehicle access off Birchall Lane to form the access for the proposed new dwelling; this would clearly have no impact on important or protected trees. The existing garage would be demolished, and the position for the new dwelling is suggested to the rear of but set back from the existing dwelling, adjacent to the boundary with Croxteth. The indicative new dwelling position would be well clear of the Root Protection Areas of all TPO so as to avoid any direct impact, and also at substantial distances from their crowns such that there would be no significant indirect effects such as excessive shading or overbearing. Whilst this layout remains indicative, it demonstrates that a new dwelling could be comfortably accommodated on the site without detrimental impact on or from proximity to important trees.</p> <p>The proposed new vehicle access off Cheddleton Road, to serve the retained dwelling at Greywoods, together with turning provision within the site, would also not have any impact on protected trees.</p> <p>There is an indication for a new detached garage, also to serve the existing dwelling, and as shown this would appear to require the removal of the western-most of a group of 5 Lime trees protected as G3 under the TPO. To some extent, this may have little substantive impact on the overall amenity value of the group, as these Limes have historically been pollarded (quite possibly repeatedly so over the years) and the group is and would still be seen end-on from public viewpoints at Cheddleton Road. However, this is a specific matter for future assessment and would no doubt bear further consideration in the context of impact on trees and also impact on the setting of the existing dwelling. For avoidance of doubt and notwithstanding any indication on the application plans, outline planning permission if granted would not authorise any removal of or other work to trees protected by TPO.</p> <p>The indicative layout plan shows a proposal for a new hedge dividing the new plot from the retained garden of the Greywoods, and this would replace an existing internal Laurel hedge slightly further to the east which would need to be removed in order to accommodate the proposed</p>	

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	<p>development. In addition, a small section of existing frontage hedge would need to be removed to accommodate the new access off Chedderton Road, and one or two non-protected trees are also shown to be removed. Landscaping would be a reserved matter, but a subsequent landscaping scheme would need to be fully detailed/specified, and should seek to demonstrate appropriate compensation which also achieves a net gain in biodiversity proportionate to the size and scale of development.</p> <p><u>Further recommended conditions</u></p> <ol style="list-style-type: none"> 1. The first action on commencement of development, prior to any further action (including any demolition, site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) shall be the erection of temporary tree protection barriers and advisory notices for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 <i>Trees in Relation to Design, Demolition and Construction – Recommendations</i>, and these shall be retained in position for the duration of the period that development takes place. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires. 2. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the development, as hereby approved in detail or as subsequently approved in detail under a related reserved matters application. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (March to August inclusive), and in this case only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting birds. <p><u>Further informatives recommended</u></p> <ol style="list-style-type: none"> 1. Notwithstanding any indication on the indicative layout plan submitted with the application hereby approved, including in relation to a proposed new garage to serve the existing dwelling, this outline planning permission does not authorise any removal of or other work to trees protected by Tree Preservation Order, and specific consent following separate application to 	

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	<p>the local planning authority under the terms of Tree Preservation Order would be required to carry out any such work other than where specified as exempt under the Town and Country Planning (Tree Preservation) (England) Regulations 2012.</p> <p>2. Landscaping is a reserved matter, and the applicant is advised that any subsequent reserved matters application seeking approval of landscaping will be expected to make provision for sufficient and suitable new planting to compensate for loss of any trees, shrubs and hedges which would be removed to accommodate the approved development, and demonstrate a net gain in biodiversity proportionate to the size and scale of development. Such provision should be fully specified in terms of location, species, numbers/densities and planting sizes of all new trees, shrubs and hedges etc in a detailed and fully comprehensive planting scheme to be submitted with a subsequent reserved matters application for approval of landscaping.</p> <p><u>Applicant's Agent</u> My clients and I have worked with the Planning Department to provide a scheme that not only reflects and addresses relevant objectors concerns but also meets the relevant Core Strategy Policies, as detailed in your Committee Report. Furthermore, I would like to reiterate that this is an outline application with all but access reserved for the future - Highways and Arboricultural matters have now been addressed and Greywoods still remains an important contribution to the junction of Birchall Lane and Cheddleton Road.</p> <p><u>7 further letters of objection</u> In summary and in addition to matters already noted in the Report under Representations the following points are made:-</p> <ol style="list-style-type: none">1. Amended scheme does not address the concern about the impact on the amenity of Croxteth. There will be direct overlooking and it will be overbearing2. Loss of hedge - doesn't show a net gain in biodiversity3. Breach of the 45 degree and 25 degree lines4. Space about dwelling standards are a minimum5. A hipped roof would be out of keeping6. The plot size is too small and not in keeping	

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	7. Spoil the setting of the majestic Greywoods	
SMD/2021/0145	<p><u>Land on North East side of Rivendell Lane, Leek</u></p> <p><u>Arboricultural officer:</u> No objections subject to conditions.</p> <p>The Plot 1 dwelling is now proposed further back from both the south-east (Birchall Lane) and south-west (Rivendell Lane) boundaries, and whilst the footprint of the dwelling has been amended but also scaled down, it (and the associated retaining wall to the rear) are now indicated closer to the north-east boundary of the site being the common boundary with the adjacent property The Moorings. Notwithstanding this, the remaining few trees along this boundary are small and have very limited Root Protection Areas (RPAs) extending into the application site, such that the dwelling footprint and the retaining wall would still be sited outside these RPAs. In any event, these remaining trees are not of great quality or significance, and it would anyway not be appropriate to object to or refuse the application on the grounds of any impact on such trees, albeit there would in fact be no significant adverse impact on them in practice. The application details show the retention of the recently planted Laurel hedging bounding the highway frontages of the site.</p> <p>A landscaping scheme has previously been approved in relation to the planning permission for the single dwelling already constructed, and this includes planting proposals for the combined extent of Plots 1 and 2 - comprising retention of hedging and a group of young trees, and provision of areas of amenity grass and wildflower meadow grassland. Although the dwelling on Plot 2 has been completed, its associated approved landscaping scheme has not been implemented across the Plot 1 area (current application site). The new dwelling now proposed for Plot 1 would preclude the full establishment of the approved wildflower meadow, although given the boundary screening of hedges this would not be an issue substantially affecting visual landscape or the structural landscape setting of the Plot, and is more properly an issue for Staffs Wildlife Trust to comment on as the Council's ecological consultee, in relation to whether this significantly affects baseline biodiversity and any opportunities/requirements for biodiversity enhancement over and above baseline.</p> <p>The proposed site layout plan shows a schematic indication of new landscaping, which evidently could potentially comprise a greater number of individual new trees than</p>	ITEM 8

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	<p>provided under the already approved landscaping scheme for the single dwelling on the combined plot. In addition, there is indication of further areas of tree and shrub planting to provide additional screening from the road frontages, although given the existing presence of well-establishing evergreen boundary hedging it may be more appropriate for these areas to instead be available for different landscape/habitat treatment which may contribute to balancing/enhancing/seeking net gain of biodiversity value.</p> <p><u>Recommended condition</u> Within 3 months of the commencement of the development hereby approved a comprehensive landscaping scheme shall be submitted to and approved by the LPA. Such a scheme shall make provision for any biodiversity/habitat enhancement measures required in accordance with this planning permission, and shall include full details of all new trees, shrubs and other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees, shrubs and other plants provided in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.</p>	
SMD/2020/0656	<p><u>Rosehill, Nabb Lane, Alton</u></p> <p>Six objection letters were received in response to the latest amended plans which show the inclusion of a pedestrian path. Several concerns were yet again raised regarding the impact on traffic on Nabb Lane, highway safety, impact on listed buildings, harm to countryside, harm to the ecological value of the site, creation of litter and the design of the buildings being out of keeping. These issues have already been addressed in the officer report.</p> <p>The points raised specifically relating to the amendment i.e. the pedestrian path, are as follows:</p> <p>1. The pedestrian gate is in a dangerous position on a blind bend. The pedestrian path has always been there and is not new but the previous owners stopped using as they</p>	ITEM 9

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	<p>considered it too dangerous.</p> <p>2.The path will affect residential amenity as it will have to be lit for safety reasons.</p> <p>In response to these points, the local highways authority have assessed the impact on highway safety as a result of the proposed path in their consultation response. It is also not considered that lighting is needed for the path within the grounds of the site owner but any lighting of the path can be controlled by way of a planning condition requiring specific details of the lighting to be used.</p> <p>Other points were raised that were not raised previously:</p> <p>The Blacksmith Arms is vacant and proposed to be changed into a dwelling and therefore is one less facility in the village. Furthermore, pedestrians would not be able to cut through the pub car park to Nabb Lane (as stated in the highways consultation response) if it became a private residence and would have to cross at the road junction, compromising highway safety.</p> <p>In response to this point, there has been no approval given by the Council for the change of use of the pub into a dwelling. Full planning permission is required for this change of use and although it is vacant, its established Use Class is still as a pub.</p> <p>There are also claims that works have been undertaken to the septic tank in the area. The applicant has informed me that this is in connection with repairs.</p> <p>There are also claims of waterlogging in the adjacent field. However, there is no evidence this has occurred because of drainage at the application property and that any damage caused is a legal or civil matter.</p> <p>It is also claimed a number of accidents have taken place at the nearby road junction. However, the local highways authority have records of road accidents and have taken these records into account in their consultation response.</p> <p>It is considered by one of the objectors that it would not be possible to provide boundary hedge screening as guests cars would be parked next to the boundary. However, the Council considers there is sufficient space to provide the screen hedging as well as adequate car parking provision for the holiday lets.</p>	

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SMD/2020/0705	<p><u>Mount Pleasant Farm</u></p> <p>No updates.</p>	ITEM 10
SMD/2021/0296	<p><u>Cheadle Equestrian Centre, Eaves Lane, Cheadle</u></p> <p><u>A letter of support has been received from one of the applicant's client:</u></p> <p><i>My name is Eric Winter, I am a course designer and educator for the Federation Equestrian International (FEI) the governing body for equestrian Olympic sport and British Eventing (national governing body. I work all over the world advising on equestrian matters. I bought my first horse from Jennifer approximately 8 years ago and since then I have purchased nearly 20 horses from her. She has sourced some very nice young horses for us which have gone on to represent the UK on many international teams. I have always found her to be honest with a very good ability to recognise talent in it raw state. We are very happy with the service we have received over the years and will hopefully continue our business relationship.</i></p> <p><u>A signed letter has been received from the applicant's accountant P.A. Shepherd:</u></p> <p><i>I am a fellow of the ICAEW and have been a chartered accountant for over 35 years and am a partner in the chartered accountants practice Anderson & Shepherd. I can confirm that I act as accountant on behalf of Miss J.L. Thompson and have done so continuously since January 2013. I have prepared accounts for her sole tradership business and limited companies, as follows: Vecthom Sporthorses, VSH Dressage Horses Ltd, Vecthom Sporthorses Agency Ltd (Dissolved on 24.1.17), VSH Competition Horses Ltd (Dissolved on 3.1.17), VSH Transport Ltd (Dissolved on 19.4.16). I would mention that for tax reasons a number of companies were incorporated, but it was later decided that it would save costs and be more efficient from an operational point of view to consolidate the trading activities of all the limited companies into one company, which was undertaken during 2016. The annual accounts show that the businesses have continued to trade profitably throughout the ongoing pandemic and have overcome problems and additional costs caused by Brexit. The projected trading accountants that have been prepared do not include any costs associated with building a new building because it is not correct accounting practice to include capitol</i></p>	ITEM 11

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	<p><i>costs in a trading account. Building costs should be capitalised and written off over the expected useful life of the dwelling. I can confirm that the annual accounts of all of the businesses have been submitted to HM Revenue and Customs together with the relevant tax returns, showing that they are trading business as opposed to just hobbies/leisure activities.</i></p> <p><u>A statement of support for the applicant has been received from Cllr Mark Deaville, it is copied below in full:</u></p> <p><i>The facility is very well run by Miss Jenny Thomson. She is clearly devoted to her horses and extremely passionate about the job that she does. Miss Thomson has a robust business plan which will contribute greatly to our local economy in this area. The centre currently employs 2 local people on a full time basis and two local people on a part time basis This is really important to the local community and there are plans to provide an additional 5 jobs at the facility. The facility currently welcomes about 1500 visitors annually, this is also very positive for the local economy. Plans are in place to increase visitor numbers to about 6000 per year. These plans are really exciting and fit perfectly and totally support the ambitious plans for the growth of the Cheadle economy. Many of the visitors to the centre stay for a number of days hence providing additional benefits to the local economy. To enable these plans to be implemented and managed it is essential that Miss Thomson is able to live on site and manage the business and care for her horses on a 24 hour basis. The application to build this dwelling will enable her to do that hence benefitting the centre and then benefitting the community as a whole plus allowing Miss Thompson to provide optimum care for her horses. Miss Thompson has traded successfully for 11 years, each year returning a profit. This is a business plan that deserves to be supported. I sincerely hope that the committee will take into consideration these benefits that this facility bring to the area when making the decision on the provision of this dwelling on site. I also hope that the committee will approve this application.</i></p> <p><u>A statement of support has been received from Cllr Worthington, it is copied in full below:</u></p> <p><i>Due to the serious concerns this applicant had over the way that Ben Hurst would determine this application I offered to call it in for the committee to make that decision. The applicant was informed by Richard Alcock that he would call it in but because he was of the opinion there was a genuine need but sadly felt that I should have left it to him so he has</i></p>	

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	<p><i>not come to speak today. I did speak to Ben and asked him to look at it fairly and not with his enforcement head-on but it was very obvious that he had already made his mind up not to allow anything on this site. He told me that he did not feel the business case had been made despite the applicant providing proof to him. Jenny has been operating a genuine business for many years and was looking to expand with the purchase of a dilapidated equestrian center. I might add not in the green belt but a greenfield site with several buildings already in situ In my division, I have had many farmworkers' dwellings allowed where brothers have split up and then the son wanted his own property as not wanting to live with Mum and Dad and built in full view and in the green belt between Kingsley and Kingsley Holt as just one example.</i></p> <p><i>I see no difference in fact they were allowed without a proven business need. This young lady is passionate about her business and her horses are worth thousands of pounds more than a few cows. I totally agree with the inspectors previous decision and I feel she had very poor advice to apply for a massive 5 bedroom property on this site as you have already heard from her agent this is far more modest but again Ben Hurst said it was hardly any difference whatsoever. I ask you to judge from the agents diagram if you have been allowed to see it. I also think due to security and the fact several foals have been stillborn it is essential for Jenny to be on site and not forced to live with Mum and Dad and after hearing Jenny and her agent speak along with her County Councilor Mark Deavilles letter you will come to the same opinion.</i></p> <p><u>Comments received from Cllr Gary Bentley:</u></p> <p><i>I, Councillor Gary Bentley of the Cheadle West Ward, would like to support the application SMD/2021/0296 – Land at Cheadle Equestrian Centre. Having visited the site some 18 months or so ago I saw that the operation was run by Mrs. Thompson in a very professional manner, breeding Olympic-standard horses in Cheadle. I think that such an establishment is a real benefit to Cheadle. The application will mean less traffic for the area and Mrs. Thompson will be on hand whilst mares are in foal and are foaling.</i></p> <p><u>A further statement has been received from the applicant's agent, following publish of the agenda. The comments are provided in full below:</u></p> <p><i>Para 3.2 is incorrect the application does not propose a 4 bedroomed dwelling including ground floor office it proposes a 3 bedroomed dwelling with ground floor office space</i></p>	

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	<p><i>Para 4.1 It should be noted that the title plan for Stable Cottage is independent and separate to the land holding and buildings for Cheadle Equestrian Centre. Stable Cottage is not tied to the site by any form of planning restriction and is only owned by the applicant as it was a requirement for her to have a commercial mortgage.</i></p> <p><i>Paras 3.1 and 7.1 state that the application is not very similar to the one considered at appeal. Notwithstanding the fact that it is for a rural worker and is on the site the scheme bears no resemblance to the application previously considered by the LPA and PINS. The proposed dwelling is significantly smaller and of a more traditional design that that previously proposed and whilst no business case was presented in support of the previous application 7 years trading accounts for the sole trading business and 6 years accounts for the applicants ltd company have been provided. The previous concerns of the Coal Authority have been alleviated with the submission of a CRA.</i></p> <p><i>Para 7.14 states that no substantive documentary evidence has been provided in relation to business before the acquisition of the land that includes the site or in relation to which the current business is sought. Again this is factually incorrect 7 years trading accounts for the sole trading business have been provided covering a period of 2016 to 2022 and 6 years accounts covering a period of 2017 to 2022 for the limited company. Three years sole trading accounts have therefore been provided before the purchase of the site and 2 in relation to the limited company. In addition letters of support have been provided by previous clients (x2), her vet and her accountant as well as letters of support from 3 Councillors (Worthington Deaville & Bentley).</i></p> <p><i>Para 7.18 fails to mention the draft or projected trading account for the limited company despite these being prepared by a suitably qualified person and submitted in support of the application.</i></p> <p><i>Again para 7.19 is incorrect as accounts for 2015/2016 and 2016/2017 have also been provided. Again the draft trading accounts for 2022 are not referred to.</i></p> <p><i>Para 7.21 Whilst the applicant confirms that the number of livery customers is correctly stated as two the number of horses stabled on their behalf is incorrect with the actual number of liveries on site being 6. There are 13 stables on site with 6 occupied for livery and 5 occupied by animals in</i></p>	

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	<p><i>relation to Vecthom Sporthorses. The remaining two are used by the applicant for her own private competition horses. Capacity is <u>not</u> therefore taken up by her own private horses but indeed used in the main for her business. In addition the statement that they do not need to be stabled by her for any length of time is again misleading and demonstrates a complete lack of understanding of the business as often horses will be purchased on behalf of clients with Jenny training them in order to bring them to their full potential. This process can often take place over several weeks if not months depending upon the nature and age of the horse and their abilities.</i></p> <p><i>7.24 Again factually incorrect the accounts clearly show that the main profit of the business relates to the importation and sales of horses with training and livery providing additional income. As stated above livery capacity is not limited by her own horses but indeed by the number of horses being cared for and trained on site for clients.</i></p> <p><i>I would also like Members to be made aware that offers to further reduce the size and scale of the building both in terms of its width and the projection of the single storey outrigger have been met with disdain from yourself. The applicant is also willing to provide any additional landscaping which may be required in order to assimilate the proposed dwelling into the area.</i></p> <p><i>Members should also be made aware that despite the councils objections regarding the "prominent and exposed" siting of the proposed dwelling (to which I don't agree) consideration of alterative locations within the applicants landholding were considered and discounted. This information has been deliberately withheld from Members and the application site is clearly the most preferable location should a dwelling be considered acceptable.</i></p>	
SMD/2021/0264	No Updates	ITEM 12
SMD/2021/0332	No Updates	ITEM 13