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PLANNING APPLICATIONS COMMITTEE SUPPLEMENT AGENDA

Date: Thursday, 14 December 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. 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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Late Representations – 14 December 2023

FILE REF.	SITE AND DETAILS	PAGE NO.
SMD/2023/0240	<p><u>Land At Tenford lane</u></p> <p><u>Letters from local residents</u></p> <p>Further letters of objection have been received from one local resident who has previously objected.</p> <p>One letter, received on 9.12.23, is summarised as follows:</p> <p>Summary:</p> <ul style="list-style-type: none"> • 75% of the houses are being increased in height; 95% on the site is being changed in total • 30 increased heights, 8 decreased heights, 2 remaining the same – 38 out of the planned 40 houses are being changed in heights! • Many minor amendments which should amount to major material change • The majority of those being increased in height are closest to Tenford Lane • The appearance and scale will have an impact on those living opposite • The law has been broken - the developers are not working to the approved plans, they are working to unapproved and unlawful plans • Conflicting information received from SMDC planning regarding Cease/Stopping activities • 8/12/23 – received confirmation that work should stop on any plot not in accordance with the plan – therefore only two plots should currently be worked on – all others are just being made watertight • 09/12/23 – still working on site and not on making houses watertight • Planning meeting to take place next week 14/12/23 • Democracy has been undermined • Trust in the planning department eroded • No trust in the developer to carry out any plans or 	

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	<p>conditions imposed as there has already been a blatant flout of the law</p> <ul style="list-style-type: none"> • Questions should be raised on who is calling the shots – developers or SMDC Planning Department • 2nd time this has happened in recent months • Investigations/audits/RCA required to determine problems within our current planning system which is not fit for purpose • Cost to the public purse – who's footing the bill for the expert surveyor and extra work being put in to investigate these breaches? • Why are the planning officers not picking up problems and issues earlier? • Why are the planning department lacking in openness and transparency with the community? • Balance/bias towards working with the developers and planning consultants; disadvantaging local residents; reports completely weighted in favour of the developers • Conflicting information being received from various departments within planning. <p>A Site Plan is attached to the letter to show her disagreements with points raised in the report. Both the full letter and site plan is available to read on the website.</p> <p>One further resident representation was received (on 13.12) which states "Not Object".</p> <p><u>Response to the above letter of objection from the applicant</u></p> <p>We wish to clarify that the works that continue to take place on the site are either those that have been agreed with Ben Haywood and Wayne Chell in order to make the buildings watertight, or they are works that the applicant is otherwise free to continue to undertake in accordance with the approved application.</p> <p>The applicant has acknowledged that alterations to levels within the site have been undertaken. As you will be aware, the original application was lodged back in May 2023 and was expected to have been determined by August. However significant delays to</p>	

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	<p>the determination of the application were encountered owing to the very slow responses from the Lead Local Flood Authority which no party had expected, and that in turn led to the unauthorised works being undertaken at risk.</p> <p>Whilst it is regrettable that works were commenced before being authorised, we nevertheless contend that there is considerable merit to the works that are proposed in this application.</p> <p>The approved scheme on the site incorporates the erection of two and two-and-a-half storey dwellings adjacent to the boundary with Tenford Lane. The current application proposes changing the majority of those plots fronting Tenford Lane to bungalows and dormer bungalows.</p> <p>There are associated levels changes proposed, both to those plots and within the wider site, but the overall result will be a development that has a far lesser impact on the amenity of neighbouring occupiers on Tenford Lane than the approved scheme on the site.</p> <p>To quantify that statement we draw attention to the fact that there will be 20 fewer windows looking out towards Tenford Lane compared to the approved scheme, and 24 fewer windows at first floor level. The windows of the bungalows and dormer bungalows will furthermore sit well below the height of the first floor windows on the approved scheme, with the ridge height of the proposed dwellings sitting between 1.5m and 2.32m lower than the approved two storey dwellings.</p> <p>These changes will result in less harm to the character and appearance of the surrounding area as well as less harm to neighbouring amenity than what has already been approved and which the applicant is otherwise free to carry out.</p> <p>Comparison sections have already been supplied to demonstrate the difference between the approved scheme and the current proposal. We therefore cannot agree with the objectors assertion that the appearance and scale of the development will have an impact on those living opposite. The alternative is that the taller, more imposed two storey and two-and-a-half storey dwellings are built, as per the approved plans.</p> <p>The site is not, and has never been, part of the Green Belt as suggested. The proposal will also see the delivery of bungalows on the site – a form of development for which there is considerable demand within the Moorlands, and three of the</p>	

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	<p>proposed bungalow plots have already been sold to residents from Upper Tean, subject to this application being approved.</p> <p>It is suggested in the objection that 75% of the houses are being increased in height. That is simply incorrect. 15 of the plots are either being kept at the same height as approved or are being reduced in level. The alterations to the levels of other plots within the site are set well away from Tenford Lane and will not have any perceptible impact on neighbouring amenity or the wider character and appearance of the surrounding area.</p> <p>The plots where the biggest levels changes are proposed are all located well away from Tenford Lane and lie a minimum of 80 metres from the nearest neighbouring property. The biggest changes are to Plot 1 which lies 125m distant from neighbouring properties.</p> <p>The levels changes are aimed at addressing construction challenges, and also provide less steep gradients to the plots, in particular the proposed bungalows to make them more easily accessible by elderly occupants.</p> <p>It is also important that the decision on this application does not conflate the current proposals with the ongoing application for the erection of 87no. dwellings on the site. That application is a separate planning application and will be considered by the Planning Committee in the New Year on its merits.</p> <p>If this application is refused or deferred at the Planning Committee meeting then the applicant has confirmed their intention to revert to building the two storey and two-and-a-half storey dwellings adjacent to Tenford Lane in accordance with the approved scheme, rather than the proposed bungalows and dormer bungalows that are proposed in this application.</p> <p><u>Checkley Parish Council</u></p> <p>As our previous comments on this Application appear not to be taken account of Checkley Parish Council would like to submit the following as a late representation to be read to The planning Committee by The Chair</p> <p>The Developer purports to be submitting this application as a Reserved Matters - Small-scale MAJOR apps for Variation of Condition 1 relating to SMD/2021/0491</p> <p>Checkley Parish Council are concerned that this Application is</p>	

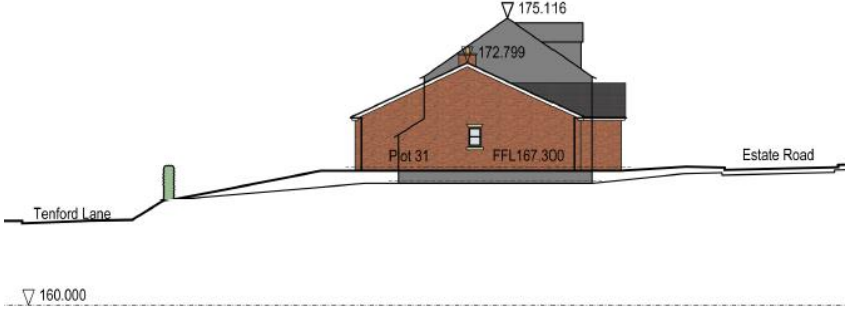
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	<p>incorrectly submitted for approval of reserved Matters. It is a Material Amendment for major changes to the design and layout of the Development proposal which therefore goes beyond a Reserved Matters or Non Material Amendment and as such constitutes a Revised Planning Application which requires full resubmission and reconsideration.</p> <p>The Recent actions taken by the Enforcement Officer to suspend construction work on the site as it is not in accordance with the previously approved plans submitted with Application SMD/2021/0491 but is being constructed to the plans provided within this Application SMD/2023/0240 further reinforce the assumption that this is a Material Amendment for major changes to the design and layout of the Development proposal.</p> <p>Checkley Parish Council would therefore request in the first instance that the Planning Committee consider refusing this Application as being incorrectly submitted.</p> <p>As this constitutes a new and revised Application a new and revised Developer contribution must be assessed and secured by means of conditions attached to the planning permission, a planning obligation under Section 106 of The Town and Country Planning Act 1990, or the Community Infrastructure Levy (CIL).</p> <p>At a Planning Committee meeting of 9th March 2023 a precedent was established to allow the Parish Council to shape the emphasis based on the needs of the community of the priorities for a contribution from the Developers. We would therefore request that Checkley Parish Council be allowed to identify the priorities with Regards to this Application.</p> <p>We are also very concerned with the actions of this Developer on a proposed Development for Newcastle Borough Council where they are refusing to honour and pay the developers contribution or provide any affordable housing as they claim it would render the scheme financially unviable.</p> <p>Checkley Parish Council would therefore request that before considering this and any further proposals an Independent Financial Viability Assessment is provided for the proposed Development in accordance with both the current National Planning Policy Framework (NPPF) and Planning Practice Guidance for Viability (PPGV) .</p> <p>Checkley Parish Council would also request that before</p>	

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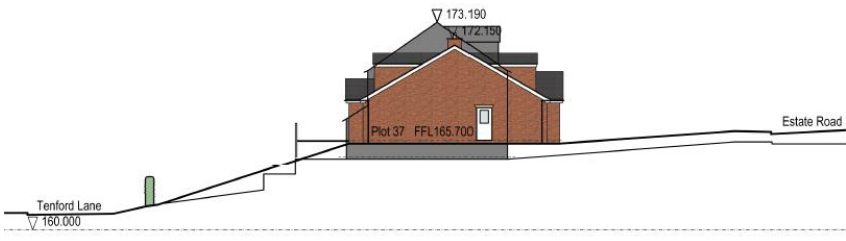
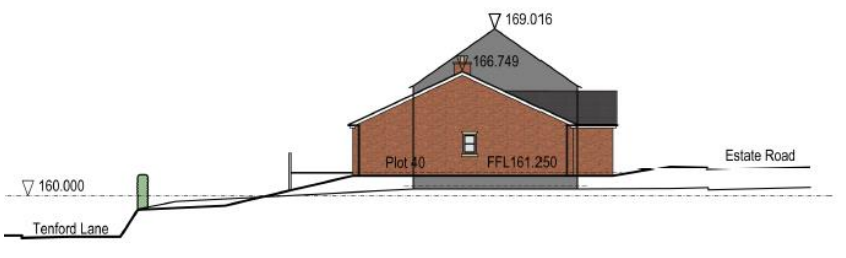
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	<p>considering this and any further proposals from this Developer a guaranteed and legally binding assurance is provided as either a security or deposit for any Developer contributions and a firm and legally binding commitment is made for the provision of affordable housing.</p> <p><u>Officer Comment</u></p> <p>The submitted application is a full planning application to vary Condition 1 of the Reserved Matters approval which lists the drawings in which the development is to be carried out in accordance with. The type of application submitted is not incorrect for the proposed changes to be made and not in conflict with Planning Regulations or Planning Procedures. There is also no conflict with the terms and conditions of the outline permission including the Section 106 Agreement to secure amongst other things, affordable housing.</p> <p><u>Further information from the applicant</u></p> <p>The applicant has submitted sectional drawings showing the difference in levels and ridge heights between those approved and those now proposed, in relation to three of the dwellings closest to Tenford Lane, in order to demonstrate the impact of those changes. These have been included in the Committee Presentation but are also shown below (the previously approved houses shown in grey):</p> 	

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The full text of all additional representations can be read online at
<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=170445>

<p>SMD/2020/0191 & 192</p>	<p><u>London Mill, Ashbourne Road Leek</u></p> <p><u>Updated floor areas reflecting the amended mix of 28 apartments consisting of 21 one bed, one person units and 7 2 bed, 2 person units</u></p> <table border="1"> <thead> <tr> <th>Ground Floor</th> <th>Gross Internal Floor Area Sq Mtr</th> <th>First Floor</th> <th>Gross Internal Floor Area Sq Mtr</th> </tr> </thead> <tbody> <tr><td>Unit 1</td><td>39.5</td><td>Unit 8</td><td>37.0</td></tr> <tr><td>Unit 2</td><td>38.6</td><td>Unit 9</td><td>38.0</td></tr> <tr><td>Unit 3</td><td>41.3</td><td>Unit 10</td><td>38.6</td></tr> <tr><td>Unit 4</td><td>40.6</td><td>Unit 11</td><td>41.3</td></tr> <tr><td>Unit 5</td><td>37.5</td><td>Unit 12</td><td>40.6</td></tr> <tr><td>Unit 6</td><td>42.1</td><td>Unit 13</td><td>37.5</td></tr> <tr><td>Unit 7</td><td>38.8</td><td>Unit 14</td><td>40.6</td></tr> <tr><td rowspan="3">Communal Space inc management, post room and metres</td><td rowspan="3">156</td><td>Unit 15</td><td>42.1</td></tr> <tr><td>Unit 16</td><td>38.8</td></tr> <tr><td>Communal Space</td><td>72</td></tr> <tr> <th>Second Floor</th> <th>Gross Internal Floor Area Sq Mtr</th> <th>Third Floor</th> <th>Gross Internal Floor Area Sq Mtr</th> </tr> <tr><td>Unit 17</td><td>37.0</td><td>Unit 24</td><td>72.2</td></tr> <tr><td>Unit 18</td><td>38.0</td><td>Unit 25</td><td>65.9</td></tr> <tr><td>Unit 19</td><td>38.6</td><td>Unit 26</td><td>67.8</td></tr> <tr><td>Unit 20</td><td>41.3</td><td>Unit 27</td><td>81.4</td></tr> </tbody> </table>	Ground Floor	Gross Internal Floor Area Sq Mtr	First Floor	Gross Internal Floor Area Sq Mtr	Unit 1	39.5	Unit 8	37.0	Unit 2	38.6	Unit 9	38.0	Unit 3	41.3	Unit 10	38.6	Unit 4	40.6	Unit 11	41.3	Unit 5	37.5	Unit 12	40.6	Unit 6	42.1	Unit 13	37.5	Unit 7	38.8	Unit 14	40.6	Communal Space inc management, post room and metres	156	Unit 15	42.1	Unit 16	38.8	Communal Space	72	Second Floor	Gross Internal Floor Area Sq Mtr	Third Floor	Gross Internal Floor Area Sq Mtr	Unit 17	37.0	Unit 24	72.2	Unit 18	38.0	Unit 25	65.9	Unit 19	38.6	Unit 26	67.8	Unit 20	41.3	Unit 27	81.4
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	Unit 21	40.6	Unit 28	83.2	
	Unit 22	79.1			
	Unit 23	81.0			
	Communal Space	72	Communal Space	72	
	<p>The Agent has clarified that the plans show ‘Prince’ sized beds (1.2m wide by 2m long) in the single bedrooms albeit that to comply with the NDSS standards these rooms are only suitably sized for single person occupancy.</p> <p><u>Further recommended conditions</u></p> <p>1. The single bedrooms within the development hereby permitted as shown on the approved Floor plans and the Bedroom Schedule (ref: Sammons architectural, Job No 2023 – 2769 dated 28th November 2023) shall be occupied solely by one person and shall not be used by any other persons as their sole or main residence. Reason: In the interests of the amenity of occupants on account of the constrained living space in accordance with Policy H1 and the Nationally Described Space Standards.</p> <p>2. Management strategy for waste storage and collection</p> <p>3. Condition 11 in respect of the substation and gate on Well Street to be strengthened to include means of enclosure which ties in with the wall and railings proposed around the communal area and bike store and shown on the plans</p>				
SMD/2023/0422	<u>Springfields Farm</u>				
	None.				
SMD/2022/0325	<u>Land adj The Bungalow, Kingsley</u>				
SMD/2023/0489	<u>Land to the rear of Rosedale 403 Cheadle Rd</u>				
SMD/2022/0391	<p><u>Land at ‘The Outlands’ 340 Cheadle Rd, Cheddleton</u></p> <p><u>Agent’s statement:</u> This application was previously brought to you in the July meeting of this year where the points discussed included the impacts on trees, the impacts on biodiversity across the site, and the principle of the development in the greenbelt.</p> <p>Following your recommendations, we have since commissioned a revised tree report which takes into account the additional</p>				

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	<p>trees that lie alongside the Northern boundary of the site. This has satisfied the officer's concerns with regard to the trees. A biodiversity impact assessment was also undertaken, and this additional report has also satisfied the concerns relating to biodiversity. Since July, we have also made alterations to the site access, simplifying it, and reducing its size, so it is now supported by highways. This leaves the only point of discussion to be the principle of the development, and the relation of the site to the surrounding greenbelt.</p> <p>As we are all aware the adjacent yards land use is still unresolved. If it were to remain as a commercial yard, or become new residential dwellings itself, as is intended, we believe the proposed dwelling on our site could then be considered infilling within the greenbelt, but as it stands, the yard could potentially be reverted to greenbelt.</p> <p>Regrettably, the settlement boundary for Cheddleton terminates across the other side of Cheadle Road, although further South, the settlement area returns to this side of the road to accommodate another run of dwellings. This poses the question, if the boundaries were to be reviewed, would this site in fact fall within Cheddleton's settlement area. I certainly see no reason why it would not, given the site is not isolated, is surrounded by other dwellings, and is not in an exposed or prominent position.</p> <p>We would hope that the principle of a single dwelling on such a site would be deemed acceptable, as it has no impact on the openness or the character of the surrounding greenbelt due to the site being well concealed from any direction due to the tree coverage and the other surrounding dwellings. The applicant is respectfully seeking permission to construct a single new dwelling on the site. It would be more common to see an application for numerous dwellings, perhaps four or five, to be shoe-horned onto a site like this. You only need look to look to the other side of the road to see examples of where this has occurred.</p> <p>We hope you can come to an informed decision as to whether the principle of this development is acceptable given its convoluted relationship with the surrounding land. Thank you.</p>	
SMD/2023/0497	<p><u>Butter Market Leek</u></p> <p><u>One letter of representation received suggesting an improvement as follows:-</u></p>	

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	<p>The redevelopment should include extending the alleyway from Derby Street, the heart of the Town, to the public toilets, following the most direct route (remove the current fish-stall and store behind). See attached OS Plan.</p> <p>This will improve the functionality of the Town and meet the requirements of the Equality Act. (I was recently approached by a visitor to Leek, an older man who was desperate to find the public toilets, he was visibly stressed and anxious – I explained the circuitous route via Derby Street, left at Market street, and left again at Silk Street). The lack of signage, and direct routes from key areas of the town centre, particularly for visitors, is clearly a shortcoming.</p> <p>This single alteration would provide a direct link from Derby Street, the heart of the Town, to Silk Street Car Park - and through to Stockwell Street, and the Council’s offices and Leek College. It would provide independent access to the Butter Market and Trestle Market from both Derby Street and Silk Street CarPark, The alteration will place Silk Street Carpark at the centre of the Town, with direct links to the main shopping area in Derby Street, and via Stockwell Street to the Councils offices, car park and college. This in turn will generate improved footfall, and make the carpark attractive for occasional alternative uses, including commercial sales, cultural and other events.</p> <p>It is suggested that Silk Street Carpark would be better named “Silk Square” to reflect its wider range of functions.</p> <p>The alteration will improve the general functionality, commercial viability, and attraction of the Town for townspeople and visitors to the Town, and help provide improved access and accessibility to all facilities and areas in the heart of the Town, for those protected under the Equality Act 2010.</p> <p>I hope these comments will be taken into account in shaping the Council’s redevelopment proposals for the Markets area and wider town-centre.</p> <p><u>Further conditions recommended</u></p> <p>Two further conditions are recommended as follows:-</p> <p>8. To ensure that the Air source heat pumps and air con unit are not bought into use until such time that fenced enclosure has been installed and painted in accordance with the approved plans</p> <p>9. To secure the detail for the new windows and doors in the Trestle market</p>	

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SMD/2023/0512	<u>Biddulph Valley Leisure Centre</u> ERRATUM The description of development should read: Addition of roof-mounted handrail to provide safe access and maintenance in preparation for solar panel installation	

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