

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

25th April 2024

Application No:	SMD/2023/0651	
Location	John Hall Gardens, Fowlchurch Road, Leek	
Proposal	Works to existing building- new door to kitchen, and servery hatch to be in place of an existing window, including the alteration of the structural opening. Garden room- proposal of the garden room to the south of the site.	
Applicant	Mr Alan Moutter	
Agent	Mr Felix Woodhouse	
Parish/ward	Leek	Date registered: 09/01/24
If you have a question about this report please contact: Lisa Li email: Lisa.li@highpeak.gov.uk		

REFERRAL

The application is before committee as the site is owned by Staffordshire Moorlands District Council.

1. SUMMARY OF RECOMMENDATION

APPROVE with conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site relates to a community wellbeing garden off Fowlchurch Road. It lies in between the Brough Park Leisure Centre, Nelson Street Industrial units and the Leek Recycling Centre. The site itself contains a number of outbuildings and ancillary facilities including polytunnels to the southern part of the site, and a detached conservatory serving as a dining area to the west and a small cottage with an elongated single storey side extension that serves as an external toilet facility and storage unit to the north of the site.

2.2 For the purposes of planning policy consideration, the application site is located within the development boundary of Leek. The property is not within any Conservation Area, and there are no Listed Buildings/structures nor protected trees on the site.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 Planning permission is sought for minor alterations of the cottage, two bollards to the access of the site and creation of a garden building.

3.2 The applicant intends to brick up one of the small windows and enlarge of a window to serve as a hatch for the serving of hot drinks etc within the single storey side extension. Internally, the kitchen will be refurbished to make the existing space more usable.

3.3 The proposed garden outbuilding will be located to the far south of the site and serve as a multi-use community hub. The garden room will be 9m by 3m with a height of 2.4m. It features a lean-to roof and will be clad with spruce and have a timber door. It will be

offset from the existing boundary wall by 1m. At the time of visit, the case officer was advised that the existing polytunnel will be removed to gain better access to the proposed garden building. It will be multifunctional but will mainly be used for small talks and classes.

3.4 The original scheme proposed two bollards which were to be located south of the site to restrict vehicle access along the path accessible to the site. These have been omitted from the scheme.

3.5 Full details of the application, including consultation responses and supporting documents can be found at

4. RELEVANT PLANNING HISTORY

SMD/2002/0327	Use of land as market garden and erection of polytunnels	Approved
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5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

5.1 The Development Plan comprises the Local Plan Development Document (adopted September 2020).

5.2 The following Local Plan policies are relevant to the application:

- SS5 Leek Area Strategy
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting

5.3 Supplementary Planning Document

Staffordshire Moorlands Design Guide

6. CONSULTATIONS

Neighbour letters	Expiry date for comments: 30/01/24
Site Notice Posted	30/01/24
Press Notice	N/A

Public response to consultation

6.1 No representatives

Leek Town Comments

6.2 No objection. A garden room will give more people the chance to experience the garden space in all weather conditions.

Severn Trent Waters

6.3 No comment

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 The main issues relate to:

- Principle of development
- Design and visual impact
- Neighbouring amenity

- Highway safety

Principle of Development

- 7.2 Policies SS2 seek to focus future growth within the three largest settlements comprising of Leek, Biddulph and Cheadle and to strengthen its role as a service centre.
- 7.3 Whilst there are no 'in principle' objections to the application, all other material planning considerations must be satisfied for the scheme to be supported and in this instance include design, visual impact, neighbour amenity, parking and drainage.
- 7.4 The nature of the application is to alter an existing building and erect a new outbuilding for the purpose of community benefit. The proposal is in accordance with Policy SS2 of the Local Plan.

Design and visual impact

- 7.5 Paragraph 127 of the NPPF (2019) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.
- 7.6 The Council's Design SPD outlines the Council's expectations in respect of design and states that extensions should harmonise with the parent building. An extension should respect the dominance the original building and be subordinate to it in terms of its size and massing.
- 7.7 The extension is considered de-minimis as the works does not impact the original cottage but rather the small extension that is of little architectural value. The creation of the hatch would make use of the building in an effective way by means of serving hot drinks and takeaway facility to member and visitors. Currently the existing windows are blocked up by black screening and serve a kitchen in need of modernisation. Therefore, the proposal will enhance the building.
- 7.8 The garden building is modest in scale with a height of 2.4m. It will be no higher than the brick wall it will back onto and does not appear out of place amongst the existing garden paraphernalia on site. Furthermore, the building will be tucked behind an existing rendered building of similar footprint and scale. It is not envisaged that it will impact on wider landscape but rather appear as another ancillary building that is sympathetic to the scale of the site. Therefore, the scheme is considered to be visually acceptable.
- 7.9 The use of the garden room will be multipurpose for small talks and events which the agent has stated in the Design and Access statement usually comprise a maximum of 20 people. The number of people to use the garden room is considered to be modest and while the LPA have no way of restricting numbers, the use of the room is only a small addition to the operation of the charity and the site. In addition, the garden room would generate a small revenue for the benefit of an established charity organisation.
- 7.10 A condition will be added to the decision ensuring that the garden building and small takeaway facility shall be restricted to the opening times of the John Hall Gardens to ensure the facilities are for the purposes associated only with the site.

7.11 This application is therefore considered to be in accordance with Policy DC1 of the Local plan.

Impact to neighbouring amenity

7.12 Paragraph 127(f) of the NPPF (2019) and policy DC1 seeks to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

7.13 The scheme is unlikely to impact any neighbours as the site is next to the Council's depot. The refurbished kitchen and use of the garden building will be unlikely to cause noise disturbance to the wider surrounding area.

7.14 It is for these reasons that the proposed development will comply with policy DC1 of the Local Plan (2020) and the NPPF (2023).

Highway safety

7.15 Section 9 of the NPPF states that developments should achieve safe and suitable access to the site for all users. Policy T1 of the Local Plan states that permission will only be granted for development incorporating adequate and satisfactory parking provisions.

7.16 The alterations of the existing extension and garden room would enhance the use of the site to some degree and footfall to the site may increase as a result. This said, the existing parking arrangements to the south of the site is more than capable to accommodate the marginal increase of visitors into the site. Alternatively, visitors can access the site via foot from Brough Park.

7.17 This application is therefore considered to be in accordance with Section 9 of the NPPF and Policy T1 of the Local Plan.

Planning Balance & Conclusions

7.18 The proposal would respect the scale and character of the site while also utilising the space that the site currently offers. It would not adversely affect the amenities of the neighbouring or residential properties. Accordingly, the application is to be considered to be in accordance with the NPPF and the Local Plan. It is therefore recommended for approval subject to conditions.

8. RECOMMENDATION

That planning permission be APPROVED with the following conditions:

1: The development to which this permission relates must not be begun later than the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2: Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

- **Drawing no: 35153-BGL-A1-XX-DR-A-1100-P-03 - Site Location and Block Plan**
- **Drawing no: 35153-BGL-A1-XX-DR-A-1400-P-02 - Existing and Proposed - Plans and Elevations**

- Drawing no: 35153-BGL-A1-XX-DR-A-1200-P-01 - Proposed Garden Room
- Drawing no: 35153-BGL-A1-XX-DR-A-1110-P-02 - Existing and Proposed Site Plan
- Design and Access Statement

REASON: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

3: The facing materials to be used on the external walls and roof shall be of the same type, colour and texture as those used on the existing building.

REASON: To ensure a satisfactory external appearance and for the avoidance of doubt.

4: The material used for the garden building shall be in spruce cladding as outlined on plan no 35153-BGL-A1-XX-DR-A-1200-P-01 Proposed Garden Room

5: Unless prior permission has been obtained in writing from the Local Planning Authority, all activities within the proposed garden room and takeaway facility shall be restricted to the following times of operations in association with John Hall Wellness Gardens:

- 09:00 - 16:00 hours (Monday to Friday);
- 09:00 - 15:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

REASON: To ensure proper use of the development and avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

6:

- I. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. All waste transfer records should be retained for inspection by officers of the Local Planning Authority;
- II. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority

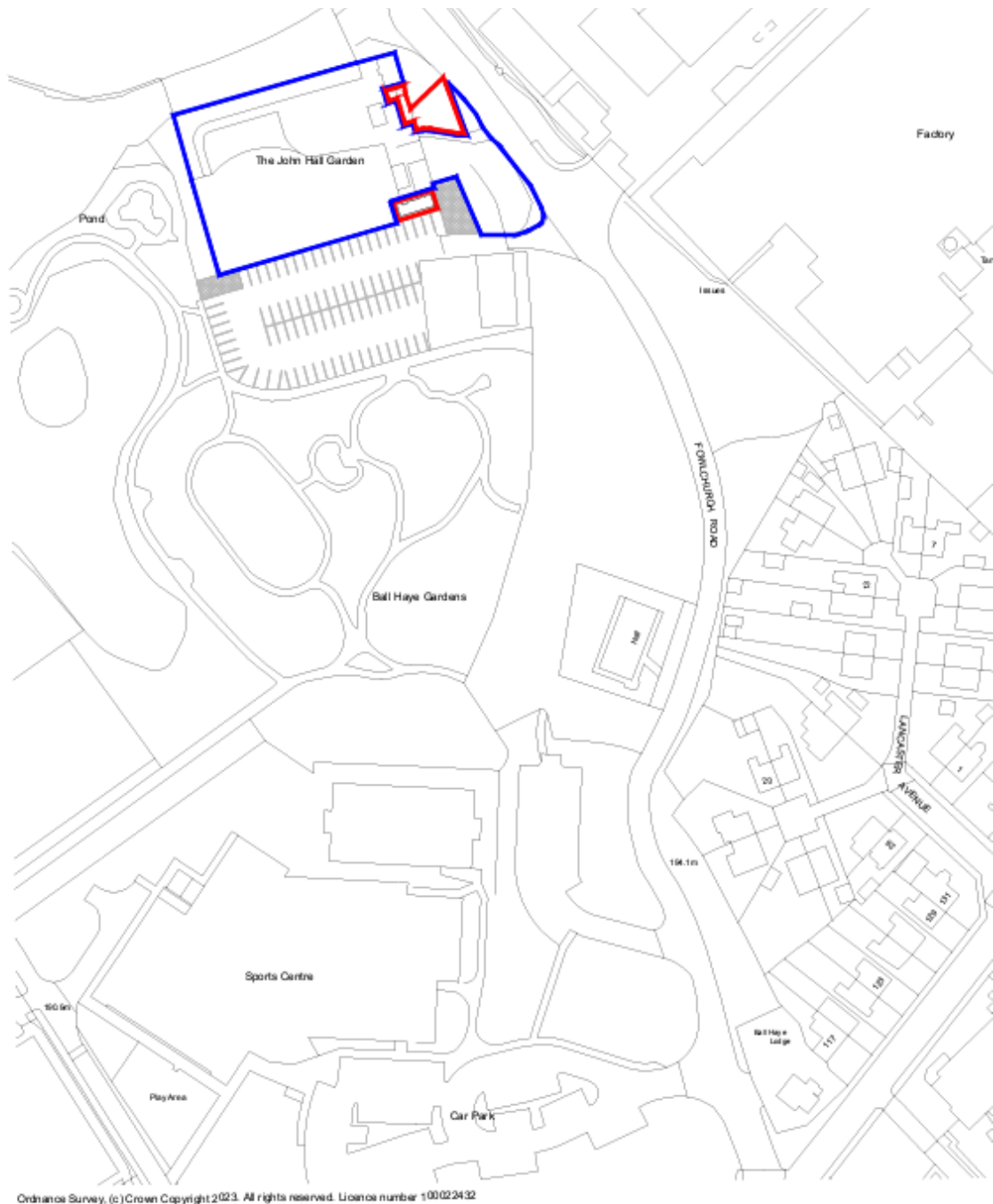
REASON: To protect the amenities of the area during construction

Informative

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning

obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



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site location plan / 1:1250