

# Public Document Pack



## PLANNING APPLICATIONS COMMITTEE SUPPLEMENT AGENDA

**Date:** Thursday, 17 October 2024

**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). **(Pages 3 - 12)**

**MARK TRILLO**  
**EXECUTIVE DIRECTOR & MONITORING OFFICER**

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## PLANNING APPLICATIONS COMMITTEE

Late Representations – 17<sup>th</sup> October 2024

FILE REF.	SITE AND DETAILS	PAGE NO.
<p><u>Item 7</u></p> <p><b><u>SMD/2023/0423</u></b></p>	<p><b><u>Land at Tenford Lane, Tean</u></b></p> <p><b>Updated feedback from consultees:</b></p> <p>Staffordshire County Council Flood Risk Management have now provided a sixth round of comments on the drainage strategy. The majority of matters previously raised been addressed. However, the LLFA recommend that planning permission is not granted until:</p> <ol style="list-style-type: none"> <li>1) the calculations that demonstrate how the ponds will drain are agreed in accordance with the standards set out in the CIRIA SUDs Manual</li> <li>2) issues relating to the plot level exceedance have been resolved demonstrating that water will not fall towards a property threshold.</li> </ol> <p><b>SCC School Organisation Team:</b></p> <p>The Tenford Lane (Land off), Tean development is located within the catchment area of Cheadle Primary School, albeit adjacent to the catchment area boundary of Great Wood Primary School. The methodology to assess the impact of planning applications on education infrastructure is set out in the Staffordshire Education Infrastructure Contributions Policy (SEICP).</p> <p>The impact of the proposed development on the catchment primary school (Cheadle Primary School) and the primary planning area (Cheadle Town Primary School Place Planning Area) has therefore been analysed in accordance with the SEICP to assess the impact of this proposed development on education provision.</p> <p>The current cost of a new 210 place primary school (1 form entry) which as at Q2, 2022 was £7,311,265 million (excluding acquisition of the necessary land) and would mitigate up to 1,000 dwellings. Please note that these new school costs are currently being updated.</p> <p><math>£7,311,265 / 1,000 \text{ dwellings} = £7,311.27 \text{ per dwelling}</math></p> <p><math>47 \text{ dwellings} \times £7,311.27 \text{ per dwelling} \times 47 = £343,629.69</math></p> <p>I would therefore advise that the 47 dwellings would result in an education contribution of £343,629.69 (index linked from the date of this response) to be sought from the developer to mitigate the impact on education from the development and would make the development acceptable from an education perspective subject to a S106 agreement which meets this requirement.</p> <p>Please also note that we reserve the right to amend the requested education contribution amount from the date of this response to the</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 17<sup>th</sup> October 2024**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p>point that the education contribution is finalised within the S106 Agreement. An amended education contribution request will be based on updated new primary school project costs which are reviewed annually and contained in the Staffordshire Education Infrastructure Contributions Policy.</p> <p><b>Update to proposed Heads of Terms:</b></p> <p>Discussions regarding the details of the Heads of Terms and Section 106 agreement have continued and the following provides an update to the Heads of Terms proposed. The new section 106 agreement will supersede the existing section 106 linked to the outline permission SMD/2016/0811 granted in July 2018.</p> <ol style="list-style-type: none"> <li>1. <b>Affordable housing</b> to be provided in accordance with policy. This is for 33% affordable units (16 of the 47 additional units) comprising of 25% first homes (4 units), 80% rental (10 units) and 20% shared ownership (2 units).</li> <li>2. <b>Leisure and recreation</b> - delivery and long term management and maintenance of on-site open space and LEAP play area.</li> <li>3. <b>Leisure and recreation</b> off-site contributions will supersede the outline permission section 106 agreement due to the increase in the number of units and altered layout of the proposal and will total £58,572.80 consisting of:             <ol style="list-style-type: none"> <li>a. Parks &amp; Gardens - £75.20 per dwelling (x87) - £6,542.40 to be used within 1.5km</li> <li>b. Allotments - £38.20 per dwelling (x87) - £3,323.40 to be used within 3km</li> <li>c. For sports pitches and built sports facilities we have used the Sport England calculator for the values as set put below:</li> <li>d. Playing Pitches (3G) – towards new - £9,926 off-site contribution to be used within 3km</li> <li>e. Playing Pitches (maintenance) - £4,572 off-site contribution to be used within 3km</li> <li>f. Sports Hall – towards a new - £34,209 off-site contribution to be used within 3km</li> </ol> </li> <li>4. <b>SCC education</b> contribution for primary school places</li> </ol>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 17<sup>th</sup> October 2024**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p align="center">£343,629.69 (index linked)</p> <p>5. <b>Integrated care board health</b> contribution of £42,139</p> <p>6. <b>Highways</b> improvements</p> <p style="padding-left: 40px;">a. Upgrade to local bus stop – to be agreed</p> <p style="padding-left: 40px;">b. Upgrade to footpath linking the site to Wentlows Sports Pitch</p> <p>7. <b>Monitoring fees</b> for the section 106 agreement</p> <p style="padding-left: 40px;">a. SCC monitoring fee</p> <p style="padding-left: 40px;">b. SMDC monitoring fee - £1237 ((£218.83 x 3) + £583.72)</p> <p><b>Officer comments:</b></p> <p>A significant amount of work has been done to scrutinise the drainage strategy for this site. While the LLFA continue to raise concerns relating to calculations and plot level exceedances, officers are confident that these matters can be addressed and the drainage strategy signed off. Therefore the recommendation from officers has been updated to give delegated authority to approve the application subject to the outstanding LLFA matters being resolved, and signing of the section 106 agreement. In the event that the LLFA cannot be satisfied, the application can be brought back before the committee for reconsideration.</p> <p><b>AMENDED RECOMMENDATION</b></p> <p><b>Delegate authority to the Head of Development Services in consultation with the Chairman of the committee to approve the application subject to submission of additional drainage information, no objection from the LLFA, completion of s106 Agreement and Conditions.</b></p>	
<p><u>Item 8</u></p> <p><b><u>SMD/2023 0568</u></b></p>	<p><b><u>Cellarhead Electricity Sub-station, Rownall</u></b></p> <p><b>National Grid</b></p> <p>An application for a certificate of lawfulness is not an application for planning permission and should not be confused with such. The question for the decision maker is <i>solely</i> whether the application land meets the statutory definition of 'operational land', such that National</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 17<sup>th</sup> October 2024**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p>Grid can rely on its permitted development rights in respect of it. The merits of any such development are irrelevant to this question. The objections summarised in the officer’s report therefore clearly relate to matters that are not material to the determination of this application.</p> <p>We cannot identify a single objection from the officer’s report that could properly be taken into account in the determination of the application. Nor has there been any evidence provided that would contradict that provided by National Grid. On this basis, we remain unclear as to why the application has been referred to Committee and have significant doubts as to whether the Committee have any rational basis on which to depart from the officer’s recommendation in the report.</p> <p>In the event that the matter is to be determined by the Planning Committee, it is essential that the officer’s report makes the nature of the application clear. At present, nowhere does the report make plain that the nature of the objections that have been received do not relate to matters that can be properly taken into account in determining the application. This risks misleading the Committee into considering that the ‘planning merits’ of any future development are relevant to the determination of the application. The officer’s report also contains a number of references to the ‘planning balance’ and a reference to ‘conditions’, which appear to be inappropriate in the context of this application and ought to be removed before the Committee meeting to avoid confusion.</p> <p>We further consider it important to draw the Committee’s attention to the Government Guidance on Lawful development certificates, which states that: <i>“if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.”</i></p> <p>Particularly in light of the nature of the objections received, we consider that it will be essential for Council officers to advise the Committee in the clearest possible terms as to what they can and cannot consider when determining the application at the Committee meeting. Were the Committee to refuse the application, National Grid would be forced to appeal that decision. In circumstances where any refusal is due to the Committee taking an erroneous approach to the determination; taking into account irrelevant considerations; or reaching a decision that is entirely unsupported by evidence, this would constitute unreasonable conduct on the part of the Council.</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 17<sup>th</sup> October 2024**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p><b>OFFICER COMMENT</b></p> <p>The reference to “planning balance” relates to the test of “balance of probabilities” which is the correct legal test for determining a certificate application. The reference to “conditions” is only in respect of the standard delegated authority to make minor amendments to decision notices prior to issue. For the avoidance of doubt, certificates cannot be issued subject to conditions. As detailed in the report this is not a planning application and objections which relate to the planning merits of the case are not material to determination. The application must be determined on the basis of the law, evidence, and balance of probabilities.</p>	
<p><u>Item 9</u></p> <p><b><u>SMD/2023/0275</u></b></p>	<p><b><u>Westwood Hall Farm, Westwood Park Drive, Leek</u></b></p> <p>Deferred at the request of the applicant</p>	
<p><u>Item 10</u></p> <p><b><u>SMD/2023/0276</u></b></p>	<p><b><u>Westwood Hall Farm, Westwood Park Drive, Leek</u></b></p> <p>Deferred at the request of the applicant</p>	
<p><u>Item 11</u></p> <p><b><u>SMD/2023/0277</u></b></p>	<p><b><u>Westwood Hall Farm, Westwood Park Drive, Leek</u></b></p> <p>Deferred at the request of the applicant</p>	
<p><u>Item 12</u></p> <p><b><u>SMD/2023/0574</u></b></p>	<p><b><u>Hillcroft Froghall Road Froghall ST10 2HQ</u></b></p> <p>No updates to report</p>	
<p><u>Item 13</u></p> <p><b><u>SMD/2024/0272</u></b></p>	<p><b><u>Hermitage Farm, Froghall Road, Froghall</u></b></p> <p><b><u>Applicant:</u></b></p> <p><i>Following publication of the agenda for the Planning Applications Committee on Thursday 10<sup>th</sup> October for its next meeting to be held on Thursday 17<sup>th</sup> October 2024 at 2.00pm. I have had the opportunity to read the report produced by Hannah Varley in respect of the above referenced application that is listed as item 13 on the agenda.</i></p> <p><i>Please find attached and embedded below, two relevant emails detailing the discussion to support the reason for submitting the planning application referenced above.</i></p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 17<sup>th</sup> October 2024**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p><i>Notably, this message confirms that the policy which lead to the condition being set is no longer a Council policy, therefore the council would most likely not object to this condition being removed.</i></p> <p><i>I have received on more than one occasion, positive comments with regard to this application.</i></p> <p><i>Noting the comment in the final sentence:- “ we should be able to go ahead and proceed with a positive decision for the application”</i></p> <p><i>For these reasons I do not understand why this application is recommended for refusal and will challenge this at the meeting.</i></p> <p><i>This late representation is to be submitted to the Council as evidence to support the planning application</i></p> <p>A further representation has been received as follows:</p> <p><i>Please find attached and embedded below, my accounts for the years 2022,2023 and 2024. These are also published on Companies house as required.</i></p> <p><i>This late representation is to be submitted to the Council as evidence as commented in paragraph 7.15 of the report.</i></p> <p><i>As you will see in both accounting years ending March 31<sup>st</sup> 2022 and 2023 a loss was made, supporting my claim that the holiday lets are not profitable.</i></p> <p><i>There was a profit made in the accounting year ending March 31<sup>st</sup>2024 and this is due to the change to offer short stay housing, instead of holiday letting. For this reason In future, it is no longer viable to offer the properties for holiday letting.</i></p> <p>The applicant has drawn attention to the previous approval by the committee of application SMD/2017/0764 for Removal of Condition 3 of Permission SMD/2003/0415 to allow holiday lets to be used as dwellings. The committee report from 15th February 2018 and planning statement for that application can be viewed on the Council website.</p> <p><b><u>OFFICER COMMENTS</u></b></p> <p>Pre-application advice is an informal opinion of a planning officer based on the information provided and does not constitute a formal determination under the Planning Acts. Whilst it is no longer Council</p>	



**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 17<sup>th</sup> October 2024**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p>policy to seek commercial re-uses of agricultural buildings in preference to residential, other policies which support and encourage tourist accommodation in the Moorlands, sustainable location of development and provision of an adequate standard of amenity still stand. Moreover, this matter has previously been considered by a planning inspector and dismissed on the basis that there is conflict between the proposal and the wording of the original description of development. This is an important material consideration.</p> <p>Whilst the contents of the accounts are noted, the Council has identified through its tourism strategy a need to grow the amount of overnight accommodation in the Moorlands which indicates that there is a market for this type of accommodation.</p> <p>With regard to SMD/2017/0764, Members will be aware that each case must be judged on its own merits. That application was determined in 2018 and pre-dates the current local plan and related to a site in a smaller village. It also pre-dates the tourism strategy. Furthermore, the case had not been previously considered by an inspector and there was adequate amenity space available for the new dwelling. As a result there are material differences between the cases.</p>	
<p><u>Item 14</u>  <b><u>SMD/2024/0321</u></b></p>	<p><b><u>Ruelow Cottage, Hermitage Farm, Froghall Road, Froghall</u></b></p> <p>No updates.</p>	
<p><u>Item 15</u>  <b><u>SMD/2024/0310</u></b></p>	<p><b><u>Springfields Farm, Hulme Lane, Werrington</u></b></p> <p>No updates</p>	
<p><u>Item 16</u>  <b><u>SMD/2024/0388</u></b></p>	<p><b><u>Springfields Farm, Hulme Lane, Werrington</u></b></p> <p>One letter of objection has been received from a neighbour addressed to SMDC Planning Committee and which states the following:</p> <p><i>Regarding the above application I am unable to attend the planning committee meeting on Wednesday 16th October 2024 and as a direct neighbour there are several issues that I am concerned about.</i></p> <p><i>I believe that the planning department originally imposed condition 17 to protect the visual and residential amenities of the area (this still needs to be protected) Your planning department frequently refers to Green belt being tightly controlled and only allowing permission for very special circumstances. I do not believe turning a field into a car park in this instance is a special circumstance, far from it.</i></p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 17<sup>th</sup> October 2024**

FILE REF.	SITE AND DETAILS	PAGE NO.
	<p><i>Your department removed the right to use the field as a car park but the applicant has continued to use it as a car park for well in excess of 70 days this year.</i></p> <p><i>The visual amenity has been directly impacted by this as demonstrated this summer when the field looked like a busy town centre car park.</i></p> <p><i>The applicant suggests that it will not impact the neighbours because the parking is in the field to the south, again absolutely not so. To get to the extra parking the cars will use the same entry/exit gate, use the same outdoor seating area and the same illegal sand pit. All of these are positioned on the north side directly abutting the neighbours. This has intensified the level of noise already. The applicant has not bothered to plant any hedges or trees which could have helped with this problem.</i></p> <p><i>I am guessing the committee will probably visit site before your decision is made, but why do you never visit on a Saturday, Sunday, bank holiday or school holiday in the summer when this site is out of control where parking is concerned.</i></p> <p><i>The standard of planning on this development is so poor and unprofessional.</i></p> <p><i>The whole development has been passed retrospectively, there is no plan! It has developed on an ad hoc basis.</i></p> <p><i>You demonstrate no regard to the direct neighbour's amenities. The applicant does not respect your approvals or recommendations. He does not abide by the approved planning drawings. The car park and seating area to the north are still not as per plan but nothing is done by the enforcement officer. He still has the sandpit in place, no hedges planted (we are in his second planting season). The list goes on and your enforcement officer is aware.</i></p> <p><i>During the planning committee meeting on Thursday 19th September 2024 comments were made regarding how many free ice creams it would take to buy approval for the applicants next planning proposal. This caused great laughter in the chamber. For very different reasons I thought it was funny too, because this completely sums up the way many neighbours and local people feel about the relationship the applicant has with planning.</i></p> <p><i>The whole development has already been allowed to expand beyond the capacity of its boundary, as demonstrated by his need to park on the Green belt.</i></p> <p><i>I therefore strongly object to the lifting of condition 17.</i></p> <p><i>If the applicant is again successful with this application how will planning, police the 28 day's parking?</i></p> <p><i>The Council has demonstrated no control of this to date</i></p> <p><u>Note from Case Officer</u></p> <p>Whilst it is alleged that the south field was used for the purposes of</p>	

**PLANNING APPLICATIONS COMMITTEE**

**Late Representations – 17<sup>th</sup> October 2024**

<b>FILE REF.</b>	<b>SITE AND DETAILS</b>	<b>PAGE NO.</b>
	car parking in excess of 28 days over Summer, at the time of the Officer site visit, on 24 <sup>th</sup> September 2024, there were no cars or any other items on the field, as shown on the Committee Presentation photographs which were taken on the same day.	

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