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PLANNING APPLICATIONS COMMITTEE SUPPLEMENT AGENDA

Date: Thursday, 25 January 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 - 18)**

MARK TRILLO
EXECUTIVE DIRECTOR & MONITORING OFFICER

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FILE REF.	SITE AND DETAILS	PAGE NO.
<u>SMD/2022/0199</u>	<p><u>Land adjacent to Daisy Bank Farm, Uttoxeter Road, Upper Tean, Staffordshire</u></p> <p>Reserved matters application and associated discharge of conditions 3, 11 and 13 pursuant to outline planning permission ref. SMD/2018/0509 for the residential development of 55 dwellings including the creation of a new access, car parking and ancillary landscaping.</p> <p><u>INTRODUCTION:</u></p> <p>At the time of the finalising and issuing the officers report to committee regarding these reserved matters application (17 January 2024) there were three outstanding matters that required final resolution following comments back from three consultees. All these matters have now been resolved to the satisfaction of officers. The progress towards the resolution of these matters has been set out below.</p> <p><u>RESOLUTION OF OUTSTANDING MATTERS:</u></p> <p><i>Drainage</i></p> <p>As noted in the committee report final comments were awaited from the LLFA regarding the design and layout of the drainage design. Whilst this is a matter that is to be agreed separately by condition it was important that the layout (and by extension the drainage layout) would meet the requirements of the LLFA. A response was received from the LLFA on 17 January 2024 (the date of the issue of the committee report) that confirmed that the layout had progressed significantly, and would be considered acceptable subject to email confirmation that the applicant was willing to install a property treatment system within the attenuation system to improve water quality. Agreement to this was confirmed by the applicant on 19 January that this was acceptable. Final comments have been received from the LLFA dated 22 January 2024 which state that:</p> <ul style="list-style-type: none"> • The they have reviewed the latest drainage layout and are satisfied that an appropriate drainage system can be designed for the proposed layout. • As a result, there are no objections to these reserved matters application further to the discharge of the remaining conditions of SMD/2018/0509) • They note the applicant’s agreement to installing the proprietary treatment system to provide an additional level of water treatment, which will be sought as part of 	

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	<p>the approval of the final drainage strategy as required by conditions 18 and 19 of the outline planning permission.</p> <p>As a result, as far as matters of drainage are concerned, it is considered that the design and layout of the proposed development meets criterion 9 of Local Plan policy DC1 and paragraphs 136 and 173 of the Framework. The final detailed drainage approvals will be subject to the separate discharge of conditions application DOC/2022/0042.</p> <p>Highways</p> <p>Final comments have been received from the local highways' authority dated 19 January 2024. They have confirmed the following matters:</p> <ul style="list-style-type: none"> • That access to the site was the subject of permission at the outline stage and the access layout and visibility splays can be delivered in accordance with the outline scheme (as required by condition 14 of the outline permission). • That the internal layout has been the subject of detailed considerations and feedback, and the layout has improved significantly. • That the internal road layout makes use of permeable paving and that further technical approval under S7 of the Staffordshire Act (1983) will be required recommending a informative to this effect. • That detailed discussions have been undertaken regarding the possible footpath improvements to Hollincroft Lane (a requirement of condition 17 of the outline permission). <p>Whilst not strictly relevant to these specific reserved matters application the detailed conversations regarding the ability to implement condition 17 have been useful given the original intentions of the applicant and the feedback from the public consultation. The highways authority has been able to rectify misunderstanding on the part of the applicants regarding highways ownership of land which would allow for improved footpath connection within the highway ownership. This of course will be subject to a future discharge of a condition. As a result, the LHA have no objection to the reserved matters application subject to a series of conditions that will ensure the details set out in this reserved matter application related to the main access and the servicing, parking and access are delivered prior to occupation of any property. These additions are set out</p>	

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	<p>below.</p> <p>As a result, it is considered that from a highways perspective this application accords with the provisions of DC1 (criteria 7 and 8) and T1 of the Local Plan.</p> <p>Ecology The Staffordshire Wildlife Trust had not commented formally on the revised application package that was submitted by the application in Autumn 2023, although had previously confirmed that they were satisfied that there were no impacts on any protected species or designated habitat. They had previously commented that they had concerns over the approach taken to ensuring the biodiversity enhancements and had place a 'holding objection' on the application pending further information being provided. The applicant revised both the BNG (Biodiversity Net Gain) assessment and the Biodiversity Impact Assessment (BIA) to address these concerns.</p> <p>At the time of the issue of the committee report, final feedback had not been received to confirm that these were acceptable to the SWT. Final comments were received on Monday 22 January 2024 from David Cadman, Head of nature Recovery Networks, that confirmed that the holding objection had been removed since the additional information requested had been provided and was acceptable. As a result and following this feedback it can be confirmed that the proposed development will indeed deliver greater than 10% BNG.</p> <p>This is entirely in accordance with national guidance contained in chapter 15 of the Framework, and policy NE1 of the Local Plan.</p> <p><u>MATTERS OF CLARIFICATION / AMENDMENT:</u></p> <p>As part of the preparation for the committee, and following discussions with the outstanding consultees, and any subsequent decision as full review of the conditions and the plans associated with these conditions has been undertaken. The following is a list of these matters for clarity and in the avoidance of doubt.</p> <p><i>Amendment to condition on removal of permitted development:</i> Feedback from this internal review has identified that the proposed amenity condition (condition 16) lacked sufficient specificity and precision to meet the tests set out by paragraph 56 of the Framework. The following is put forward as</p>	

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	<p>revised wording:</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, B, and C shall be carried out on plots 12-22 and 38-45, other than those expressly authorised by this permission, without express planning permission first being obtained from the Local Planning Authority.</p> <p>Reason:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of this rural area and external appearance of the development.</p> <p><i>Amendment to the references for landscape plans and drainage plan:</i> Two mistakes were found and are reported here for clarity and in the avoidance of doubt. Changes have been made to the conditions accordingly.</p> <ul style="list-style-type: none"> • That the reference to the landscape plans referenced an earlier suite of drawings that was replaced in December 2023. The final approved drawings should include those below as referenced in proposed conditions 2 and 10 as set out in the report to committee: <ul style="list-style-type: none"> ○ <i>Landscape proposals (Full site) – Ref: 6838.07 Rev G (Trevor Bridge Associates)</i> ○ <i>Landscape proposals (Sheet 1) – Ref: 6838.03 Rev H (Trevor Bridge Associates)</i> ○ <i>Landscape proposals (Sheet 2) – Ref: 6838.04 Rev G (Trevor Bridge Associates)</i> ○ <i>Landscape proposals (Sheet 3) – Ref: 6838.05 Rev G (Trevor Bridge Associates)</i> ○ <i>Landscape proposals (Sheet 4) – Ref: 6838.07 Rev G (Trevor Bridge Associates)</i> • Reference to the Drainage Layout is incorrectly referenced (missing a zero) and should read: <i>Layout Plan (Drainage Modelling) Ref: C1941 C-SK015</i> <p><i>Minor revision to the masterplan drawing:</i> Following review of the drawings to be approved, it was noted that the labelling of the types of affordable housing on the masterplan drawing were</p>	

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	<p>reversed (i.e. the social rented was labelled intermediate housing and vice-versa). As a result the revised drawing (received 19 January 2024) should be <i>Site masterplan – Ref: E652-01 Rev G (Sauro Architectural Design)</i>.</p> <p><u>FURTHER THIRD PARTY REPRESENTATIONS</u></p> <p>Officers have received further correspondence and representations from member of the public who have been in objection to the scheme, specifically Mr Stafford (Furlong Drive) and Mr Trumper (Adjacent land owner). None of the views shared by either respondent was in addition to their initial and sustained objections to this application. Officers have provided clarification on the scope and purpose of the planning system, the decision-making process and the responses from the statutory consultees. Clarification over the status of the consideration or approval to a proposal for the footpath to the north was also provided – condition 17 of the outline approval remains to be considered later.</p> <p><u>UPDATE TO THE RECOMMENDATION:</u></p> <p>As a result of these three final responses from the technical consultee there are now considered to be no further matters that are outstanding. Given that the feedback has further confirmed that this scheme is acceptable when measured against the provisions of the development and national policy.</p> <p>Given that confirmation and ratification of the EMP has now been confirmed by the SWT, then a decision can be made directly by the committee and there is no longer any need to delegate authority to the Head of Planning to consider this residual matter. The revised recommendation is now that:</p> <p>A. That planning permission be APPROVED for the change of use, subject to the following condition(s) listed below:</p> <p>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/informative/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</p>	

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	<p align="center">do not exceed the substantive nature of the decision.</p> <p><u>General matters:</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <p>Reason: To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.</p> 2. The development hereby permitted shall be carried out in accordance with the following approved plans: <ol style="list-style-type: none"> a. Site Location Plan – Ref: E652-LP01 (Sauro Architectural Design) b. Site masterplan – Ref: E652-01 Rev G (Sauro Architectural Design) c. Site sections – Ref: E652-14 and 14a (Sauro Architectural Design) d. Proposed solar panels plan – Ref: E652-01 Rev A (Sauro Architectural Design) e. Layout Plan (Engineering) – Ref: C1941-C-SK01 Rev G (CB3 Consult) f. Layout Plan (Drainage Modelling) Ref: C1941-C-SK015 (CB3 Consult) g. Landscape proposals (Full site) – Ref: 6838.07 Rev G (Trevor Bridge Associates) h. Solar panels plan - Ref: E652.16 Rev A (Sauro Architectural Design) i. Proposed Lighting Horizontal Luminance Plan – Dated 20 April 2023 (MMA Lighting) <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> 3. The dwellings hereby approved shall be constructed in accordance with the following list of approved housetype plans: <ol style="list-style-type: none"> i. House type A – Ref: E652.02 Rev B (Sauro Architectural Design) 	

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	<ul style="list-style-type: none"> ii. House type A1 – Ref: E652.03 Rev B (Sauro Architectural Design) iii. House type B – Ref: E652.04 Rev B (Sauro Architectural Design) iv. House type C - Ref: E652.05 Rev B (Sauro Architectural Design) v. House type D - Ref: E652.07 Rev A (Sauro Architectural Design) vi. House type D1 - Ref: E652.08 Rev A (Sauro Architectural Design) vii. House type E - Ref: E652.09 Rev A (Sauro Architectural Design) viii. House type F - Ref: E652.10 Rev A (Sauro Architectural Design) ix. House type G - Ref: E652.11 (Sauro Architectural Design) x. House type H - Ref: E652.12 Rev A (Sauro Architectural Design) xi. House type I - Ref: E652.13 Rev B (Sauro Architectural Design) <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>4. Notwithstanding any details shown on the approved plans, no above ground works are to be carried out until full details and samples of all external materials and finishes and hard surfacing to be used in the construction of the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To ensure a high-quality external appearance of the development and to protect the character and appearance of the area and the wider landscape character.</p> <p>5. Prior to occupation of any of the dwellings hereby approved, details of all external lighting (including</p>	

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	<p>location, fixtures and shades, lux levels and horizontal luminescence) associated with the individual properties, parking courts or areas, and any pedestrian routes shall be submitted to, and approved in writing by the local planning authority. Hereinafter the all lighting should be installed in accordance with those approved details</p> <p>Reason: In the interest of protecting residential amenity, ensuring appropriate safety and security, and protecting habitats and wildlife from unnecessary light spillage.</p> <p>6. Prior to occupation of any of the dwellings hereby approved a strategy shall be submitted to, and approved in writing, to the local planning authority, providing full details as to how each property is to be served by broadband and other communications infrastructure. The connections detailed in this strategy shall be installed prior to the occupation of any of the dwellings (singularly or cumulatively).</p> <p>Reason: In order to comply with the requirements of policy DC 1 of the Local Plan and to ensure that properties have effective services and facilities.</p> <p><u>Highways and access:</u></p> <p>7. The development hereby permitted shall not be brought into use until the internal roads and access routes, including parking, turning, and servicing areas have been delivered in complete accordance with the site masterplan (Ref: E652-01 Rev F), and to the specifications set out in the following detailed highways drawings, unless otherwise agreed in writing with the local planning authority:</p> <ul style="list-style-type: none"> a. Highways Long Section – Ref: C1941-C-SK02 Rev C (CB3 Consult) b. Fire Appliance Tracking – Ref: C1941-C-SK10 Rev B (CB3 Consult) c. Refuse Vehicle Tracking – Ref: C1941-C-SK11 Rev B (CB3 Consult) <p>The parking, turning, and servicing areas shall</p>	

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	<p>thereafter be retained unobstructed as parking, turning and servicing, areas for the life of the development.</p> <p>Reason: In the interest of ensuring that safe and convenience vehicle access is provided to all the proposed properties, and that appropriate servicing can be provided in accordance with policies T1 and DC1 of the Local Plan and paragraph 114 of the NPPF.</p> <p>8. The development hereby permitted shall not be brought into use until the access route from the public highway has been surface and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the plot boundary in accordance with the approved plans.</p> <p>Reason: In the interests of highways safety and in accordance with policy DC1 of the Local Plan and paragraph 114 of the NPPF</p> <p>9. Prior to first occupation of any new dwelling hereby approved the parking area for that dwelling shall be provided and completed.</p> <p>Reason: In the interests of highways safety and in accordance with policy DC1 of the Local Plan and paragraph 114 of the NPPF</p> <p>10. Prior to the installation of any highway or external works approved as part of this development, a strategy shall be submitted to, and approved in writing, to the local planning authority which details how the non-adopted highways, parking areas and private drives will be managed in in perpetuity. This strategy should include the following details:</p> <ul style="list-style-type: none"> a. Specific areas that will be covered by this strategy b. Of the maintenance and repair of surfaces and finishes c. The management / maintenance of below ground services and infrastructure. d. How trees and other vegetation within the street will be managed. 	

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	<p align="center">e. Specific details of who would be responsible for the maintenance.</p> <p>Reason: In the interest of ensuring that long term access is provided to all of the properties and that there is a clear management and maintenance regime for non-adopted infrastructure</p> <p><u>Landscape and trees:</u></p> <p>11. Within six months of first occupation all landscaping and planting hereby approved must be implemented in accordance with the following approved landscaping plans and reports (unless otherwise agreed in writing by the local planning authority):</p> <ul style="list-style-type: none"> • Arboricultural Impact Assessment & Method Statement Ref: 6838/AIA&AMS/Rev D) (Trevor Bridge Associates) • Tree Protection Plan – Ref: 6838.02 Rev D (Trevor Bridge Associates) • Landscape proposals (Sheet 1) – Ref: 6838.03 Rev H (Trevor Bridge Associates) • Landscape proposals (Sheet 2) – Ref: 6838.04 Rev G (Trevor Bridge Associates) • Landscape proposals (Sheet 3) – Ref: 6838.05 Rev G (Trevor Bridge Associates) • Landscape proposals (Sheet 4) – Ref: 6838.07 Rev G (Trevor Bridge Associates) <p>Once implemented landscaping on the site should be managed in accordance with approved Ecological Management Plan (EMP) (Ref: RHE.3340.01 - Rachel Hacking Ecology) and the planting guidance provide as part of the approved landscape drawings.</p> <p>Any new planting, trees or other vegetation that either fails or dies within the first two planting seasons after implantation of the scheme hereby approved, should be replaced to the same standards and specifications unless it is agreed in writing with the local planning authority that an alternative approach would be</p>	

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	<p>preferable.</p> <p>Reason: To ensure an appropriate landscape solution is delivered and that the replacement trees and planting are delivered and maintained and ensure the development is in line with policies NE2 and DC 3 from the Local Plan.</p> <p>12. Prior to the use of any boundary treatment or other means of enclosure (including the finish to any retaining structures) as part of the development hereby approved, full details including the materials, height and finish shall be submitted to, and approved in writing by the local planning authority.</p> <p>Reason: To ensure that appropriate design and amenity considerations are met regarding boundary treatments that reinforce the local character and ensure adequate safety and security in line with Local Plan policy DC1</p> <p>13. All the works to the trees and hedgerows on the site shall be in complete accordance with the details set out within the Arboricultural Impact Assessment and Method Statement (AIA&MS) (Ref: 6838/AIA&AMS/Rev D - Trevor Bridge Associates) and Tree Protection Plan (Ref: 6838.02 Rev D – Trevor Bridge Associates) unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure compliance with policy NE2 of the Local Plan which seeks to protect existing vegetation on any development site, and to link effective with condition 11 of the original outline permission.</p> <p><u>Biodiversity and ecology:</u></p> <p>14. Within six months of the occupation of the dwellings hereby approved the bird and bat boxes (number and location as detailed within the accompanying Ecological Management Plan (Ref: RHE.3340.01 - Rachel Hacking Ecology) shall be installed within the development and hereby retained for the lifetime of the buildings.</p> <p>Reason: In order to comply with the requirements of the original outline permission, the recommendations of the Phase 1 habitat Survey and to ensure biodiversity</p>	

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	<p>enhancement for breeding birds as required by Local Plan policy NE2.</p> <p>15. The development hereby approved will be carried out entirely in accordance the recommendations set out within section 5 of the Phase 1 Habitat Survey (dated March 2023 and prepared by Rachel Hacking Ecology), including the methodology for the reasonable avoidance measures to ensure that there are no impacts on any protected species on the site.</p> <p>Reason: In order to ensure that protected species on the site are protected during the delivery of the development in accordance with Local Plan policy NE2.</p> <p>16. Prior to the commencement of development hereby approved (with the exception of any ground investigation works) a strategy for the eradication of any Japanese Rose on the site shall be submitted to, and approved by, the local planning authority. Thereinafter the development should, be delivered in accordance with this approved strategy.</p> <p>Reason: In order to eradicate invasive species that are present on the site, and to ensure that the works to deliver the site do no further contribute to the spread of the invasive species, in order to protect native biodiversity in accordance with Local Plan policy NE2.</p> <p><u>Amenity:</u></p> <p>17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, B, and C shall be carried out on plots 12-22 and 38-45, other than those expressly authorised by this permission, without express planning permission first being obtained from the Local Planning Authority.</p> <p>Reason:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of this rural area and external appearance of the development.</p> <p><u>Drainage and flood risk</u></p>	

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	<p>18. Any drainage scheme submitted (under condition 18) of the original outline planning permission should be in complete accordance with the drainage layout and engineering drawings submitted with this application, specifically Layout Plan (Engineering) – Ref: C1941-C-SK01 Rev G (CB3 Consult) and Layout Plan (Drainage Modelling) Ref: C1941-C-SK015 (CB3 Consult)</p> <p>Reason: In the interests of proper planning in order to ensure that the discharge of conditions related to flood risk and drainage the outline planning permission are effectively linked to the layout and design matters</p> <p>INFORMATIVE:</p> <p>This estate road and drainage layout will require Technical Approval under Section 7 of the Staffordshire Act 1983 and will require exemption under Section 219 - 226 of the Highways Act 1980 if it is to remain private. There are detailed issues that need to be approved in order to achieve technical approval under that process and the developer should be advised to contact Staffordshire County Council at the earliest opportunity to ensure that approvals and agreements are secured before commencement of works. The obtaining of planning permission for this design/layout will not be considered as a reason to relax the required technical standards for the road and drainage and any changes may necessitate the submission of further planning applications. As the road is to be private then the residents should be advised that they may be taking on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc and are advised to take advice on public liability insurance against claims associated with those responsibilities.</p> <p>Please see: https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx and contact Staffordshire County Council at road.adoptions@staffordshire.gov.uk to ensure that approvals and exemptions are secured before commencement of works.</p>	
SMD/2023/0571	<p><u>Unit B Biddulph High Street</u></p> <p>None</p>	

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SMD/2023/0506	<p><u>Land at Breach Road, Brown Edge</u></p> <p>None</p>	
SMD/2023/0469	<p><u>Land off Kiln Lane, Leek</u></p> <p>None</p>	
SMD/2022/0568	<p><u>Land adjacent to the orchard, Ostlers Lane, Cheddleton,</u></p> <p>None</p>	
SMD/2023/0490	<p><u>Marsh House Uttoxeter Road Draycott in the Moors</u></p> <p>The application has been deferred until the February meeting at the request of the applicant and with the agreement of the Chair.</p> <p>Personal circumstances have prevented the applicant from attending the meeting on the 25th January.</p>	
<p>Item 13 – TPO SM.327</p>	<p><u>Windy Ridge, Park Lane, Cheddleton</u></p> <p>To consider whether to confirm Tree Preservation Order No. SM.327</p> <p><u>Further clarifying representation received from Longsdon Parish Council:</u></p> <p>The Parish Council recognises that it has limited arboricultural experience or expertise, but considers that in view of several storms in recent years which have caused significant damage to forests and woodlands elsewhere in the country, it would be inappropriate to prohibit residents from cutting a tree they felt might cause a danger to themselves/their property/passers-by in the event of similar storms.</p> <p>The Parish Council acknowledges that the trees protected by TPO No. SM.327 are not (quite) located within Longsdon Parish, but is surprised by the Order as there are very few TPOs in Longsdon Parish area.</p>	
SMD/2023/0550	<p><u>Land off Folly Lane, Cheddleton</u></p>	

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	None	
SMD/2023/0641	<u>Biddulph Valley Leisure Centre</u> None	

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