

EAST STAFFORDSHIRE BOROUGH COUNCIL

Minutes of a Meeting of the Cabinet held in the Coltman VC Room at the Town Hall, Burton upon Trent on Tuesday 16th August 2022.

Present:

Councillors G Allen (Chairman), Mrs B Ashcroft, R Faulkner and B G Peters.

Officers Present:

The Chief Executive, the Heads of Service (Sal Khan, Mark Rizk), the Monitoring Officer, the Principal Planning Policy Officer (via Zoom) and the Senior Democratic Services Officer.

Also Present:

Cabinet Support Members Councillors A Clarke and M Metcalfe.

An apology for absence was received from Councillor S Sankey.

PART II

282/22 **DECLARATIONS OF INTEREST**

There were no declarations at the commencement of the meeting.

283/22 **MINUTES**

Resolved:

That the public minutes of the meeting held on 19th July 2022 be approved as a correct record.

Voting concerning the above decision was as follows:

| Those voting for the motion Councillor | Those voting against | Those abstaining |
|---|-----------------------------|-------------------------|
| Councillor G Allen | | |
| Councillor Mrs B Ashcroft | | |
| Councillor R Faulkner | | |
| Councillor B G Peters | | |

284/22 **URGENT BUSINESS**

There was no urgent business for consideration at the meeting.

285/22 **FORWARD PLAN**

The Forward Plan for the period 1st August 2022 to 30th November 2022 was submitted for information.

NOTED.

DRAFT HOUSING CHOICE SUPPLEMENTARY PLANNING DOCUMENT

The report of the Head of Service (Sal Khan) on the Draft Housing Choice Supplementary Planning Document was considered. The following appendix had been circulated with the report.

- Appendix 1 Draft Housing Choice SPD

The report was to introduce to update the Housing Choice Supplementary Planning Document SPD and agree consultation for 6 weeks between August and October 2022.

Although there were small changes throughout the SPD to update it in line with the 2021 National Planning Policy Framework, most of these are minor wording changes.

The main changes to the document were in regard to how applications for small HMOs in Burton on Trent would be determined after the 2023 restrictions on permitted development rights come into effect, and changes related to First Homes and First Homes Exception Sites, which were introduced into Planning Practice Guidance after the last version of the SPD was produced.

ESBC resolved at full council on the 21st of March 2022 to restrict permitted development rights which created new small HMOs. This restriction will come into place from April 2023. Further information can be found at [Council 21st March 2022 \(eaststaffsbc.gov.uk\)](https://www.eaststaffsbc.gov.uk/council/21st-march-2022) In the report to this meeting and in the minutes there are detailed discussion on the harms HMOs in Burton can sometimes cause, especially when they are clustered or could have an impact on anti-social behaviour, parking, waste management or the balance of HMOs and family housing in a location.

Whilst the introduction of the Article 4 may not alter the number of small HMOs approved, and each application needs to be determined on its merits, the ability to use the planning system to scrutinise each proposal should help to improve the quality of new HMOs and reduce harms associated with them.

The guidance set out in the SPD will be used by applicants, officers, consultees and decision makers to decide if a proposal for a new small HMO in Burton should be approved. The SPD draws on the requirements of Strategic Policies: 16 'Meeting Housing Needs', 24 'High Quality Design' and 34 'Health and Wellbeing'; and Detailed Policy 1, 'Design of New Development'. The other major change in this updated version of the SPD was the inclusion of guidance on First Homes. First Homes are a specific kind of discounted market sale housing which can be bought by qualifying first time buyers.

The government now requires that when new planning obligations for affordable housing are drawn up, First Homes must now account for at least 25% of all affordable housing units delivered. To buy a 'First Home' product in East Staffs there is also a requirement to meet a local connection test as set out on pg.29 of the SPD. This has been developed with colleagues from housing and legal to ensure that it will be relevant to those most often seeking first time buyer reduced market value accommodation. Many of these buyers are likely to have younger children and may need to commute to work.

There were also changes to exception sites guidance to clarify how First Homes exception sites will be considered in the Borough, since they were introduced as part of National Planning Practice Guidance in spring 2021. More detail on these national requirements can be found here [First Homes - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/first-homes) and on page 35 of the SPD.

Resolved:

To approve the draft SPD for consultation, with any minor amendments to be agreed by the Leader and Planning Manager.

Voting concerning the above decision was as follows:

| Those voting for the motion Councillor | Those voting against | Those abstaining |
|--|----------------------|------------------|
| Councillor G Allen | | |
| Councillor Mrs B Ashcroft | | |
| Councillor R Faulkner | | |
| Councillor B G Peters | | |

287/22

CLIMATE CHANGE AND SUSTAINABLE DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT

The report of the Head of Service (Sal Khan) on the Climate Change and Sustainable Development Supplementary Planning Document was considered. The following appendices had been circulated with the report.

- Climate Change and Sustainable Development
- Climate Change Draft SPD Consultation

The purpose of the report was to recommend the adoption of the Supplementary Planning Document as revised in light of consultation responses received.

The Climate Change Act 2008 set a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels. In 2019 this was amended (by The Climate Change Act 2008 (2050 Target Amendment) Order 2019) to a 100% reduction from 1990 levels by 2050- in other words, to net zero carbon.

Specific to planning, Section 19 of the Planning and Compulsory Purchase Act 2004 states that: "Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to climate change."

The NPPF 2021 in paragraphs 154 – 158 sets out how policies and decision making should consider climate change.

An SPD is a document which adds further detail to the policies in a Local Plan. SPDs can amount to a material consideration in planning decisions. In this case, an SPD can be developed to provide further guidance on particular issues such as climate change.

There are significant legal and national policy limits on what an SPD can do. For example, legislation does not permit an SPD to allocate land for any purpose, nor should it introduce a new 'burden' (for example, a financial burden) on development which is not already covered in a Local Plan.

SPDs aren't subject to viability testing because they can't introduce new rules which would cost developers more money – they can only give more detail on policies which have already been adopted.

If an SPD includes requirements that go beyond guidance and amount to new policy then the document can be challenged, usually by developers. This was the case in *R (Skipton Properties Ltd) v Craven District Council [2017] EWHC 534*

(Admin) and led to elements of the SPD being quashed.

In the case of ESBC, there would need to be a local plan review to introduce new planning policies.

Because of this, the Climate Change SPD cannot introduce any specific new targets or additional requirements for developments to meet a particular efficiency standard in East Staffordshire. However, where national standards are in place, developments are expected to meet these.

The SPD provided detailed guidance on ways that developers can meet national and local standards for climate change, and has been enhanced and added to through the responses received during the consultation.

It is therefore recommended that the SPD is approved for adoption, and becomes part of the Council's suite of Local Development Documents.

Resolved:

To approve the draft SPD for adoption, with any minor amendments to be agreed by the Leader and Planning Manager.

288/22

REVIEW OF OPTIONS FOR CEMETERY EXPANSION

The report of the Head of Service (Mark Rizk) on the Review of Options for Cemetery Expansion was considered. The following appendices had been circulated with the report.

- A report on a Tier Hydrological Assessment of the viability of extending Stapenhill Cemetery
- Plan of Reduced Area Design
- Plan of Rolleston Allotments

The purpose of the report provided a short progress update on the Cemetery Expansion project and presented the current logistical challenges with the scheme before moving on to options for progression.

The former Claverhouse Allotment site had been earmarked for the future expansion of Stapenhill Cemetery for many years and was a feature of the lease with the Allotment Association. Subsequently, negotiations with the association commenced in 2014, with new allotments locations considered and efforts made to resettle people at other sites in East Staffordshire. With the notice given, the allotments closed for the last time in the winter of 2020.

In the intervening years, burials had continued with the service experiencing significant pressures during the height of the COVID-19 pandemic. Thankfully, the mass burial pandemic section, equivalent to approximately 400 spaces, was not called upon, although the intention was to utilise this space to provide short/medium-term additional space to ease the pressure on other sections of the cemetery. In addition, specialist tests had been conducted on the site at Claverhouse to establish the environmental requirements for the location. It is these findings and the subsequent requirements that are considered in the report.

To provide further context and understand the scale of operations, East Staffordshire Borough Council have ran and operated two cemeteries for residents of the borough at Rolleston and Stapenhill. Stapenhill which was first opened in 1866, has seen over 62,000 burials and covers a site of approximately 30 hectares. Rolleston had been operational since 1975 with footprint size of 0.8

hectares.

Resolved:

- 1) That Cabinet continue with the revised expansion (Phase 1) as shown in Option 1 (and Appendix 2) - with the reduced footprint and approve an additional £64,000 funding from existing uncommitted capital resource;
- 2) That a Tier 1 and (if required) Tier 2 assessment of Rolleston allotments be completed to be financed from the existing allocation in the MTFS towards feasibility analysis of capital schemes;
- 3) That desk top research be carried out to identify other suitable land options.

Voting concerning the above decision was as follows:

| Those voting for the motion Councillor | Those voting against | Those abstaining |
|---|-----------------------------|-------------------------|
| Councillor G Allen | | |
| Councillor Mrs B Ashcroft | | |
| Councillor R Faulkner | | |
| Councillor B G Peters | | |

289/22

EXCLUSION OF THE PRESS AND PUBLIC

Resolved:

That, in accordance with Section 100(A)(4) of the Local Government Act, 1972 the press and public be excluded from the remainder of the Meeting as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act.

PRIVATE MINUTE

