

# EAST STAFFORDSHIRE BOROUGH COUNCIL

## PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in the Coltman VC Room, Town Hall, Burton upon Trent on Tuesday 16<sup>th</sup> August 2016.

### **Present:**

Councillors G. Hall (Chairman), G. Allen, E. Barker, M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, Mrs J. Jones, Ms A. Legg and C. Smith.

### **Officers Present:**

J. Kirkham (Solicitor), S. Khan (Head of Service), A. Miller (Planning Manager), K. Challoner (Planning Officer), R. Duckworth (Planning Officer), and A. Harvey (Principal Planning Officer).

Apologies for absence were received from Councillors W. Ganley, S. Gaskin, R. Johnston, Mrs B. Toon and C Whittaker.

### 127/16 **DECLARATIONS OF INTEREST**

Councillor Mrs J. Jones declared that as she did not attend the site visits she would take part in the debates but was unable to vote upon the applications.

### 128/16 **MINUTES**

The Minutes of the meeting held on 19<sup>th</sup> July 2016 were approved and signed as a correct record.

### 129/16 **URGENT BUSINESS**

There was no urgent business submitted to the meeting pursuant to Rule 12.

### 130/16 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2016/01488 – Demolition of existing warehouse building, storage tanks and electricity sub-station to facilitate the erection of 47 dwellings including construction of vehicular access, associated landscaping and community open space – Victoria Crescent, Burton upon Trent, Staffordshire (Ward: Eton)**

The above site visit was attended by Councillors G. Allen, E. Barker, M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, G. Hall, Ms A. Legg and C. Smith.

Miss L. Stones, agent for the applicant, spoke on the application.

Resolved that for the reasons set out in the report then, **PERMIT** subject to the conditions set out in the report and the completion of a Section 106 agreement required for on-site affordable housing and a Traffic Regulation Order requiring 'no parking at any time' which will form part of the traffic regulation order:

1. Time limit for commencement (1 year).

2. Submission and approval of samples and details of materials of construction.
3. Submission and approval of drainage details.
4. Submission and approval of the details relating to contaminated land as set out in the response from Environmental Health.
5. Imported soils condition.
6. Ground gases condition.
7. Submission and approval of finished floor levels.
8. Submission and approval of details of highway construction.
9. Submission and approval of a construction management plan including assessment of noise during construction and implementation of recommended mitigation measures.
10. Submission and approval of details of remediation of contamination including verification.
11. Formation of access, parking and turning areas prior to first occupation.
12. Implementation of landscaping
13. Implementation of fencing and walling.
14. Development to be carried out in accordance with mitigation measures set out in the ecology appraisal.
15. Development to accord with the recommendations of the FRA.
16. Conditions recommended by the Contaminated Land Officer.
17. Removal of PD rights for all the plots.
18. 10% of all new housing providing ground floor accommodation must meet Building Regulations M3(2).
19. Heavy set trees on site.
20. Vegetation removal outside of the bird breeding season. An inspection of buildings undertaken to check for active nests prior to their demolition – nests must remain unaffected until chicks have fledged.
21. Provision of refuse containers.

### **Informatives**

1. Standard engagement informative.
2. The applicant is advised to note and act upon as necessary, the comments of the Police Liaison Officer. However, where there is any conflict between the recommendations of the Architectural Liaison Officer and the terms of the planning consents the latter take precedence.

3. Pre-commencement conditions standard informative.
4. The applicant to meet with the Parish Council and Ward Member to deliver on site open space that meets the community wishes.
5. That parking spaces are marked to denote which dwelling they belong to.
6. Prior to releasing the decision in accordance with Members wishes the following revised plans need to be submitted to the Local Planning Authority:
  - A plan showing bike storage for the apartments fronting Victoria Crescent; and
  - A plan showing the extent of the double yellow lines 'no parking at any time' which will form part of the Traffic Regulation Order.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor G Allen		Councillor Mrs J Jones
Councillor E. Barker		
Councillor M J Bowering		
Councillor K J Builth		
Councillor R J Clarke		
Councillor R Faulkner		
Councillor G Hall		
Councillor Ms A Legg		
Councillor C Smith		

2. **P/2016/00725 – Demolition of existing cattle sheds and erection of a Class B8 storage building – Rolleston Park Farm, Lodge Hill, Tutbury, Burton upon Trent, Staffordshire DE13 9HQ (Ward: Tutbury and Outwoods)**

The above site visit was attended by Councillors G. Allen, E. Barker, M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, G. Hall, Ms A. Legg and C. Smith.

Mrs A. McManus, agent for the applicant, spoke on the application.

**Resolved:**

**REFUSED** for the following reason:

1. East Staffordshire Local Plan Policy SP1 and DP2 lists principles in determining whether proposals constitute sustainable development and will be judged in the presumption of sustainable development. East Staffordshire Local Plan Strategic Policy 8 states amongst other things that outside settlement boundaries new development will not be permitted unless it is essential to support and viability of an existing lawful business or the creation of a new business appropriate in the countryside, providing facilities for the

general public or local community which are reasonably accessible on foot or by public transport, is infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated, provides renewable energy generation of a scale and design appropriate to its location and is otherwise appropriate in the countryside. Local Plan Policies SP1, SP8, SP14, SP24 and DP1 also aim to achieve a high quality design of new buildings that relate well to their existing context and within the landscape. On the basis of the information submitted the Local Planning Authority is supportive of the expansion of existing rural businesses and the rural economy but not at the expense of the wider landscape. The farmstead exhibits a traditional courtyard layout with the more modern outbuildings of an appropriate scale for their setting. The proposed building is considered excessively large and of industrial appearance in a traditional rural setting at odds with its character, appearance and scale. The proposed building would therefore constitute an unwarranted intrusion in the countryside to the detriment of the character and appearance of this rural locality contrary to East Staffordshire Local Plan Policies SP1, SP5, SP8, SP14, SP24, DP1 and DP2, the provision of the National Planning Policy Framework (particularly Paragraphs 6, 7, 8, 9, 11).

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor M Bowering	Councillor G Allen	Councillor Mrs J Jones
Councillor K Builth	Councillor E Barker	
Councillor R Clarke	Councillor R Faulkner	
Councillor G Hall	Councillor C Smith	
Councillor A Legg		

3. **P/2015/00582 – Outline application for the erection of up to 45 dwellings including details of access – Land at Roycroft Farm, Bramshall Road, Uttoxeter, Staffordshire ST14 7PF (Ward: Heath)**

The above site visit was attended by Councillors G. Allen, E. Barker, M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, G. Hall, Ms A. Legg and C. Smith.

Councillor A. Noyes, Uttoxeter Town Parish Council, spoke on the application.

Mr G. Paskett, a member of the public, spoke on the application.

Mr J. Acres, agent for the applicant, spoke on the application.

**Resolved:**

That the application be **REFUSED** for the following reasons:

1. The National Planning Policy Framework set out a presumption in favour of sustainable development. It also re-emphasises in Section 17 that planning should be genuinely plan-led and in Section 14 that the starting point for decision-making is the development plan, and that where proposed development accords with an up to date plan it should be approved, and where it does not accord with the plan it should be refused unless material

considerations indicate otherwise. The East Staffordshire Local Plan has been recently adopted (in October 2015) and its housing supply policies seek to promote sustainable development and to protect the character and appearance of the countryside. The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Strategic Policy 4 also sets out a development requirement for the main towns (Burton and Uttoxeter), expected to take place within the settlement boundary. These aims are consistent with the National Planning Policy Framework. Furthermore, the Local Planning Authority can demonstrate 5.72 years supply for housing development. The application site lies outside the of the settlement boundary for Uttoxeter as defined within the adopted Local Plan. Strategic Policy 8 of the Local Plan states that development outside settlement boundaries will not be permitted unless it is essential to rural business, development providing an accessible public facility, development according with a made Neighbourhood Plan, development according with the Rural Exception Sites Policy or development otherwise appropriate in the open countryside. The proposed development does not accord with any of the above criteria but would rather represent an unwarranted and unjustified intrusion of urban form into the open countryside, to the detriment of its rural character, contrary to Policies SP2, SP4 and SP8 of East Staffordshire Local Plan.

2. Policies SP1, SP24, SP30 and DP1 of the adopted East Staffordshire Local Plan indicate that planning permission will only be granted for proposals that relate well in design terms to their surroundings/wider landscape. Paragraph 109 of the NPPF expands upon these aims with specific reference to landscape character. It states that the planning system should contribute to the natural and local environment by protecting and enhancing valued landscapes. The proposed development constitutes an encroachment of urban form into the Picknall Valley, which provides and attractive and valued green wedge to the western periphery of the town. The proposed development would fundamentally and detrimentally change the rural character of the Picknall Valley contrary to Policies SP1, SP24, SP30 and DP1 of the adopted East Staffordshire Local Plan.
3. Policy SP1 of the adopted East Staffordshire Local Plan indicates inter alia that in assessing whether a development proposal or allocation is as sustainable as possible, the Council will apply the principle that the development should be located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside. The proposed development scheme fails to provide adequate access provision between the application site and the existing development site at Barley Fields and as such the proposed development would be detrimental to highway safety. The scheme would therefore be contrary to Policy SP1 of the East Staffordshire Local Plan.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor G Allen		Councillor Mrs J Jones
Councillor E. Barker		
Councillor M J Bowering		

Councillor K J Builth		
Councillor R J Clarke		
Councillor R Faulkner		
Councillor G Hall		
Councillor Ms A Legg		
Councillor C Smith		

4. **P/2016/00712 – Outline application for residential development for up to 35 dwellings including means of access with some matters reserved – Land at Bonfield Lane, Yoxall, Staffordshire (Ward: Yoxall)**

The above site visit was attended by Councillors G. Allen, E. Barker, M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, G. Hall, Ms A. Legg and C. Smith.

Mr B. Keys, Yoxall parish councillor, spoke on the application.

Councillor A. Johnson, Ward Councillor, spoke on the application.

**Resolved:**

That the application be **REFUSED** for the following reason:

The location is not identified as a location for housing development in the adopted Local Plan. Policy SP2 Of the Local Plan states that development will be directed to the most sustainable locations in accordance with the settlement hierarchy. Yoxall is identified as a Tier 2 Local Service Village where development will be concentrated within the settlement boundary. The Yoxall Neighbourhood Plan in Policy H2 sets out the criteria that proposals for new housing development outside the Yoxall Settlement Boundary must satisfy. It is not considered that the proposal meets the criteria set out in the policy. In addition SP16 of the Local Plan states that residential development outside the main towns and strategic villages shall provide a mix of dwellings to best meet local needs according to a local housing needs survey or where applicable the Council's evidence base. The application does not respond to the local housing needs set out in Neighbourhood Plan policy D2 or provide supporting evidence on local housing needs. The granting of permission would be contrary to SP4, SP8 and SP16 of the Local Plan and policies H2 and D2 of the 'Made' Yoxall Neighbourhood Plan.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor G Allen		Councillor Mr J Jones
Councillor E. Barker		
Councillor M J Bowering		
Councillor K J Builth		
Councillor R J Clarke		
Councillor R Faulkner		

Councillor G Hall		
Councillor Ms A Legg		
Councillor C Smith		

131/15 **APPEALS RECEIVED AND DETERMINED**

The Report of Sal Khan, Head of Service regarding appeals received, withdrawn and determined was received and noted.

132/16 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 4<sup>th</sup> July 2016 and 29<sup>th</sup> July 2016 was received and noted.

133/16 **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 Meeting during discussion of the following items it is 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 indicated in brackets before each item number on the Agenda:

**ENFORCEMENT SCHEDULE**

134/16 **ENFORCEMENT SCHEDULE**

The Report of Sal Khan, Head of Service regarding the enforcement schedule was received and noted.

**Chairman**