

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 24th April 2018.

Present:

Councillors E. Barker (Chairman), G. Allen (for Minute No. 244/18 to 248/18 (6.4)), M. J. Bowering, K. J. Builth, R. Faulkner, G. Hall, S. Hussain (for Minute No. 244/18 to 248/18 (6.3)), Mrs J. Jessel, R. Johnston and Mrs B. Toon.

Officers Present:

J. Kirkham (Senior Solicitor), A. Miller (Planning Manager), K. Challoner (Planning Officer), E. Christie (Principal Planning Officer), A. Harvey (Principal Planning Officer) and N. Perry (Principal Planning Policy Officer).

Apologies for absence were received from Councillors R. J. Clarke, Ms A. Legg, C. Smith and C. Whittaker.

244/18 **DECLARATIONS OF INTEREST**

Councillor M. Bowering declared that as he did not attend the site visits, he would take part in the debate but was unable to vote upon the applications.

Councillor G. Allen declared that as he did not attend the site visits for application numbers P/2018/00036 and P/2017/01385, he would take part in the debate but was unable to vote upon those applications.

245/18 **MINUTES**

The Minutes of the meeting held on 20th February 2018 were approved and signed as a correct record.

246/18 **URGENT BUSINESS**

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

247/18 **CONSIDERATION OF COMMITTEE PROCEDURES**

Members received a short presentation by the Senior Solicitor on suggested amended procedures for overturning officers' recommendations.

RESOLVED:

That the suggested procedure and accompanying flowchart be adopted, subject to the word "huddle" being changed to "conference" whenever it appeared.

248/18 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2017/00859 – Change of use from Class C2 Residential Institution to a House in Multiple Occupation including demolition of existing garage (amendment to description only) – 160 Newton Road, Burton upon Trent, Staffordshire DE15 0TR (Ward: Winshill)**

The above site visit was attended by Councillors G. Allen, E. Barker, K. J. Builth, R. Faulkner, G. Hall, S. Hussain, Mrs J. Jessel, R. A. Johnston and Mrs B. Toon.

Mr I. Livingston, a member of the public, spoke on the application.

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

Councillor D. Fletcher, Ward Councillor, spoke on the application.

Resolved:

DEFER subject to further discussions with the applicant, on the basis that the current parking provision was not compliant with the local authority parking SPD adopted in October 2017. That requirement should result in a total of 19 parking spaces, whereas there are only 16 spaces being proposed for this application.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor G Allen	Councillor R Faulkner	Councillor S Hussain
Councillor E Barker		
Councillor K Builth		
Councillor R Faulkner		
Councillor G Hall		
Councillor Mrs J Jessel		
Councillor R Johnston		
Councillor Mr B Toon		

(Councillor M. J. Bowering did not vote as he had not attended the site visit).

2. **P/2017/00354 – Erection of 14 no. dwellings following the demolition of the existing building (Amended Plans) – Land off Hornton Road, Burton upon Trent, Staffordshire (Ward: Horninglow)**

The above site visit was attended by Councillors G. Allen, E. Barker, K. J. Builth, R. Faulkner, G. Hall, S. Hussain, Mrs J. Jessel, R. A. Johnston and Mrs B. Toon.

Mr R. Creasy, a member of the public, spoke on the application.

Mr A. Rice, agent for the applicant, spoke on the application.

Resolved:

PERMIT subject to a Section 106 Agreement and subject to the following conditions:

1. Time limit for commencement (2 years).
2. Compliance with the approved plans.
3. Submission and approval of samples and details of materials of construction.

4. Submission and approval of landscaping, fencing and walling (to include details of existing boundary treatments to be retained/altered).
5. Submission, approval and implementation of slab levels and land regarding works.
6. Submission, approval and implementation of lighting plan.
7. Submission, approval and implementation of a contaminated land mitigation scheme.
8. Submission and approval of a construction management plan, including dust management plan.
9. Submission and approval of foul and surface water drainage scheme to conform with the approved Drainage Strategy.
10. Hours of Construction- to be restricted to between the hours of 07.30 to 19.00 hours Monday to Friday, 08.00 to 14.00 hours on Saturdays and no working on Sundays and Bank Holidays.
11. Implementation of the works for the site access (off Hornton Road), visibility splay and pedestrian access/footway. Visibility splay to be retained once provided.
12. All parking spaces/areas and manoeuvring facilities shall be provided and thereafter shall be retained at all times for their designated purposes.
13. A minimum of two No. dwelling units hereby approved shall provide ground floor accommodation that meets Building Regulations 2010 Standard.
14. Controls on importation of Soil.
15. Implementation of landscaping.
16. Implementation of fencing and walling.
17. Provision of bird boxes.
18. The window unit to the southern side elevation of the dwelling on Plot 8 shall have obscure glazing to level 4.
19. Removal of permitted development rights for future extensions and outbuildings for amenity reasons.
20. That the overall total of S106 monies should be allocated as follows: £1,050 to Refuse Containers; £7,000 to Open Space, £92,831.50 to Education and the rest to Affordable Housing (with the rest being £5,618.50).

Notes to applicant

1. Working together with applicants to secure amended plans.
2. Pre-commencement conditions requirements.
3. Samples of materials to be provided as required by the relevant condition.

4. The comments of the Architectural Liaison Officer are drawn to the applicant's attention.
5. The comments of the County Highway Authority are drawn to the applicant's attention in respect of highway works required under the Highways Acts.
6. The applicant's attention is drawn to the need to eradicate Japanese Knotweed from the site.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor G Allen		
Councillor E Barker		
Councillor K J Builth		
Councillor R Faulkner		
Councillor G Hall		
Councillor S Hussain		
Councillor Mrs J Jessel		
Councillor R Johnston		
Councillor Mrs B Toon		

(Councillor M. J. Bowering did not vote as he had not attended the site visit).

3. **P/2017/00555 – Erection of 18 dwellings comprising two detached and sixteen semi-detached houses, plus a two storey garage block and formation of access – land off Westlands Road, Uttoxeter, Staffordshire (Ward: Town)**

The above site visit was attended by Councillors G. Allen, E. Barker, K. J. Builth, R. Faulkner, G. Hall, S. Hussain, Mrs J. Jessel, R. A. Johnston and Mrs B. Toon.

Mr David Trenergy, Parish Councillor, spoke on the application.

Mr S. Dobson and Mr P. Houldcroft, members of the public, spoke on the application.

Mr G. Elkin, agent for the applicant, spoke on the application.

Councillor S. McGarry, Ward Councillor, spoke on the application.

Resolved:

DEFER due to Members concerns regarding the access and public footpath safety, and queries regarding the County highways officer's report.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor G Allen		
Councillor E Barker		
Councillor K J Builth		
Councillor R Faulkner		
Councillor G Hall		
Councillor S Hussain		
Councillor Mrs J Jessel		
Councillor R Johnston		
Councillor Mr B Toon		

(Councillor M. J. Bowering did not vote as he had not attended the site visit).

At this juncture, Standing Orders were suspended to allow the meeting to continue.

4. **P/2018/00036 – Application seeks consent for an increase in the ridge and eaves height to facilitate the erection of a two storey side and rear extension to form a single conservatory, installation of roof lights to front and rear roof slopes and installation of windows and a door to the rear elevation of existing detached garage and formation of an additional parking area – Lawley Cottage, Newborough End, Newborough, Staffordshire DE13 8SR (Ward: Newborough)**

The above site visit was attended by Councillors E. Barker, K. J. Builth, R. Faulkner, G. Hall, S. Hussain, Mrs J. Jessel, R. A. Johnston and Mrs B. Toon.

Mrs A. Briggs and Mr M. Pickett, members of the public, spoke on the application.

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

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

Resolved:

PERMIT subject to the following conditions:

1. Time limit condition (3 years).
2. Compliance with the approved plans.
3. Submission of details of material.
4. Highways – the development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway have been completed.

5. Highways – the development hereby permitted shall not be brought into use until the parking area have been provided in accordance with the approved plans.
6. Highways – the development hereby permitted shall not be brought into use until the visibility splays shown on the approved drawing have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over 600mm above the adjacent carriageway level.
7. Garage to remain incidental to the main dwelling.

Informatives

1. Protected species informative.
2. Flood risk informative.
3. Highways dropped crossing informative.
4. Engagement informative.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker	Councillor Mrs B Toon	
Councillor K J Builth		
Councillor R Faulkner		
Councillor G Hall		
Councillor Mrs J Jessel		
Councillor R Johnston		

(Councillors G. Allen and M. J. Bowering did not vote as they had not attended the site visit).

5. **P/2017/01385 – Outline application for up to 135 dwellings including means of access – Land off Lightwood Road, Yoxall, Burton upon Trent, Staffordshire (Ward: Yoxall)**

The above site visit was attended by Councillors E. Barker, K. J. Builth, R. Faulkner, G. Hall, S. Hussain, Mrs J. Jessel, R. A. Johnston and Mrs B. Toon.

Mr B. Keys, Parish Councillor, spoke on the application.

Mr A. Mason and Mr N. Roberts, members of the public spoke on the application.

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

Resolved:

REFUSE for the following reasons:

1. East Staffordshire Local Plan Strategic Policy 1 lists principles in determining whether proposals constitute sustainable development. One principle is that proposals are located on, or with good links to the strategic highway network and should not result in vehicles harming residential amenity, cause highway safety issues or harm the character of open countryside.
2. East Staffordshire Local Plan Strategic Policy 8 states that outside settlement boundaries new development will not be permitted unless it is essential to the 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, in accordance with a 'Made' Neighbourhood Plan, is development under the rural Exceptions Sites policy, is appropriate reuse of Rural buildings, is infrastructure development where an overriding need for the development to be located in countryside can be demonstrated, provides renewable energy generation of a scale and design appropriate to its location and is otherwise appropriate in the countryside.
3. East Staffordshire Local Plan Strategic 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. Policy SP4 of the Local Plan states that the development requirement for Yoxall is 40 dwellings which will be delivered within the settlement boundary. The location is outside of the Yoxall settlement boundary and is not identified as a location for housing development in the adopted Local Plan or 'Made' Yoxall Neighbourhood Plan. The granting of permission would be contrary to SP2 and SP4 of the Local Plan and policy H2 of the 'Made' Yoxall Neighbourhood Plan. Both plans have reached such a stage where they can be attributed full weight and outweigh the presumption in favour of sustainable development accorded by the National Planning Policy Framework (particularly paragraphs 12, 14 and 17).
4. Members raised concerns about the access routes. They recognised the County highway comments for both this and previous applications, but the fact that the County highway felt justified in asking for an emergency access route, Members felt that it raised questions about the overall appropriateness of the proposed access route.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker		
Councillor K J Builth		
Councillor R Faulkner		
Councillor G Hall		
Councillor Mrs J Jessel		
Councillor R Johnston		
Cllr Mrs B Toon		

(Councillors G. Allen and M. J. Bowering did not vote as they had not attended the site visit).

249/18 **APPEALS RECEIVED AND DETERMINED**

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

250/18 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 5th March 2018 and 13th April 2018 was received and noted.

251/18 **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

252/17 **ENFORCEMENT SCHEDULE**

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

Chairman