

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 19th June 2018.

Present:

Councillors E. Barker (Chairman), M. J. Bowering, R. Faulkner, Mrs V. J. Gould, G. Hall, S. Hussain, Mrs J. F. Jessel, R. Johnston, Ms A. Legg, Mrs B. Toon and C. Whittaker.

Officers Present:

L. Durham (Senior Solicitor), S. Khan (Head of Service) A. Miller (Planning Manager), R. Duckworth (Planning Officer), A. Harvey (Principal Planning Officer) and N. Perry (Principal Planning Policy Officer).

Apologies for absence were received from Councillors K. J. Built and R. J. Clarke.

A minute silence was observed prior to the meeting to mark the death of John Kirkham (Senior Solicitor).

262/18 **DECLARATIONS OF INTEREST**

Councillors Mrs V. Gould, S. Hussain and Ms A. Legg declared that as they did not attend the initial site visit for application number P/2015/01497, they would take part in the debate but was unable to vote upon the application.

263/18 **MINUTES**

The Minutes of the meeting held on 22nd May 2018 were approved and signed as a correct record.

264/18 **URGENT BUSINESS**

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

265/18 **APPOINTMENT OF VICE CHAIRMAN**

Councillor M. J. Bowering was appointed vice-chairman for the ensuing year.

266/18 **STATEMENT ON HAZELWALLS**

Members received a short statement by the Chairman regarding Hazelwalls.

NOTED.

1. **P/2015/01497 – Erection of 429 dwellings, public open space, landscaping, drainage attenuation areas, access roads and associated works and the demolition of existing buildings – Hazelwalls Farm, Timber Lane, Uttoxeter ST14 8DQ (Ward: Uttoxeter Town)**

The above site visit was attended by Councillors E. Barker, M. J. Bowering, R. Faulkner, G. Hall, Mrs J. F. Jessel, R. Johnston, Mrs B. Toon and C. Whittaker.

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

Mr R. Barrington and Mrs J. Martin, members of the public, spoke on the application.

Mr Luke Webb, agent for the applicant, spoke on the application.

Resolved:

PERMIT subject to the following conditions set out in the officer's report and the completion of a Section 106 Agreement relating to the contributions set out in paragraph 24.3 of the July 2017 report and not being called in following referral to the Nation Planning Casework Unit:

1. Time limit for commencement (2 years).
2. Approved plans.
3. Submission and approval of samples and details of materials of construction,
4. Submission and approval of slab levels and land regarding works.
5. Submission and approval of drainage details.
6. Submission and approval of ecological surveys including bats and barn owls on the buildings to be demolished and subsequent method statement/construction environment management plan (protection of wildlife and supporting habitats).
7. Submission and approval of details of a phasing plan for the provision of the Public Open Space.
8. Submission and approval of lighting plan.
9. Submission and approval of ecological and biodiversity enhancement measures.
10. Submission and approval of a construction management plan and implementation of plan works to monitor and mitigate against dust.
11. Submission and approval of details of a site waste management plan.
12. Submission and approval of landscape and ecology/biodiversity management plan with long term objectives, management responsibilities and maintenance schedules for all landscaped areas to include a tree and hedgerow protection measures during construction.

13. Submission and approval of a program of archaeological works.
14. Submission and landscaping scheme.
15. Submission and approval of information pack to go into the welcome pack for each property to provide information relating to the Cannock Chase Sac and alternative recreational facilities in the area.
16. Mitigation measures to be submitted and agreed if during the course of the development contamination is found to be present.
17. Imported soil condition.
18. Occupation of the development hereby permitted, above the first 70 units, shall proceed at a rate to be agreed with Severn Trent Water while the required local sewerage improvements are carried out.
19. Implementation of landscaping.
20. Implementation of fencing and walling.
21. Development to be carried out in accordance with mitigation measures set out in ecology appraisal.
22. 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 are fledged.
23. Development to accord with the recommendations of the FRA.
24. Development carried out in accordance with Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.
25. Parking spaces shall be retained at all times for their designated purpose and integral garages indicated on the approved plans shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without prior express permission of the Local Planning Authority.
26. Any soakaways shall be located a minimum of 5.0m rear of the highway boundary.
27. Where a private access falls toward the public highway a surface water drainage interceptor, connected to a surface water outfall.
28. The relevant bin storage points to be provided before the dwellings they serve are first occupied and therefore retained for their stated purpose.
29. Obscure glazing for first floor windows on side elevations of Plots 1 (N), 105(E), 114(E), 127(N), 138(N), 139(N), 366(N), with opening parts more than 1.7 metres above the floor level.
30. Roof lights to have a black finish.
31. Removal of permitted development rights for wall and means of enclosure to front of properties except those approved by the consent.

Informatives

1. Standard engagement informative.
2. The applicant is advised to note and act upon as necessary the comments of the Police Architectural 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 takes precedence.
3. Pre-commencement conditions standard informative.
4. Footpaths informative – remain unaltered, open and obstruction free. Public Footpath No. 16 in the Parish of Uttoxeter Town runs through the site and no works should be undertaken which might adversely affect the rights of users.
5. The consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. The developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works agreed.
6. The condition above requiring off-site highway works shall require Major Works Agreements with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the agreement. The link below provides a further link to a Major Works Agreement Information Pack and an application form for the Major Works Agreement. The applicant is requested to complete and send to the address indicated on the application form which is Network Management Unit, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford ST16 2DH or (email to nmu@staffordshire.gov.uk) <http://www.staffordshire.gov.uk/transport/staffshighways/licences/>.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker	Councillor M Bowering	
Councillor G Hall	Councillor R Faulkner	
Councillor Mrs J Jessel		
Councillor R Johnston		
Councillor Mrs B Toon		
Councillor C Whittaker		

(Councillors Mrs V. Gould, S. Hussain and Ms A. Legg did not vote as they had not attended the original site visit on 18th July 2017).

2. **P/2017/00541 – Erection of 9 no. dwellings along with access – The Lont, Stubby Lane, Draycott in the Clay DE6 5BU (Ward: Draycott)**

The above site visit was attended by Councillors E. Barker, M. J. Bowering, R. Faulkner, Mrs V. J. Gould, G. Hall, S. Hussain, Mrs J. F. Jessel, R. Johnston, Ms A. Legg, Mrs B. Toon and C. Whittaker.

Mr B. Mullin, agent for the applicant, spoke on the application.

Resolved:

REFUSE planning permission on the following grounds:

1. The proposed development is outside of any settlement boundary, as defined in the East Staffordshire Local Plan and its proposals map, and is, therefore, in the countryside. Policy SP8 of the Local Plan precludes residential development in the countryside unless certain tests are sufficiently met. In this instance none of the criteria have been met in Policy SP8 so the application is considered to be inappropriate and unacceptable.
2. The East Staffordshire Local Plan plans for strategic growth of the Borough through the provision of allocated housing sites and a hierarchy of settlements in which developments would be suitable and acceptable. The location proposed for development is not identified as a location for housing development in the Local Plan under Policies SP2, SP4 and SP8. Whilst a Housing Needs Survey has been submitted it was not conducted in accordance with the methodology of the Housing Choice SPD and as such it is not an accurate marker of the actual housing need in the area. In respect of this it is considered that the granting of permission would be contrary to Policies SP2, SP4 and SP8 of the Local Plan as well as the Housing Choice SPD.
3. The proposed development fails to demonstrate a safe and practical pedestrian route to the settlements and amenities in Marchington and Draycott in the Clay thereby leading to an increased likelihood of pedestrian/vehicle conflict contrary to East Staffordshire Local Plan Policies SP1 and SP35 and Paragraphs 17 and 32 of the NPPF.
4. The proposed development fails to demonstrate that sustainable travel is viable and this would result in a high likelihood that residents of the proposed development would be unduly reliant on the private car for transport contrary to East Staffordshire Local Plan Policies SP1 and SP35 and Paragraphs 17 and 32 of the NPPF.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker		
Councillor M J Bowering		
Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor G Hall		
Councillor S Hussain		
Councillor J Jessel		
Councillor R Johnston		
Councillor Ms A Legg		
Councillor Mrs B Toon		
Councillor C Whittaker		

3. **P/2017/01569 - Outline application for up to 9 dwellings including means of access – 72 Stubby Lane, Draycott in the Clay DE6 5BU (Ward: Draycott)**

The above site visit was attended by Councillors E. Barker, M. J. Bowering, R. Faulkner, Mrs V. J. Gould, G. Hall, S. Hussain, Mrs J. F. Jessel, R. Johnston, Ms A. Legg, Mrs B. Toon and C. Whittaker.

Mr N. Reeves, agent for the applicant, spoke on the application.

Resolved:

REFUSE for the following reasons:

1. The proposed development is outside of any settlement boundary, as defined in the Local Plan and its policies map, and is, therefore, in the countryside. Policy SP8 of the East Staffordshire Local Plan precludes residential development in the countryside unless certain tests are sufficiently met. In this instance none of the criteria have been met in Policy SP8 so the application is considered to be inappropriate and unacceptable.
2. The East Staffordshire Local Plan plans for strategic growth of the Borough through the provision of allocated housing sites and a hierarchy of settlements in which developments would be suitable and acceptable. The location proposed for development is not identified as a location for housing development in the East Staffordshire Local Plan under Policies SP2, SP4 and SP8. Whilst a Housing Needs Survey has been submitted it was not conducted in accordance with the methodology of the Housing Choice SPD and as such it is not an accurate marker of the actual housing need in the area. In respect of this it is considered that the granting of permission would be contrary to SP2, SP4 and SP8 of the Local Plan as well as the Housing Choice SPD.
3. The submitted application fails to provide adequate information to demonstrate that an adequate visibility splay at the site access/Stubby Lane can be achieved and that forward visibility is sufficient for vehicles turning right into the development site contrary to Policies SP1 and SP35 of the East Staffordshire Local Plan and Paragraphs 17 and 32 of the NPPF in terms of sustainable and safe highways use.
4. The proposed development fails to demonstrate a safe and practical pedestrian route to the settlements and amenities in Marchington and Draycott in the Clay thereby leading to an increased likelihood of pedestrian/vehicle conflict contrary to East Staffordshire Local Plan Policies SP1 and SP35 and Paragraphs 17 and 32 of the NPPF.
5. The proposed development fails to demonstrate that sustainable travel is viable and this will result in the likelihood that future residents would be unduly reliant on the private car for transport contrary to Policies SP1 and SP35 of the East Staffordshire Local Plan and Paragraphs 17 and 32 of the NPPF in terms of sustainable and safe highway use.
6. The application is not accompanied by any Ecological Appraisal so the impacts of the proposals on protected species is unknown. As per the ODPM Circular 06/2005 and Defra Circular 01/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System where there is reasonable risk to protected species the risk needs to

be fully assessed prior to the determination of any application. In this instance there is a reasonable likelihood of protected species on the site including reptiles, great crested newts, breeding birds and bats with potential foraging sites for bats and badgers, therefore the application cannot be granted until this information is suitably presented and would fail against the afore mentioned Circulars and East Staffordshire Local Plan Policy SP29 and the NPPF.

7. The submitted application fails to fully demonstrate that a right-turn facility can be accommodated within existing highway limits and following recognised design standards contrary to Policies SP1 and SP35 of the East Staffordshire Local Plan, and Paragraphs 17 and 32 of the NPPF in terms of highway safety.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker		
Councillor M Bowering		
Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor G Hall		
Councillor S Hussain		
Councillor Mrs J Jessel		
Councillor R Johnston		
Councillor Ms A Legg		
Councillor Mrs B Toon		
Councillor C Whittaker		

4. **P/2017/01499 – Erection of 8 dwellings, comprising of 3 pairs of semi-detached dwellings and 2 detached dwellings and the erection of associated garages, including the formation of vehicular access – land off Woodlands Rise, Draycott in the Clay DE6 5LE (Ward: Draycott)**

The above site visit was attended by Councillors E. Barker, M. J. Bowering, R. Faulkner, Mrs V. J. Gould, G. Hall, S. Hussain, Mrs J. F. Jessel, R. Johnston, Ms A. Legg, Mrs B. Toon and C. Whittaker.

Dr C. Lowe and Mr M. Vale, members of the public, spoke on the application.

Ms J. Hodson, agent for applicant, spoke on the application.

Resolved:

REFUSE for the following reasons:

1. The proposed development is outside of any settlement boundary, as defined in the Local Plan and its proposals map, and is, therefore, in the countryside. Policy SP8 of the East Staffordshire Local Plan precludes residential development in the countryside unless certain tests are sufficiently met. In

this instance none of the criteria have been met in Policy SP8 so the application is considered to be inappropriate and unacceptable.

2. The Local Plan plans for strategic growth of the Borough through the provision of allocated housing sites and a hierarchy of settlements in which developments would be suitable and acceptable. The location proposed for development is not identified as a location for housing development in the East Staffordshire Local Plan under Policies SP2, SP4 and SP8. Whilst a Housing Needs Survey has been submitted it was not conducted in accordance with the methodology of the Housing Choice SPD and as such it is not an accurate marker of the actual housing need in the area. In respect of this it is considered that the granting of permission would be contrary to SP2, SP4 and SP8 of the East Staffordshire Local Plan as well as the Housing Choice SPD.
3. Staffordshire County Council Flood Risk Team have highlighted an issue with surface water drainage and the potential of localised flooding. Insufficient information has been submitted to establish evidence how the proposed development will impact upon the local hydrology, manage surface waters and prevent the exacerbation of current drainage issues, therefore, would be unacceptable, contrary to East Staffordshire Local Plan Policy SP27 and the NPPF.
4. The submitted Preliminary Ecological Appraisal states that further surveys regarding reptiles are required. As per the ODPM Circular 06/2005 and Defra Circular 01/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System there is a reasonable risk to protected species the risk needs to be fully assessed prior to the determination of any application. In this instance there is a reasonable likelihood of protected species on the site including reptiles, great crested newts, breeding birds and bats with potential foraging sites for bats and badgers, therefore the application cannot be granted until this information is suitably presented and would fall against the aforementioned Circulars and East Staffordshire Local Plan Policy SP29 and the NPPF.
5. The proposed development fails to demonstrate a safe and practical pedestrian route to settlements and amenities in Marchington and Draycott in the Clay thereby leading to an increased likelihood of pedestrian/vehicle conflict contrary to East Staffordshire local Plan Policies SP1 and SP35 and Paragraphs 17 and 32 of the NPPF.
6. The proposed development fails to demonstrate that sustainable travel is viable and this would result in a high likelihood that residents of the proposed development would be unduly reliant on the private car for transport contrary to East Staffordshire Local Plan Policies SP1 and SP35 and Paragraphs 17 and 32 of the NPPF.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker		Councillor S Hussain
Councillor M Bowering		Councillor R Johnston
Councillor R Faulkner		Councillor Ms A Legg
Councillor Mrs V Gould		

Councillor G Hall		
Councillor Mrs J Jessel		
Councillor Mrs B Toon		
Councillor C Whittaker		

5. **P/2018/00227 – Outline application for residential development (up to 7 no. dwellings) including means of access – Land off Stubby Lane, Draycott in the Clay (Ward: Draycott)**

The above site visit was attended by Councillors E. Barker, M. J. Bowering, R. Faulkner, Mrs V. J. Gould, G. Hall, S. Hussain, Mrs J. F. Jessel, R. Johnston, Ms A. Legg, Mrs B. Toon and C. Whittaker.

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

Resolved:

REFUSE on the following ground:

East Staffordshire Local Plan Policy SP1 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, causing highway safety issues or harming the character of the open countryside. East Staffordshire Local Plan Policy Strategic Policies 2 and 4 provide a development strategy directing growth to the most sustainable places. East Staffordshire Local Plan Policy 8 states that outside settlement boundaries new development will not be permitted unless it is amongst other things development under the Rural Exceptions Sites Policy (Policy SP18) and would provide that the detailed siting of the proposed development and its associated environmental impact are compatible with the character of the surrounding area.

East Staffordshire Local Plan Policy SP18 states inter alia that where the Council is satisfied in the light of evidence that there is a need for new affordable housing which will not otherwise be met, permission may be granted for a small development to specifically meet that need on a suitable site outside a settlement boundary provided that stated criteria in Policy SP18 are fulfilled and that the development complies with other relevant policies in the Local Plan. Policy SP24 of the East Staffordshire Local Plan states that planning permission will only be granted for proposals that relate well in design terms to their surroundings. Policy DP1 of the Local Plan states that development must respond positively to the context of the surrounding area and Policy DP3 expands upon this aim with specific reference to residential development.

Whilst information has been provided to accompany the application to justify the housing need for a rural exceptions site in the parish of Draycott in the Clay in line with the relevant housing needs based criteria of East Staffordshire Local Plan Policy SP18, the proposed development would be located beyond the edge of the settlement and would fundamentally and detrimentally change the rural character of the locality by reason of the imposition of a visually isolated development of an urban form and density onto land which as part of a larger field area is presently an integral part of the open countryside surrounding Draycott in the Clay. The inappropriateness of the development is emphasised in terms of its visual prominence as it occupies rising land at the junction of Stubby Lane and Yew Tree Lane. As such the proposed development would be contrary

to East Staffordshire Local Plan Policies SP1, SP2, SP4, SP8, SP18, SP24, DP1 and DP3 and the National Planning Policy Framework.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker		
Councillor M Bowering		
Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor G Hall		
Councillor S Hussain		
Councillor Mrs J Jessel		
Councillor R Johnston		
Councillor Ms A Legg		
Councillor Mrs B Toon		
Councillor C Whittaker		

268/18 **APPEALS RECEIVED AND DETERMINED**

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

269/18 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 9th May 2018 and 1st June 2018 was received and noted.

270/18 **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

271/17 **ENFORCEMENT SCHEDULE**

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

Chairman