

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 18th June 2019.

Present:

Councillors G. Hall (Chairman), Mrs B Ashcroft, Mrs B. Brady, K. J. Builth, R. Faulkner, Mrs V. J. Gould, G. Lamb, Ms A. Legg, S. McGarry, S. McKiernan, C. Sylvester, Mrs B. Toon and C. Whittaker.

Officers Present:

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

Also Present:

An apology for absence was received from Councillor E. Barker.

10/19 **DECLARATIONS OF INTEREST**

There were no declarations of interest at the commencement of the meeting.

11/19 **MINUTES**

The Minutes of the meeting held on 29th May 2019 were approved and signed as a correct record.

12/19 **URGENT BUSINESS**

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

13/19 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2018/00002 – Reserved Matters application for the erection of 5 detached dwellings with associated garages including details of appearance, landscaping, layout and scale (Revised Plans and Additional Details including Drainage Proposals) – Land adjacent to the Pump House, Jacks Lane, Marchington**

The above site visit was attended by Councillors Mrs B. Ashcroft, Mrs R. Brady, K. J. Builth, R. Faulkner, Mrs V. Gould, G. Hall, G. Lamb, Ms A. Legg, S. McGarry, S. McKiernan, C. Sylvester, Mrs B. Toon and C. Whittaker.

Mr Ian Morgan, parish councillor, spoke on the application.

Mr Cokayne, agent for the applicant, spoke on the application.

Resolved:

That for the reasons set out in the report then, **PERMIT** the reserved matters application subject to the following conditions:

1. List of approved plans including details of drainage and finished floor and land levels.
2. Prior to the commencement of the development the details of the proposed retaining wall on Jacks Lane are to be agreed and implemented as per the approval.
3. The development hereby approved shall be carried out in accordance with the submitted external materials details.
4. The development shall be undertaken in accordance with the Written Scheme of Archaeological Investigation.
5. All existing trees and hedges shown as being retained on the plans shall be protected by fencing in line with British Standards.
6. No tree or hedge removal during bird nesting season unless otherwise agreed in writing.
7. The widening of Jacks Lane to a minimum width of 5 metres and the provision of a 1.8 metre wide footway outside the application site to be completed before first occupation of any dwelling.
8. The existing vehicular access shall be permanently closed as per the approved details.
9. Visibility splays of 2.4 metres x 43 metres shall be provided to the new vehicular access before first occupation and maintained thereafter.
10. All garage spaces shall be provided before first occupation and be made available at all times for the parking of vehicles and cycles.
11. Cycle store to Plot 2 shall be provided before first occupation and retained thereafter.
12. Vehicle charging points shall be provided to the garages to the dwellings prior to the first occupation of the relevant dwelling and thereafter retained.
13. The approved parking, turning and servicing areas shall be provided in accordance with the approved details before first occupation.
14. The approved surface water drainage interceptor scheme shall be completed prior to first occupation and thereafter retained.
15. No dwelling unit to be first occupied until written confirmation has been secured from Severn Trent Water Limited that the agreed new connection to the company's combined system in Jacks Lane has been completed in accordance with the necessary Section 106 Application under the Water Industry Act 1991.

16. Prior to the first occupation of any dwelling the surface water drainage system within the site (with a maximum surface water discharge rate of 2 litres per second shall be completed in accordance with the approved details and thereafter retained.
17. Prior to the first occupation of any dwelling the foul water drainage system shall be completed in accordance with the approved scheme and thereafter be maintained/retained.
18. The proposed boundary treatments as shown on the approved plans listed at condition 1 above along with a 1.8 metre high close boarded timber fence to the north-eastern boundary of Plots 1 and 2 shall be erected before the relevant dwelling unit(s) they serve are first occupied.
19. The approved bin presentation point(s) shall be provided before the relevant dwelling(s) is first occupied and retained thereafter.
20. All existing trees and hedges shown as being retained on the plans hereby approved shall be protected by fencing in line with British Standards.
21. Requirement for the approved landscaping to be implemented in first planting season. Once planted the replacement hedgerow on the Jacks Lane frontage of the site shall be allowed to grow to a minimum height of 1.8 metres above its ground level and once established shall thereafter be maintained/retained at that minimum height of 1.8 metres for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
22. The approved surface water drainage system shall once installed shall be maintained thereafter for the lifetime of the development in accordance with the approved maintenance scheme.
23. Withdrawal of permitted development rights so that no dwelling(s) shall be altered or extended and no buildings or structures shall be erected within their curtilages(s) unless planning permission has first been granted by the Local Planning Authority.

Informatives

1. Standard engagement note.
2. The conditions of outline permission ref: P/2016/00978 addressed by this Reserved Matters approval are as follows:

Condition 2: being the layout, scale and appearance of the building(s) to be erected.

The pre-commencement elements of the following conditions of the outline approval are addressed by this reserved matters submission:

Conditions 6, 7, 8, 10, 11, 13 and 14.

The pre-commencement element of the conditions below have yet to be discharge of condition(s):

Condition 9 (construction management plan).

3. Conditions of this reserved matters approval require details to be approved as the development progresses: This means that development/works may not be lawful until the particular requirements of these conditions have been met.
4. The conditions of the outline/reserved matters approvals requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council.
5. The County Highway Authority advise that the applicant should be mindful that as part of the highway works to be carried out under a Section 278 Major Highway works agreement, surface water drainage for the new areas of impermeable surfacing treatments within the highway will need to be addressed.
6. The applicant is advised that the Environmental Health Manager recommends that construction hours be restricted to the following:
 - Monday to Friday (except Bank Holidays): 07.30 to 18.00 hours
 - Saturdays: 08.00 – 14.00 hours
 - Sundays/Bank Holidays: No working
7. The applicants are advised that adequate provision must be made to prevent dust during construction from affecting neighbouring properties.
8. The applicants are reminded to also comply with all parts of the relevant conditions of the outline approval ref: P/2016/00978. Specifically in relation to drainage condition 11 of that approval requires that “no dwelling hereby permitted shall first occupied until the drainage scheme for foul and surface water disposal approved by the local planning authority has been implemented and the works completed in accordance with the approved details and until confirmation of such, in respect of the foul sewerage system improvements have been obtained from Severn Trent Water Limited and a copy of that confirmation has been provided in writing to the Local Planning Authority”. The applicant’s attention is also drawn to the informatives set out on the decision notice for outline approval ref: P/2016/00978.
9. The applicants are advised to contact Severn Trent Water Limited in relation to the new connection to the Severn Trent Water Limited combined system in Jacks Lane as required by condition 11 above. The Section 106 application under the Water Industry Act 1991 should be made via Severn Trent Water Limited’s Developer Services team by calling them 0800 7076600 or email them new.connection@severntrent.co.uk
10. The County Highway Authority advises that any soakaways shall be located a minimum 4.m rear of the public highway/land adoptable as public highway.
11. The applicants are advised that no gates to serve the dwellings hereby permitted shall open over the public highway.
12. The County Highway Authority advise that the access arrangements to the scheme will not be adopted.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor B Ashcroft		
Councillor B Brady		
Councillor K Builth		
Councillor R Faulkner		
Councillor V Gould		
Councillor G Hall		
Councillor G Lamb		
Councillor Ms A Legg		
Councillor S McGarry		
Councillor S McKiernan		
Councillor C Sylvester		
Councillor Mrs B Toon		
Councillor C Whittaker		

2. **P/2018/01408 – Conversion and alteration to existing public house to form 2 dwellings including partial demolition, installation of front and rear dormer windows, rising of the roof height, erection of a first floor extension and installation of insulated render, erection of three detached dwellings and a terrace of three dwellings, erection of two detached garages – Blacksmiths Arms, Birch Cross, Marchington ST14 8NX (Ward: Crown)**

The above site visit was attended by Councillors Mrs B. Ashcroft, Mrs R. Brady, K. J. Builth, R. Faulkner, Mrs V. Gould, G. Hall, G. Lamb, Ms A. Legg, S. McGarry, S. McKiernan, C. Sylvester, Mrs B. Toon and C. Whittaker.

Mr Andrew Mann, parish councillor, spoke on the application.

Mr Chris Bexon, a member of the public, spoke on the application.

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

Resolved:

That for the reasons set out in the report **REFUSE** planning permission on the following grounds:

1. The proposed development is outside of any settlement boundary, as defined in the East Staffordshire Local 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 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 in the Housing Choice SPD and as such 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, SP8 and SP18 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 settlement and amenities in Marchington thereby leading to an increased likelihood of pedestrian/vehicle conflict contrary to East Staffordshire Local Plan policies SP1 and SP35 and 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 the NPPF.
5. The overall scale and form of the conversion and the new dwellings, along with the fenestration details would detrimentally affect the character and appearance of the existing Public House and fails to result in a satisfactory relationship with the surrounding locality. It is considered that the development does not reflect the historic use of the site or the wider rural locality and as such would be in conflict with Local Plan Policies SP1, SP24, DP1, DP3, Neighbourhood Plan Policies DP1 and H3 and the NPPF.
6. Proposal will have an adverse impact on the architectural and traditional character of the existing building which is a non-designated heritage asset and due to the alterations to the front elevation of the existing building and loss of traditional character, very minor harm to the setting of the listed building would be caused as a result of the proposal. The development would therefore conflict with East Staffordshire Local Plan Policies SP25 and DP5, Policy DP1 of the Marchington Neighbourhood Plan and the NPPF.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor B Ashcroft		
Councillor B Brady		
Councillor K Builth		
Councillor R Faulkner		
Councillor V Gould		
Councillor G Hall		
Councillor G Lamb		
Councillor Ms S Legg		
Councillor S McGarry		
Councillor S McKiernan		
Councillor C Sylvester		
Councillor Mrs B Toon		
Councillor C Whittaker		

14/19 **APPEALS RECEIVED AND DETERMINED**

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

15/19 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 13th May 2019 and 31st May 2019 was received and noted.

16/19 **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

17/19

ENFORCEMENT SCHEDULE

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

Chairman