

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

PLANNING APPLICATIONS COMMITTEE MEETING

Minutes

THURSDAY, 22 NOVEMBER 2018

PRESENT: Councillor S Ellis (Chair)

Councillors B Cawley, J Davies, M Gledhill, P Jackson, C R Jebb, L D Lea, G Lockett, I J Lucas, D Ogden, C Pearce, T Riley, P Roberts and S Scalise

IN ATTENDANCE:	J Curley	Principal Planning Officer
	S Hampton	Member and Community Services Officer
	B Haywood	Operations Manager - Development Services
	R Simpkin	Senior Planning Officer
	J Stannard	Planning Officer
	P Trafford	Member & Community Services Officer
	Z Walker	Legal Advisor, Freeths LLP

81 CHAIR'S ANNOUNCEMENTS

- a) The Chair confirmed that the meeting was being broadcast live to the internet and was capable of repeated viewing. The images and sound recording could be used for training purposes within the Council. The Chair had the discretion to terminate or suspend filming if it was his opinion that continuing to do so would prejudice the proceedings of the meeting. It was likely that recording cameras would capture the image of persons seated in the public gallery and that image would become part of the broadcast. Any views expressed by any speaker in the meeting were the speaker's own and did not necessarily reflect the views of Staffordshire Moorlands District Council. Technical difficulties were being experienced, meaning that some camera views were 'distant' due to 2 of the 3 cameras malfunctioning. Public speakers were sat in different positions than normal as a result.
- b) Members of the Committee and Officers present were introduced by the Chair.
- c) Agenda Item 7 (SMD/2017/0722 – Land at Blythe Park, Sandon Road, Cresswell) was to be heard after Agenda Items 8 and 9 in order to better accommodate the registered speakers.

82 MINUTES OF THE PREVIOUS MEETING

Councillor Pearce confirmed that in Minute 73 (Declarations of Interest) his Disclosable Pecuniary Interest was recorded against Agenda Item 9 (SMD/2018/0371 – The Woodlands, Leek Road, Leekbrook) instead of Agenda Item 10 (SMD/2018/0499 – Leek Cattle Market, Junction Road, Leek). "Other" interests for all members present at the meeting were omitted from Agenda Item 10.

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RESOLVED – That, subject to the above amendments, the Public Minutes of the Planning Applications Committee held on 25 October 2018 be approved as a correct record and signed by the Chair.

83 **URGENT ITEMS, IF ANY.**

There were no urgent items.

84 **DECLARATIONS OF INTEREST**

The following declarations were made at this point:-

Agenda Item	Member Declaring Interest	Nature of Interest
Agenda Item 6 – Tree Preservation Order at 10 Curzon Rise, Leek	Cllr. Cawley	“Other” – Met householders previously
	Cllrs. Roberts & Lockett	Lobbied – No response issued
Agenda Item 7 – SMD/2017/0722 – Land at Blythe Park, Cresswell	Cllr. Jebb	“Other” – Knows Applicant
	Cllr. Pearce	“Other” – Knows speaker
	Cllr. Roberts	Lobbied – No response issued
Agenda Item 8 – SMD/2017/0434 – Land off Thorncliffe Road, Leek	Cllrs. Cawley, Davies, Ellis, Gledhill, Jackson, Jebb, Lea, Lockett, Lucas, Ogden, Pearce, Riley, Roberts & Scalise	“Other” – Know speakers as previous SMDC employee (1) and fellow SMDC Cllrs (2). Also Applicant is a fellow SMDC Cllr.
	Cllrs. Cawley, Davies, Ellis, Gledhill, Jackson, Jebb, Lea, Lockett, Lucas, Ogden, Pearce, Riley, Roberts & Scalise	Lobbied – No response issued
	Cllr. Lockett	Alleged predetermination– Lead objector had requested that Cllr. Lockett did not take part in this item
Agenda Item 9 – SMD/2018/0174 – Land at Cheddleton Park Avenue, Cheddleton	Cllrs. Cawley, Davies, Ellis, Gledhill, Jackson, Jebb, Lea, Lockett, Lucas, Ogden, Pearce, Riley, Roberts & Scalise	“Other” – Know speakers as fellow SMDC Cllrs. (2)
	Cllr. Scalise	“Other” – Ward Cllr.
	Cllr. Lockett	“Other” – Knows Applicant
	Mrs. Sally Hampton	“Other” – Owns property nearby
Agenda Item 11 – SMD/2018/0455 – Briar Clough, Clay Lake, Endon	Cllr. Jebb	“Other” – Knows objector
	Cllr. Lockett	Lobbied – No response issued

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Agenda Item	Member Declaring Interest	Nature of Interest
Agenda Item 12 – SMD.2018/0410 – Tunstead, Park Lane, Cheddleton	Cllrs. Cawley, Davies, Ellis, Gledhill, Jackson, Jebb, Lea, Lockett, Lucas, Ogden, Pearce, Riley, Roberts & Scalise	“Other” – Know speaker as fellow District Cllr.

85 **TO CONSIDER CONFIRMATION OF TREE PRESERVATION ORDER NO. SM.307 AT 10 CURZON RISE, LEEK**

(Councillor Cawley had declared an “other” interest. Councillors Roberts and Lockett had declared a lobbying interest.)

RECEIVED – A representation against the Tree Preservation Order in its entirety from the owner / occupier of 10 Curzon Rise, which was read out by the Legal Advisor.

CONSIDERED – TPO No. SM.307 was made as a provisional Order on 26th July 2018, protecting 4 individual trees situated at 10 Curzon Rise. A copy of the provisional TPO plan was attached at Appendix A, and the schedule at Appendix B.

Objection to the TPO had been submitted by the property owners; by the owner/occupier of a neighbouring property Ravenscroft, Westwood Park Drive; and by Leek Town Council. These were considered in detail in the report.

There were issues which had come to light since the TPO was first made, and which were noted in the tree owners’ grounds of objection, in relation to structural damage to a retaining wall which appeared to be caused by the roots of the Pine tree protected as T2. These issues were considered valid and, on balance, overriding. It was therefore recommended that legal protection over T2 be no longer maintained.

Notwithstanding objections in relation to T1, T3 and T4, it is considered that these trees were of significant public amenity value and appropriately protected by TPO. In conclusion it was recommended that TPO No. SM.307 be confirmed, but with modification to omit T2.

NOTED - Late Representations Report (LRR) contained further comments from the owner / occupier of 10 Curzon Rise.

RESOLVED - That Tree Preservation Order (TPO) No. SM.307 be confirmed, but with modification to omit tree T2 (Black Pine) in accordance with the amended plan and schedule as Appendices C and D to the report respectively

(Proposed by Councillor Roberts and seconded by Councillor Jackson.)

86 SMD/2017/0434 - LAND OFF THORNCLIFFE ROAD, LEEK

OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT, INCLUDING ACCESS, WITH ALL OTHER MATTERS RESERVED FOR FUTURE APPROVAL FOR LAND DESIGNATION LTD.

(Report recommended Refusal)

(Councillor Lockett had declared an alleged predetermination, left the room and took no part in the discussion or vote. All Councillors present had declared "other" and lobbying interests.)

RECEIVED – Representations from the undermentioned speakers:-

Against the application:

Mr. Mike Sutcliffe	-	On behalf of local residents
Mrs. Karen Barker	-	Objector
Mr. Paul Morris	-	Objector
Cllr. Darren Price	-	Ward Councillor
Cllr. Charlotte Atkins	-	County Councillor

For the application:

Mr. Joe O'Sullivan	-	Applicant's Agent
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NOTED - 1. Staffs County Council Highways had withdrawn their objection prior to the meeting. The 2nd Reason For Refusal was withdrawn as a result but the other 2 remained.

RESOLVED – That the application be **REFUSED** for the reasons and based on the policies contained in the report.

(Proposed by Councillor Davies and Seconded by Councillor Roberts.)

87 SMD/2018/0174 - LAND AT CHEDDLETON PARK AVENUE, CHEDDLETON

OUTLINE APPLICATION WITH MEANS OF ACCESS FOR RESIDENTIAL DEVELOPMENT OF UP TO 8 DWELLINGS FOR MOORLANDS HOMES (CHEADLE) LTD.

(Report recommended Refusal)

(All Councillors present had declared a "other" interests. Mrs Sally Hampton had also declared an "other" interest.)

RECEIVED – Representations from the undermentioned speakers:-

Against the application:

Mrs. Kim Gunn	-	Objector
Cllr. Mike Bowen	-	Ward Councillor
Cllr. Mike Worthington	-	Ward Councillor

For the application:

Mr. Frank Murray	-	Applicant
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- NOTED - 1. LRR contained Conservation Officer comments – unable to support the application. Also Planning Officer added a 2nd Reason For Refusal – harm to heritage assets, Policy DC2. Original Reason For Refusal to include Policy DC3 – protection of local landscape character.
2. Applicant advised that the lack of a Great Crested Newt report was due to the request for it being received too late for the breeding season.

RESOLVED – That the application be **REFUSED** for the reasons and based on the policies contained in the report

(Proposed by Councillor Lockett and Seconded by Councillor Davies.)

Councillor Jebb left at this point and did not return.

88 **SMD/2017/0722 - LAND AT BLYTHE PARK, SANDON ROAD, CRESSWELL**

APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE PERMISSION SMD/2014/0576 AT PLOT 1 FOR A WAREHOUSE ASSEMBLY UNIT FOR SCENTAREA LTD.

(Report recommended Approval)

(Councillors Jebb and Pearce had declared “other” interests. Councillor Roberts had declared a lobbying interest.)

RECEIVED – Representations from the undermentioned speakers:-

Against the application:

Mrs. Sheila Wood - Objector

For the application:

Mr. Howard Clulow - Applicant

- NOTED - 1. LRR contained 2 letters against, 1 letter in favour (from Applicant), 1 from SCC Highways with no objections and comments from the Planning Officer.
2. Additional condition requested to prevent parking on the site access road.
3. Clarification that the access road would be completed prior to **occupation**, not **commencement** of construction. Applicant confirmed that access road construction was to commence at the same time as construction of the warehouse.
4. Additional condition requested for the building to be finished in green (delegated to officers).

RESOLVED – 1 - That the application be **APPROVED** for the reasons and based on the policies contained in the report, subject to the conditions contained in the report and the additional conditions referred to above.

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2 - In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager - Development Services be delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes did not exceed the substantive nature of the Committee's decision.

(Proposed by Councillor Lockett and Seconded by Councillor Davies.)

89 **SMD/2018/0522 - LAND ADJACENT TO 2 HILLSIDE AVENUE, ENDON**

PROPOSED DETACHED DWELLING TO LAND ADJACENT TO 2 HILLSIDE AVENUE, ENDON FOR MR. M. LAWLOR.

(Report recommended Approval)

RECEIVED – Representation from the undermentioned speaker:-

For the application:

Mrs. Kim Wilson - Applicant's Agent

- NOTED - 1. Members were thankful that the Applicant had listened to advice given at the outline stage.
2. Additional condition requested – removal of Permitted Development Rights. Officers confirmed that this was already included at condition 13 of the recommendation.

RESOLVED – 1 - That the application be **APPROVED** for the reasons and based on the policies contained in the report, subject to the conditions contained in the report

2 - In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal), prior to the decision being issued the 'Operations Manager-Development Services' be delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes did not exceed the substantive nature of the Committee's decision.

(Proposed by Councillor Roberts and Seconded by Councillor Lockett.)

90 **SMD/2018/0455 - BRIAR CLOUGH, CLAY LAKE, ENDON**

PROPOSED DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 2 NEW DWELLINGS FOR MR. RUSHTON.

(Report recommended Approval)

(Councillor Jebb had declared an "other" interest. Councillor Lockett had declared a lobbying interest.)

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RECEIVED – Representation from the undermentioned speaker:-

Against the application:

Mr. Frederick Goldstraw - Objector

- NOTED - 1. LRR contained comments from Applicant's Agent – pre application advice WAS sought.
2. Change to Government policy regarding Green Belt meant that this was permitted as limited infil within a village and therefore not inappropriate development in the Green Belt.
3. Drainage concerns expressed by objector regarding the soakaway, shared by members..

It was **PROPOSED** by Councillor Roberts and **SECONDED** by Councillor Lockett that the application be **REFUSED**. Upon being put to the vote, there was a parity of votes. The Chair then used his casting vote to **REFUSE** the application, contrary to officer recommendation for the reasons / policies stated below:-

Reasons / Policies

- Policy DC1 – Inappropriate design
- Policy DC3 – Harmful to streetscene

(Proposed by Councillor Roberts and Seconded by Councillor Lockett.)

91 **SMD/2018/0410 - TUNSTEAD, PARK LANE, CHEDDLETON**

RETROSPECTIVE APPLICATION FOR ERECTION OF 2 SHEDS FOR MR. & MRS. DOCKSEY.

(Report recommended Refusal)

(All Councillors present had declared "other" interests.)

RECEIVED – Representation from the undermentioned speaker:-

For the application:

Cllr. Mike Worthington - Ward Councillor

Mrs. Karen Docksey had registered to speak in favour but, in the event, declined to speak.

- NOTED - 1. Retrospective application brought about by enforcement action.
2. Confirmed that the whole site was washed over by the Green Belt. Clarification regarding curtilage of the property.

It was **PROPOSED** by Councillor Lockett and **SECONDED** by Councillor Roberts that, contrary to officer recommendation, the application be **APPROVED**. Upon being put to the vote, the motion was **LOST**.

RESOLVED – That the application be **REFUSED** for the reasons and based on the policies contained in the report

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(Proposed by Councillor Gledhill and Seconded by Councillor Jackson.)

Councillor Lea left at this point and did not return.

92 APPEALS REPORT

Ben Haywood presented a report showing:-

- Appeals submitted – 3
- Appeal decisions received – 6, detailed as follows:-

Reference	Address	Decision Date	Recommendation	Decision	Appeal Decision
SMD/2018/0236	Well Lane, Gillow Heath	Delegated – 14/06/2018	Refuse	Refused	18/9/2018 - Dismissed
SMD/2017/0516	Highfield House, Longsdon	Delegated – 06/09/2017	Refuse	Refused	20/09/2018 – Dismissed
SMD/2018/0183	12 Kent Drive, Endon	Delegated – 23/05/2018	Refuse	Refused	03/10/2018 - Dismissed
SMD/2017/0268	1 Royal Cottages, Biddulph Common	Delegated – 24/11/2017	Refuse	Refused	16/10/2018 – Dismissed
DET/2018/0002	Hayes Gate Farm, Oakamoor	Delegated – 15/03/2018	Refuse	Refused	Allowed
SMD/2017/0694	High View, Longsdon	Delegated – 11/01/2018	Refuse	Refused	Dismissed

The LRR contained 2 corrections to the details quoted in the report –

1. Ref. SMD/2017/0694 – Summary description in the report read “Change of use of an agricultural building to a dwellinghouse (Class C3)” and was corrected to “Outline for a single dwelling in the Green Belt”.
2. Ref. DET/2018/0002 – Appeal decision read “Dismissed” and was corrected to “Allowed”.

RESOLVED – That the report be **NOTED**.

93 DISCOUNTED FOR SALE AFFORDABLE HOUSING

Ben Haywood presented the report following a previous request from members for clarification with regard to the use of ‘discounted for sale’ housing as part of the affordable provision in new residential developments.

In June 2018, the Council submitted the Local Plan to the Secretary of State for examination, which was now under way and stated *“Unless circumstances dictate otherwise and in agreement with the Council, 60% of all affordable dwellings provided on each site will be social / affordable rented housing with the remaining 40% being intermediate / starter homes.”* Ben confirmed that the evidence base for the Local Plan supported the 60/40 split.

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Responding to a member query, the Legal Advisor confirmed that legislation was not yet in force with regard to 20% discount.

RESOLVED – That the report be **NOTED**.

94 **EXCLUSION OF THE PRESS AND PUBLIC**

“That pursuant to Section 100A (2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or nature of the proceedings whereby it is likely that exempt information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100I (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the paragraphs indicated.”

95 **TO APPROVE AS A CORRECT RECORD THE EXEMPT MINUTES OF THE LAST MEETING**

Members considered the exempt minutes of the meeting of the Planning Applications Committee held on 25 October 2018.

96 **PERFORMANCE ON PLANNING ENFORCEMENT**

Members were advised on a number of ongoing and closed planning enforcement cases.

The meeting closed at 5.37 pm

_____ Chairman _____ Date