

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

PLANNING APPLICATIONS COMMITTEE MEETING

Minutes

THURSDAY, 16 DECEMBER 2021

PRESENT: Councillor P Roberts (Chair)

Councillors B Cawley, S Coleman, J Davies, S Ellis, B Emery,
K Flunder, M Gledhill, T Holmes, K Hoptroff, P Jackson, I Plant,
T Riley and P Wilkinson

IN ATTENDANCE: S Hampton Member and Community Services Officer
P Trafford Member & Community Services Officer
B Haywood Head of Development Services
S Massey Trees & Woodlands Officer
J Price-Jones Legal Advisor

APOLOGIES: None

276 **CHAIR'S ANNOUNCEMENTS**

The Chair announced the following:

- a) The meeting was being broadcast live to the internet via the usual webcasting facility 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. 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.
- b) The meeting was held in the Council Chamber, Moorlands House. Members were seated a minimum of 2 meters apart. The Public Gallery was arranged so that social distancing requirements were met, with limited spaces available.
- c) Members of the Committee and Officers present were introduced by the Chair.
- d) Mobile phones be switched off or to silent.
- e) Given the social distancing restrictions in place due to the Coronavirus Pandemic, no actual site visits were undertaken relating to this meeting. However, photos/video were shown to all members both before and during the meeting showing all views of the application sites.
- f) Agenda Item 8 – SMD/2021/0654 – Sharpcliffe Hall, Bradshaw Lane, Ipstones had been withdrawn by the applicant prior to the meeting.
- g) Agenda Item 13 – TPO SM 323 – Greywoods, Cheddleton Road, Leek was to be heard as 1st item in order to release the Trees and Woodlands Officer to attend a further meeting.

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277 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting of the Planning Applications Committee held on 11 November 2021 be **APPROVED** as a correct record and signed by the Chair.

278 **URGENT ITEMS, IF ANY.**

There were no urgent items.

279 **DECLARATIONS OF INTEREST**

The following declarations were made at this point, unless stated otherwise:-

Agenda Item	Member Declaring Interest	Nature of Interest
Agenda Item 6 – SMD/2021/0649 – Oak Lodge, Sandy Lane, Brown Edge	Cllr. Flunder	“Other” – County Councillor & knows 2 speakers
	Cllr. Roberts	Lobbied – No response issued
Agenda Item 7 – SMD/2021/0461 – Forest School Nursery, Six Oaks Farm RSPB, Apesford Lane, Bradnop	Cllrs. Gledhill & Hoptroff	“Other” – Know the speaker
Agenda Item 9 – SMD/2021/0565 –Land adj. The Bungalow, High Street, Kingsley	Cllrs. Cawley, Coleman, Davies, Ellis, Emery, Flunder, Gledhill, Holmes, Hoptroff, Jackson, Plant, Riley, Roberts & Wilkinson	“Other” – Speaker is a fellow District Councillor
Agenda Item 10 – SMD/2020/0491 – Launders Bank Farm, Eaves Lane, Armshead	Cllrs. Cawley, Coleman, Davies, Ellis, Emery, Flunder, Gledhill, Holmes, Hoptroff, Jackson, Plant, Riley, Roberts & Wilkinson	“Other” – Speaker is a fellow District Councillor
Agenda Item 12 – SMD/2021/0700 – Former Railway Line, Barnfield Road, Leek	Cllrs. Cawley, Coleman, Davies, Ellis, Emery, Flunder, Gledhill, Holmes, Hoptroff, Jackson, Plant, Riley, Roberts & Wilkinson	“Other” – Application on Council owned land
	Cllrs. Coleman, Gledhill & Hoptroff	“Other” – Ward Councillors

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Agenda Item	Member Declaring Interest	Nature of Interest
Agenda Item 13 – TPO SM323 – Greywoods, Cheddleton Road, Leek	Mr. Ben Haywood	“Other” – Knows neighbour

280 **TPO - SM 323 - CONFIRMATION OF TREE PRESERVATION ORDER - GREYWOODS, CHEDDLETON ROAD, BIRCHALL, LEEK**

TO CONSIDER CONFIRMATION OF TREE PRESERVATION ORDER No. SM 323 – GREYWOODS, CHEDDLETON ROAD, LEEK.

(Report recommended Confirmation)

Mr. B. Haywood had declared an “other” interest.

CONSIDERED – TPO No. SM 323 was made as a provisional order on 28 July 2021, protecting 1 individual tree and 3 groups of trees within the garden of Greywoods, as denoted on the TPO plan and listed in the TPO schedule. An in-principle objection to the TPO was submitted by the executor of the now former owner’s estate. Further objection was received from the owners of a neighbouring property – Aldbury, which is served by a shared access drive running alongside group G3.

NOTED - 1. The TPO was made following 2 applications to build on land attached to Greywoods.

RESOLVED – That Tree Preservation Order (TPO) No. SM 323 be **CONFIRMED** without modification.

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

281 **SMD/2021/0649 - OAK LODGE, SANDY LANE, BROWN EDGE**

CERTIFICATE OF LAWFULNESS FOR CHANGE OF USE FROM CLASS C3 (DWELLINGHOUSE) TO CLASS C2 (RESIDENTIAL INSTITUTION) FOR BEDSPACE RESOURCE Ltd.

(Report recommended Approval)

Councillor Flunder had declared an “other” interest. Councillor Roberts had declared a lobbying interest.

RECEIVED – Representation from the undermentioned speakers:-

Against the application:

Cllr. Adrian Felton	-	Representing Brown Edge PC
Cllr. Anthony Bedson	-	Representing Busy Bees Nursery
Mr. Mark Wright	-	Objector

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For the application:

Mr. Carl Copestake - Applicant's Agent
Mr. Daniel Wilson - Applicant

- NOTED -**
1. Late Representations Report (LRR) contained:-
 - 1 letter of objection and Officer's responses to points made;
 - Emails from Agent correcting the Planning Statement to confirm that there would not be en-suite facilities within the childrens' bedrooms and a correction of Paragraph 3.1 to confirm that the property was NOT currently vacant.
 2. Legal Advisor confirmed that this was different from a normal planning application. The certificate being sought was to confirm that planning permission was not required for the proposed change of use. There was much case law on similar matters involving Appeals and Judicial Reviews.

Councillor Flunder moved **REFUSAL** and Councillor Wilkinson seconded the motion. However at the vote, the motion was not passed.

RESOLVED – That a 'Certificate of Lawfulness' be **APPROVED** for the proposed use for the reasons and based on the policies contained in the report.

(Proposed by Councillor Cawley and seconded by Councillor Gledhill.)

282 **SMD/2021/0461 - FOREST SCHOOL NURSERY, SIX OAKS FARM RSPB, APESFORD LANE, BRADNOP**

INCREASE CAPACITY OF CHILDREN BY 15 No. FOR ONE DAY PER WEEK, REPLACEMENT OF BELL TENT WITH WOODEN STRUCTURE, RETROSPECTIVE REPLACEMENT OF CANVAS CANOPY WITH WOODEN STRUCTURE FOR MISS KIRSTY NELSON.

(Report recommended Approval)

Councillors Gledhill & Hoptroff had declared "other" interests.

RECEIVED – Representation from the undermentioned speaker:-

Against the application:

Mrs. Isabel Smith - Objector

- NOTED -**
1. Late Representation Report (LRR) contained amended condition 4 – No more than 30 children and 5 members of staff at any one time on one day per week between the hours of 09:00 and 15:00. No more than 15 children and 4 members of staff at any one time on any other day of the week between the hours of 08:30 and 17:30. There shall be no use of the site on Saturday and Sunday.
 2. The application was deferred at the previous meeting to seek the views of Natural England.

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3. Members requested additional conditions for – a) creation of a bin store via suitable landscaping, and b) keep the increase of the number of children on site to the same day each week.

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

FURTHER RESOLVED - 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 Head of Development Services had 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 Cawley and seconded by Councillor Davies.)

283 **SMD/2021/0654 - SHARPCLIFFE HALL, BRADSHAW LANE, IPSTONES**
*****WITHDRAWN BY APPLICANT*****

284 **SMD/2021/0565 - LAND ADJACENT THE BUNGALOW, HIGH STREET, KINGSLEY**

ERECTION OF 1 No. DWELLING FOR Mr. J MATTHEWS.

(Report recommended Approval)

All members had declared "other" interests.

RECEIVED – Representations from the undermentioned speakers:-

Against the application:

Mr. Ivor Lucas	-	Objector
Mr. Daniel Lucas	-	Objector
Mr. George Mason	-	Objector
Cllr. Mike Worthington	-	On behalf of Cllr. James Aberley

NOTED - 1. Late Representation Report (LRR) contained 3 letters of objection and Officer response to points raised.

2. Cllr. Worthington (speaker) had consulted SCC Highways, who advised that they would need to see a 'Construction Environmental Management Plan' (CEMP) as a result of points made. Cllr. Worthington requested deferral on this basis.

3. Staffordshire Wildlife Trust (SWT) had submitted comments and a holding objection on the day of the meeting.

RESOLVED – That the application be **DEFERRED** to enable the CEMP to be completed and for the holding objection from SWT to be addressed.

(Proposed by Councillor Holmes and seconded by Councillor Wilkinson.)

285 **SMD/2020/0491 - LAUNDERS BANK FARM, EAVES LANE, ARMSHEAD**

REPLACEMENT FARM DWELLING FOR MR. GEORGE HUGHES

(Report recommended Refusal)

All members had declared "other" interests.

RECEIVED – Representations from the undermentioned speakers:-

For the application:

Mr. George Hughes	-	Applicant
Mrs. Patricia Hughes	-	Applicant
Cllr. Mike Worthington	-	On behalf of Cllr. Ross Ward

NOTED - 1. Late Representation Report (LRR) contained an erratum to confirm that the application was called in to committee by Cllr. Ross Ward, not Cllr. Paul Roberts as stated in the report. Also 5 letters of support and Officer response.

2. Officer confirmed that the NPPF stated that in this situation there should be no building in the Green Belt unless replacing an existing dwelling and the replacement dwelling should not be materially larger than the original. This replacement dwelling was 91% larger in floorspace and 82% larger in footprint.

3. Werrington Parish Council comments received on the day of the meeting – no objection.

4. Legal Advisor commented that, where Members were of a mind to go against Officer recommendation, much thought should go into the reasons for that decision in order to give a robust defence against any subsequent Appeal / Judicial Review.

RESOLVED – That, contrary to Officer recommendation, the application be **APPROVED** for the reasons / policies stated below:-

- Improvement of amenity;
- Policy D1 – Support the rural economy;
- NPPF – Policy H1 (new housing).

Authority was delegated to Officers to formulate appropriate conditions, including the re-use of existing materials where possible.

FURTHER RESOLVED - 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 Head of Development Services had 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 Wilkinson and seconded by Councillor Emery.)

286 **SMD/2021/0604 - MOUNT PLEASANT FARM, COUNSLOW NEW ROAD, FREEHAY**

OUTLINE APPLICATION WITH DETAILS OF ACCESS FOR THE ERECTION OF ONE DWELLING FOR Mr. RICHARD HEATLEY.

(Report recommended Refusal)

Representation received from the undermentioned speaker:-

For the application:

Mr. Malcolm Sales - Applicant's Agent
Cllr. Richard Alcock had registered to speak but did not attend the meeting.

NOTED – 1. LRR contained 1 letter of support.

2. The application was a re-submission following a previous Committee refusal in August 2021. The new proposal was for a 4 bedroomed dwelling rather than the previous 3 bedroom.

Councillor Wilkinson moved Deferral. However the motion was not seconded.

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

(Proposed by Councillor Ellis and seconded by Councillor Davies.)

Councillor Gledhill left the meeting at 4.37 pm.

287 **SMD/2021/0700 - FORMER RAILWAY LINE, BARNFIELD ROAD, LEEK**

REINSTATEMENT OF SINGLE LINE RAILWAY TRACK AND REPLACEMENT FOOTPATH ON FORMER RAILWAY LINE BETWEEN CORNHILL, LEEK AND BOUNDARY OF EXISTING OPERATIONAL RAILWAY LAND AT LEEKBROOK FOR JONATHAN CORNES ASSOCIATES.

(Report recommended Approval)

All Councillors had declared "other" interests.

- NOTED** -
1. LRR contained Highways comments and conditions, Environment Agency comments and condition regarding groundwater and contamination and comments regarding flood risk.
 2. Previous approval expired in May 2021. This re-application was delayed due to the Covid pandemic. The only change was for the pedestrian footpath to be routed through the tunnel rather than over it.
 3. Consultation period was due to end on 29 December 2021. Delegated authority was sought for the Head of Development Services in consultation with the Chair of the Planning Applications Committee to approve subject to any substantive objections being received by that date.

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RESOLVED – That delegated authority be granted to the Head of Development Services in consultation with the Chair of the Committee to **APPROVE** the application provided that no substantive objections are received by 29 December 2021 for the reasons and based on the policies contained in the report, subject to the conditions in the report.

FURTHER RESOLVED - 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 Head of Development Services had 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 Flunder and seconded by Councillor Emery.)

The meeting closed at 5.05 pm

_____Chairman _____Date