

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

PLANNING APPLICATIONS COMMITTEE MEETING

Minutes

THURSDAY, 5 JULY 2018

PRESENT: Councillor S Ellis (Chair)

Councillors W Cawley, M Gledhill, P Jackson, L D Lea, G Lockett, I J Lucas, C Pearce, P Roberts and S Scalise

IN ATTENDANCE: J Curley - Senior Planning Officer
L Jackson - Planning Officer
L Howard - Planning Officer
R Simpkin - Senior Planning Officer
A Swithenbank - Planning Officer
Z Walker - Legal Advisor – Freeths LLP
S Hampton - Democratic Services Officer
P Trafford - Democratic Services Officer

APOLOGIES: Councillors J Davies, C R Jebb, D Ogden and T Riley

16 **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.
- b) Members of the Committee and Officers present were introduced by the Chair.
- c) Agenda Item 10 – SMD/2017/0764 (Rock House Farm, Foxt) had been deferred prior to the meeting for further information to be collated.

17 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED – That the Public Minutes of the meeting of the Planning Applications Committee held on 7 June 2018 be **APPROVED** as a correct record and signed by the Chair.

18 **URGENT ITEMS, IF ANY.**

There were no urgent items.

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19 **DECLARATIONS OF INTEREST**

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

Agenda Item	Member Declaring Interest	Nature of Interest
Agenda Item 6 – SMD/2018/0285 – Deepdale, Birchall Lane, Leek	Cllrs. Cawley, Ellis, Gledhill, Jackson, Lea, Lockett, Lucas, Pearce, Roberts & Scalise	“Other” – Speaker is an ex-SMDC employee
Agenda Item 7 – SMD/2017/0680 – The Moorings, Birchall Lane, Leek	Cllrs. Cawley, Ellis, Gledhill, Jackson, Lea, Lockett, Lucas, Pearce, Roberts & Scalise	“Other” – 1 Speaker is an ex-SMDC Employee, 1 is a Leek Town Councillor
	Cllr. Ellis	“Other” – Knows speaker
	Cllr. Cawley	Lobbied – No response
Agenda Item 8 – SMD/2018/0321 – Land North East of Rivendell Lane, Leek	Cllrs. Cawley, Ellis, Gledhill, Jackson, Lea, Lockett, Lucas, Pearce, Roberts & Scalise	“Other” – Speaker is an SMDC Councillor
Agenda Item 9 – SMD/2018/0231 – Land adjacent to Prospect House Farm, Sutherland Road, Longsdon	Cllr. Ellis	“Other” – Involved in prior discussions with the Applicant
	Cllrs. Cawley, Ellis, Gledhill, Jackson, Lea, Lockett, Lucas, Pearce, Roberts & Scalise	“Other” – 1 Speaker is an ex-SMDC Employee, 1 is a Leek Town Councillor
	Cllrs. Ellis, Jackson, Lea, Lockett, Pearce & Scalise	“Other” – Speaker is Conservative M.P.’s agent
Agenda Item 11 – SMD/2017/0497 – Ivy Cottage, Tythe Barn, Alton	Cllrs. Cawley, Ellis, Gledhill, Jackson, Lea, Lockett, Lucas, Pearce, Roberts & Scalise	“Other” – 2 speakers are ex-SMDC employees. Lobbied – No response
	Cllrs. Ellis, Pearce & Roberts	“Other” – Members of Conservation Liaison Panel (Declared when item 16 was discussed)
Agenda Item 12 – SMD/2017/0635 – Highfield, Leek	Cllrs. Cawley, Ellis, Gledhill, Jackson, Lea, Lockett, Lucas, Pearce, Roberts & Scalise	“Other” – Speaker is an ex-SMDC employee
Agenda Item 13 – SMD/2018/0320 – Land adjacent to The Bungalow, High Street, Kingsley	Cllr. Lucas	Disclosable Pecuniary Interest – Next door neighbour to the application site
Agenda Item 14 – SMD/2018/0045 – Tearne Quarry, Main Road, Hollington	Cllrs. Cawley, Ellis, Gledhill, Jackson, Lea, Lockett, Lucas, Pearce, Roberts & Scalise	“Other” – Speaker is an SMDC Councillor

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Agenda Item	Member Declaring Interest	Nature of Interest
	Cllr. Pearce	“Other” Knows speaker through being Chair of Checkley Parish Council (declared when the item was discussed). “Other” – Has a site for inclusion in the ongoing Checkley Neighbourhood Plan.
Agenda Item 15 – SMD/2018/0141 – Alton Towers	Cllrs. Ellis, Pearce & Roberts	“Other” – Conservation Liaison Panel members (Declared when item 16 was discussed)
Agenda Item 16 – SMD/2018/0201 & SMD/2017/0217 – 1 Brook Cottages, Endon	Cllr. Ellis	“Other” – Knows the applicant
	Cllrs. Ellis, Pearce & Roberts	“Other” – Members of the Conservation Liaison Panel (Declared when the matter was discussed).
	Cllrs. Cawley, Ellis, Gledhill, Jackson, Lea, Lockett, Lucas, Pearce, Roberts & Scalise	“Other” – Speaker is an ex-SMDC employee

20 **SMD/2018/0285 - LAND ADJACENT TO DEEPDALE, BIRCHALL LANE, LEEK.**

FULL PLANNING APPLICATION FOR THE ERECTION OF 1 DWELLING AND DETACHED GARAGE FOR MR. P. COOPER.

(Report recommended Approval)

(All Councillors present had declared “other” interests.)

Representations received from the undermentioned speakers:-

Against the application:

Mr. Tony Matthews - Objector

A letter of objection from Ward Councillor Darren Price, who was unable to attend the meeting, was precised by the Chair.

For the application:

Mrs. Teresa Critchlow - Applicant’s Agent

- NOTED -
1. Previous outline permission for 1 dwelling on the site approved at appeal in January 2018.
 2. Late Representations Report (LRR) contained 1 further letter relating to conditions regarding the road and construction.

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

(Proposed by Councillor Lockett and seconded by Councillor Pearce.)

21 SMD/2017/0680 - THE MOORINGS, BIRCHALL LANE, LEEK.

OUTLINE APPLICATION FOR THE ERECTION OF UP TO 3 DWELLINGS FOR MR. K. WRIGHT.

(Report recommended Approval)

(All Councillors present had declared "other" interests, Councillor Cawley had declared a lobbying interest.)

Representations received from the undermentioned speakers:-

Against the application:

Mr. Steven Wales	-	Objector
Mr. Paul Swinson	-	Objector
Mr. Steve Hilton	-	Objector
Cllr. Mike Worthington	-	County Councillor

NOTED - 1. LRR contained: a) a letter from Ward Councillor Darren Price, b) a letter requesting deferral pending the outstanding appeal and c) officer reference to Core Strategy Policy SS1a.

2. Members noted that the better access for the site visit prior to this meeting allowed them to understand the topography of the site.

RESOLVED – That, contrary to officer recommendation, the application be **REFUSED** for the reasons and based on the policies set out below:-

Reasons / Policies

- Policies DC1 & DC3 – Insufficient information provided, particularly with regard to the treatment of the significant level changes across the site to satisfactorily demonstrate that up to 3 dwellings could be accommodated on the site without harm to the character and appearance of the area.

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

22 SMD/2018/0321 - LAND ON THE NORTH EAST SIDE OF RIVENDELL LANE, LEEK.

ERECTION OF A DETACHED DWELLING FOR BIRCHENDEL HOLDINGS LTD.

(Report recommended Approval)

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

Representations received from the undermentioned speakers:-

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Against the application:

Mr. Phil Cullerton - Objector
Cllr. Mike Worthington - County Councillor

- NOTED -
1. LRR contained: a) letter from Ward Councillor Darren Price, b) request for an informative from SMDC Ecology officer regarding birds, c) approval response from Leek Town Council and d) 3 further letters with comments.
 2. 2 previous applications for 2 dwellings on the site had been refused by the committee in 2017 & 2018.
 3. Legal Advisor confirmed that, with no 5 year Housing Land Supply, the presumption should be in favour of development unless there was significant and demonstrable harm. Any subsequent appeal in the event of refusal could result in an award of costs against SMDC if the Planning Inspector deemed unreasonable behaviour.
 4. Additional condition requested for removal of the existing gate and installation of a boundary wall to replace it.

Councillor Lockett proposed **REFUSAL** of the application, however the motion was not seconded.

RESOLVED – That the application be **APPROVED** for the reasons and based on the policies contained in the report, subject to the conditions and informatives also contained, together with the additional condition referred to above regarding the gate and boundary wall.

(Proposed by Councillor Scalise and seconded by Councillor Pearce.)

23 SMD/2018/0231 - LAND ADJACENT TO PROSPECT HOUSE FARM, SUTHERLAND ROAD, LONGSDON.

OUTLINE PERMISSION FOR ERECTION OF A SINGLE DWELLING AND GARAGE INCLUDING ACCESS AND LAYOUT WITH ALL OTHER MATTERS RESERVED FOR MR. AND MRS. CARTER.

(Report recommended Approval)

(Councillor Ellis had declared an "other" interest as he had entered into discussions with the applicant and left the room, taking no part in the discussion or vote. All Councillors present had declared "other" interests.)

Councillor Roberts took the Chair as Vice-Chair.

Representations received from the undermentioned speakers:-

Against the application:

Cllr. Norma Hawkins - Ward Councillor
Mr. Kevin Day - Objector
Miss Erica Hegewald - Objector

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Mr. Joseph Bratt had registered to speak against the application but declined to do so.

For the application:

Mrs. Teresa Critchlow - Applicant's Agent

- NOTED -
1. LRR contained a request for an additional condition removing Permitted Development Rights.
 2. Speaker produced a 'Deed of Easement' relating to sewer pipes running under the site. Legal Advisor confirmed that this was a Civil matter, not a Material Planning Consideration.
 3. Confirmed that there was no public sewer system in the area.
 4. Additional Grampian-style condition agreed regarding drainage, the scheme to be agreed prior to grant and thereafter implemented. Authority for the wording to be delegated to officers and the Chair and to be agreed with the applicant prior to a Decision Notice being issued.

RESOLVED – That the application be **APPROVED** for the reasons and based on the policies contained in the report, subject to the conditions and informative contained in the report and the 2 additional conditions referred to above relating to Permitted Development Rights and Drainage.

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

24 **SMD/2017/0764 - ROCK HOUSE FARM, TOWN END ROAD, FOXT.**
****DEFERRED****

REMOVAL OF CONDITION 3 OF PERMISSION SMD/2003/0415 TO ALLOW HOLIDAY LETS TO BE USED AS MARKET-VALUE DWELLINGS FOR MR. & MRS. LOCKWOOD.

The application was deferred by officers prior to the meeting.

25 **SMD/2017/0497 - IVY COTTAGE, TYTHE BARN, ALTON.**

DEMOLITION OF IVY COTTAGE AND ERECTION OF 1 REPLACEMENT DWELLING AND 10 DWELLINGS WITH CONSTRUCTION OF NEW ROAD ACCESS FOR VITAL CONSTRUCTION LTD.

(Report recommended Approval, subject to a S.106 agreement)

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

The Chairman re-took the Chair.

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Representations received from the undermentioned speakers:-

Against the application:

- Mr. Mike Sutcliffe - Objector
- Ms. Maggie Peet - Objector
- Mr. Charles Harris - Objector

For the application:

- Mr. Will Thompson - Developer
- Mrs. Teresa Critchlow - Applicant's Agent

- NOTED -
1. LRR contained; a) confirmation by the agent that 2 recent bat surveys had been done, b) SMDC Trees Officer comments, c) SCC Highways Officer comments.
 2. Further late objection received from Staffordshire Wildlife Trust, precised by the officer.
 3. Agent corrected the total number of houses quoted in the report from 12 to 11.
 4. Additional condition requested for the stone frontage to the site to re-use the stone from the demolished 'Ivy Cottage'.

It was **PROPOSED** by Councillor Jackson and **SECONDED** by Councillor Ellis that the application be **APPROVED**. Upon being put to the vote, there was a parity of votes. The Chair the used his casting vote to **APPROVE** the application for the reasons and based on the policies contained in the report, subject to the conditions and informatives contained in the report and the additional condition referred to above regarding the use of stone.

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

26 SMD/2017/0635 - HIGHFIELD, LEEK.

PROPOSED OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED (EXCEPT ACCESS) FOR THE ERECTION OF DWELLINGS FOR SAMMONS ARCHITECTURAL.

(Report recommended Refusal)

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

Representations received from the undermentioned speakers:-

Against the application:

- Mrs. Alison Ricketts - Objector
- Mr. Neal Simpson - Objector

For the application

- Mrs. Teresa Critchlow - Applicant's Agent

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- NOTED - 1. Councillors Pearce and Riley confirmed that they did not take part in the site visit.
2. Members were also concerned regarding road safety around the junction with the A523.

RESOLVED – That the application be **REFUSED** for the reasons and based on the policies contained in the report and an informative regarding highway safety.

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

27 **SMD/2018/0060 - LAND ADJACENT THE BUNGALOW, HIGH STREET, KINGSLEY.**

RESERVED MATTERS APPLICATION FOR THE ERECTION OF 1 No. DWELLING ON LAND OFF EXISTING ACCESS ROUTE FOR MR. S. DAWSON.

(Report recommended Approval)

(Councillor Lucas had declared a Disclosable Pecuniary Interest, left the room and took no part in the discussion or vote.)

For the application:

Mr. Sam Dawson - Applicant

- NOTED - 1. Applicant noted the neighbours' concerns regarding lack of information forwarded to them and undertook to consult with them fully in the event of approval.

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

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

28 **SMD/2018/0045 - TEARNE QUARRY, MAIN ROAD, HOLLINGTON.**

DEMOLITION OF EXISTING OFFICES AND WORKSHOP BUILDINGS AND REDEVELOPMENT FOR NINE DWELLINGS FOR MR. R. OLDHAM.

(Report recommended Refusal)

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

Representations received from the undermentioned speakers:-

Against the application:

Cllr. Peter Wilkinson - On behalf of the Ward Councillor
Mr. Graham Perry - Applicant's Agent
Mr. Richard Oldham - Applicant
Ms. Melanie Swanwick - Chair of Hollington Residents' Group

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- NOTED
1. LRR contained a) letter from Applicant's Agent addressing the reasons for refusal, b) further information from the Applicant's Noise Consultant, together with comment from the Environmental Health Officer and c) further Planning Officer comment.
 2. Applicant confirmed that the increase from 7 houses on the previous application to 9 on this application was due to a reduction in the size of each property.
 3. Confirmed that issues still remained regarding the location of Plot 1 and the specifications of the bunding.
 4. Councillor Pearce declared "other" interests. A speaker was a previous member of Checkley Parish Council. He had a site for possible inclusion in the ongoing Checkley Neighbourhood Plan.

Councillor Lockett proposed **REFUSAL** of the application. However, the motion was not seconded.

Councillor Jackson proposed **APPROVAL** for the application. However, the motion was not seconded.

RESOLVED – That the application be **DEFERRED** for further negotiations to take place between the applicant and Officers to address the issues of the amenity of plot 1 with regard to the extant quarry permission, the bunding at the rear and the outstanding objection from the Environment Agency.

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

29 SMD/2018/0141 - ALTON TOWERS.

APPLICATION FOR 102 ACCOMMODATION PODS, SHOWER AND TOILET FACILITY BUILDING, ENTRANCE FEATURE, HARD AND SOFT LANDSCAPING, PARKING AND DRAINAGE WORKS FOR ALTON TOWERS.

(Report recommended Approval)

Representation received from the undermentioned:

For the application

Ms. Janet Gurr - Applicant

Mr. Neil Walker (Applicant) had registered to speak for the application, but declined to speak.

- NOTED -
1. The application was deferred from the meeting of 7 June 2018 for discussions between the Applicant and Officers regarding the layout of the pods and the design and siting of the facilities building.
 2. Concern expressed regarding cars parked on the grassed area adjacent to the site when visited prior to the meeting. Applicant confirmed that a bund would be installed preventing parking in the area.

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

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

30 **SMD/2018/0201 (PLANNING REF) SMD/2017/0217 (LBC REFERENCE) - 1
BROOK COTTAGES, ENDON.**

**APPLICATION FOR THE ERECTION OF A SUN ROOM – RE-SUBMISSION OF
SMD/2017/0139 AND SMD/2017/0170 (LBC) FOR MR. D. AND MRS. S. WOOD.**

(Report recommended Refusal)

(Councillor Ellis had declared an “other” Interest, left the room and took no part in the discussion or vote. All Councillors present had declared “other” interests.)

Councillor Roberts took the Chair as Vice-Chair.

Representations received from the undermentioned speakers:-

For the application:

Mr. Darren Wood	-	Applicant
Mrs. Teresa Critchlow	-	Applicant’s Agent

- NOTED -
1. Councillors Ellis, Roberts and Pearce declared “other” interests as members of the Conservation Liaison Panel, which had previously considered this matter.
 2. Historically, the building had effectively rotated 180 degrees, with the front of the property becoming the rear.
 3. This was a revised scheme, with a previous scheme having been submitted in 2017 which was refused by committee.

RESOLVED – That, contrary to officer recommendation, the application be **APPROVED** for the reason stated below and power delegated to officers to agree conditions :-

Reason:

- The development would cause no harm to the Listed Building.

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

31 **SMD/2018/0144 - CROFT HOUSE, STATION ROAD, ALTON.**

**CHANGE OF USE FROM DWELLINGHOUSE (C3) TO RESIDENTIAL
INSTITUTION PROVIDING CARE FOR UP TO 3 CHILDREN FOR MRS. LESLEY
HERNE.**

(Report recommended Approval)

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Representation received from the following speaker:-

For the application:

Mrs. Lesley Hearne - Applicant

- NOTED -
1. LRR contained a) clarification of the correct address for the property, b) letter from the Applicant clarifying the number of occupants and the ratio of staff to children, c) removal of condition 1, amendment of condition 2 and a request for an additional condition regarding parking provision, d) letter of objection and e) Officer comments.
 2. Clarified by Legal Advisor that members were proposing that delegated authority was to be given for officers to agree a) condition for 3 parking spaces, able to exit forwards, before grant and thereafter implemented, b) 3 : 3 staff to pupil ratio and c) 3 year time limit.

RESOLVED – That the application be **APPROVED** for the reasons and based on the policies contained in the report, subject to the removal of condition 1, amendment of condition 2 and the additional condition related to parking as referred to above.

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

32 APPEALS REPORT.

Jane Curley – Senior Planning Officer – presented the report which showed:-

- Appeals submitted – None
- Appeal decisions received - 3, detailed as follows:-

Reference	Address	Decision Date	Recommendation	Decision	Appeal Decision
SMD/2017 /0388	6 Market Place, Leek	18 December 2017 – Delegated	Refuse	Refused	31 May 2018 - Dismissed
SMD/2018 /0001	5 Badgers Croft, Werrington	26 February 2018 – Delegated	Refuse	Refused	21 June 2018 – Allowed
SMD/2017 /0705	The Stable, Mollats Wood Road, Leek	19 January 2018 – Delegated	Refuse	Refused	22 June 2018 - Dismissed

It was noted that costs were awarded against the Council in the third appeal case, relating to The Stable. Jane Curley outlined that this had been a partial award and confirmed the circumstances that had led to the award being made. Essentially the Case Officer had submitted the Council's Statement one day late. This had been rejected by PINS but after a challenge by the Council was later accepted. It was considered to be a slightly unfair award but nevertheless a new process had been put in place (automatic diary alerts) to ensure that this did not recur. The actual planning decision however was a good one for the Council.

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

33 **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.”

34 **PERFORMANCE ON PLANNING ENFORCEMENT.**

Members received a report detailing Planning Enforcement activity.

The meeting closed at 7.35 pm

_____ Chairman _____ Date