

Chairman - Councillor A S Harp

Present (for all or part of the meeting):-

Councillors:

| | |
|--------------|----------------|
| C A Baron | E G R Jones |
| G R Collier | P W Jones |
| I E Davies | A J Perkins |
| M G Dodson | J K Price |
| R J Draper | G O Rowlands |
| A P Edgeller | R M Sutherland |

Also present - Councillor S P Leighton

Officers in attendance:-

| | | |
|--------------|---|------------------------------------|
| Mrs E McCook | - | Development Lead |
| Mrs S Wright | - | Senior Planning Officer |
| Mr I Curran | - | Legal Services Manager |
| Mr A Bailey | - | Scrutiny Officer |
| Mr J Beacham | - | Corporate Administrative Assistant |

PC161 Apologies

An apology for absence was received from Councillor C V Trowbridge (Substitute A P Edgeller).

PC162 Declarations of Members Interests/Lobbying

The Chairman, Councillor A S Harp declared a personal interest in respect of Application Number 17/27453/FUL and indicated that he would leave the room for the discussion and voting thereon.

Councillor C A Baron declared a personal interest in respect of Application Numbers 18/27839/FUL and 18/28042/MDPO.

Councillor E G R Jones indicated that he would be speaking as a Ward Member in respect of Application Number 17/27453/FUL.

Councillor R M Sutherland declared a personal interest in respect of Application Numbers 18/27839/FUL and 18/28042/MDPO and indicated that he would leave the room for the discussion and voting thereon.

Councillor R M Sutherland left the meeting at this point.

PC163 **Application No 18/27839/FUL - Proposed retention of change of use of land to residential (Class C3) and extend drive - Church View House, Millian Brook Road, Seighford, Stafford, ST18 9PQ**

(Recommendation approve).

Considered the report of the Head of Development regarding this matter. The Development Lead reported upon a further letter of objection received in respect of the proposal.

Public speaking on the matter was as follows:-

Mr D Price raised the following points during his objection to the proposal:-

- Spoke as Chairman of Seighford Parish Council
- The Parish Council had owned the land since 1979
- The purpose of the land was to extend the recreational facility
- The Parish Council secured a Section 106 Agreement in 2005 and again in 2012
- Permission had been granted for the construction of two houses, but the adjoining area was green amenity land and not protected open space
- In 2014 the applicant purchased the land
- In 2016 the Parish Council emailed the applicant in pursuance of the Section 106 Agreement
- The applicant then constructed a separate drive following which in 2017 enforcement action was pursued for its removal
- The applicant's actions had jeopardised the Section 106 Agreement
- Urged the Committee to refuse the application in accordance with the Conservation Officer's recommendation

Mr M Davies raised the following points during his support for the proposal:-

- All of the land was owned by Mr P Simmons
- Only a very small section of the driveway was proposed to be widened
- Permission had already been obtained for the entrance
- Described the parking arrangements for the nearby school
- Confirmed that there would be additional planting and there would be no aesthetic change
- A village green was possible with landscaping
- The previous hawthorn hedge had been removed at the request of the Parish Council
- The Parish Council then withdrew their approval which therefore had stalled the development
- Once re-planted, the hedge would bring an immediate improvement
- The hedges were purchased in 2016
- There was some confusion locally concerning the land

- Was seeking permission to enable the hedge to be re-planted and live harmoniously in the village

Councillor S P Leighton, Seighford and Church Eaton Ward Member attended the Committee and at the invitation of the Chairman, addressed the Committee and raised the following issues:-

- There were many planning reasons as to why this proposal should be refused
- The Section 106 Agreement was made in good faith and if amended could break future trust
- The local residents were protective of the land which would improve amenity
- A Section 106 Agreement was confirmed in 2005 and if amended, would impact upon the visual amenity of St Chads Church
- Minimum guidelines were established in 2015, which if were amended would damage relations with the Parish Council
- The key messages are the protection of the visual impact of the area
- Suggested a site visit should Members have any concerns

The Committee discussed the application and raised a number of issues, including:-

- Concern that the obligations set out in the second schedule of the Section 106 Agreement granted in December 2012 had all been breached
- Concern that the erection of the two buildings had caused significant harm and the driveway would only add to the visual intrusion
- Clarification of the agreements made between the applicant and the Parish Council and the legal status of the driveway

During the discussion, the Legal Services Manager advised the Committee to purely focus their deliberations upon the impact that the proposed driveway would have.

The Development Lead also clarified the planning history of the site and re-iterated that the proposal was to extend the driveway.

It was subsequently moved by Councillor M G Dodson and seconded by Councillor J K Price that Application No 18/27839/FUL be refused on the grounds that the proposal would result in an unacceptable visual impact on the Grade II listed St Chads Church and on conservation grounds would be contrary to policy N8 and N9 of the Plan for Stafford Borough.

On being put to the vote the proposal was declared to be carried.

RESOLVED:- that planning application No 18/27839/FUL be refused on the grounds that the proposal would result in an unacceptable visual impact on the Grade II listed St Chads Church and on conservation grounds would be contrary to policy N8 and N9 of the Plan for Stafford Borough.

PC164 **Application 18/28042/MDPO - Proposed modification of planning obligation related to 12/17192/EXTF - Church View House, Millian Brook Road, Seighford, Stafford, ST18 9PQ**

(Recommendation approve).

Considered the report of the Head of Development regarding this matter. The Development Lead reported upon a further letter of objection received in respect of the proposal.

Public speaking on the matter was as follows:-

Mr D Price raised the following points during his objection to the proposal:-

- Seighford Parish Council strongly objected to the proposal
- The applicant had breached the agreement
- The land was not transferring to the Parish Council
- The obligation should be lawful
- This proposal was to the detriment of local residents
- The land would be maintained by Seighford Parish Council
- Urged the Committee to refuse the application

Mr M Davies raised the following points during his support for the proposal:-

- The Parish Council had originally agreed to extend the driveway, but then changed their mind
- The hedge was then removed
- There had been much confusion and misunderstanding with respect to this application
- The land was owned by Mr P Simmons
- Referred to the three tests for the Section 106 Agreement, which could all be achieved by other means
- The size of the land was not fair in comparison to the size of the development
- Addressed the heritage concerns by explaining that the facility would still be there
- The area would be maintained at the applicant's expense
- The hedge needed to be planted
- Would appeal the decision to refuse the driveway

Councillor S P Leighton, Seighford and Church Eaton Ward Member attended the Committee and at the invitation of the Chairman, addressed the Committee and raised the following issues:-

- Explained the background to the Section 106 Agreement
- These Section 106 Agreements are based upon trust
- The Agreements were intended to reduce the impact of the developments upon the church

The Committee discussed the application and raised a number of issues, including:-

- Clarification as to whether the land should transfer to Seighford Parish Council
- Concern that any modification of the Section 106 Agreement would make conditions materially worse
- Concern that any reduction in commitment was unacceptable

In response, the Legal Services Manager explained that the Committee needed to determine whether the existing planning obligation still served a useful purpose or whether it could be modified. He clarified the statutory powers to modify a Section 106 Agreement and to whom the obligations applied to.

It was then moved by Councillor M G Dodson and seconded by Councillor J K Price that the agreement to redefine the Common Amenity Open Space Area not be modified as the current S106 pursuant to planning application ref 12/17192/EXTF still serves a useful planning purpose.

On being put to the vote the proposal was declared to be carried.

RESOLVED:- that the agreement to redefine the Common Amenity Open Space Area not be modified as the current S106 pursuant to planning application ref 12/17192/EXTF still serves a useful planning purpose.

Councillor R M Sutherland re-joined his seat at the table.

The Chairman, Councillor A S Harp left the meeting at this point and took no part in the discussion and voting thereon.

Councillor R M Sutherland – Vice Chairman – In the Chair

Councillor E G R Jones left the meeting at this point and attended as a Ward Member.

PC165 **Application No 17/27453/FUL- Proposed extension to existing palliative care unit to provide 12 additional bedrooms, in place of existing vacant barns and stables - Heyfields Residential Home, Tittensor Road, Tittensor**

(Recommendation approve).

Considered the report of the Head of Development regarding this matter. The Senior Planning Officer reported upon further correspondence received from the Health and Safety Executive.

Public speaking on the matter was as follows:-

Mr T Warren raised the following points during his support for the proposal:-

- Proprietor of the family run facility for over 32 years
- The residential home took the pressure off the National Health Service
- It had won a Platinum award for End of Life Care
- There was a constant waiting list of 10 people
- Although the site was close to a gas main, there was very low risk
- The Health and Safety Executive had not called the application in or referred it the Secretary of State
- There were some buildings that were situated on top of the gas main
- Cadet did not object to the proposals
- There were no hazardous toxins
- The development was very low risk
- There had been no objections in the past relating to the gas main
- Invited the Committee to approve the application

Councillor E G R Jones, Barlaston Ward Member attended the Committee and at the invitation of the Chairman, addressed the Committee and raised the following issues:-

- Explained how the original call-in related to development in the green belt, but was satisfied by the positive justification
- The facility provided a valuable service
- It was well regarded and well received
- Referred to the comprehensive justification for the proposal contained within the report
- Worked very closely with the Douglas Macmillan Hospice
- The proposal was very low risk and manageable
- Supported the application

It was subsequently moved by Councillor A P Edgeller and seconded by Councillor C A Baron that Application No 17/27453/FUL be approved, subject to the conditions as set out in the report of the Head of Development.

On being put to the vote the proposal was declared to be carried.

RESOLVED:- that planning application No 17/27453/FUL be approved, subject to the conditions as set out in the report of the Head of Development.

Councillor A S Harp re-joined his seat at the table.

Chairman - Councillor A S Harp

Councillor E G R Jones re-joined his seat at the table.

PC166 **Application No 18/28156/HOU- Proposed single storey rear extension
- 4 New Row, Bradley Lane, Hyde Lea, Stafford, ST18 9BH**

(Recommendation approve).

Considered the report of the Head of Development regarding this matter.

Public speaking on the matter was as follows:-

Mrs L Gellatly raised the following points during her objection to the proposal:-

- Explained the importance of daylight light to her life
- Was diagnosed in 2014 with both Vitamin D and Iron deficiencies which caused anxiety attacks
- All jobs and hobbies were conducted outside
- Used extreme lighting to ease this deficiency
- Was renovating own property to maximise the lighting
- Unclear as to where the side wall would be located
- Concerned over the location of the fence
- Requested that the floor of the extension be lowered

Ms S Dooley raised the following points during her support for the proposal:-

- Following submission of the initial plans, had consulted Planning Officers to work out an acceptable proposal
- Design advice had been given by the Local Planning Authority
- There had been no planning application submitted for the neighbouring extension, which had resulted in the need for an increased volume of bricks
- Had carefully explored all alternative options available to arrive at this proposal
- Requested the Committee to approve the application in accordance with the Officer's recommendations

The Committee discussed the application and raised a number of issues, including:-

- Hyde Lea Parish Council had raised a minor concern over light
- All the issues had been addressed in the report
- The proposed extension was smaller and would not be imposing
- There were no material planning objections

It was subsequently moved by Councillor G O Rowlands and seconded by Councillor A P Edgeller that Application No 18/28156/HOU be approved, subject to the conditions as set out in the report of the Head of Development.

On being put to the vote the proposal was declared to be carried.

RESOLVED:- that planning application No 18/28156/HOU be approved, subject to the conditions as set out in the report of the Head of Development.

Councillor G O Rowlands left the meeting at this point.

PC167 **Planning Appeals**

Considered the report of the Head of Development (V1 9/4/18).

Notification of the following new appeals had been received:-

| App No | Location | Proposal |
|---|------------------------------|--|
| 17/26018/FUL Committee Refusal | The Stables Outwoods Bank | Conversion of an existing, masonry construction, stable block into a new residential dwelling, with temporary on site accommodation. |
| 17/26114/LBC Committee Refusal | The Cottage Norbury Park | Retention of ten circular openings. |

PC168 **WKS2/00329/EN17 - 23 Hollingworth Close, Yarnfield, Stone**

Considered the report of the Head of Development and the Head of Law and Administration (V2 9/4/18) in relation to the alteration in the land levels in a rear garden.

It was subsequently moved by Councillor R M Sutherland, seconded by Councillor E G R Jones that the report be approved.

On being put to the vote, the proposal was declared to be carried.

RESOLVED:- that it is not considered expedient to take enforcement action and no further action be taken.

PC169 **WKS3/00224/EN17 - Unauthorised Structure on Land at the Island, Stafford**

Considered the report of the Head of Development and the Head of Law and Administration (V2 9/4/18) in relation to the introduction of a storage container in land at Unit 3, Island Garage, Lichfield Road, Stafford without the benefit of planning permission.

Concern was expressed that the whole area was very untidy, particularly as it was located at one of the main gateways to Stafford Town Centre and therefore appropriate action should be authorised to secure the removal of the structure.

It was subsequently moved by Councillor C A Baron, seconded by Councillor J K Price that "Appropriate action be authorised to include all steps including the instigation of court proceedings and any work required to secure the removal of the structure."

On being put to the vote, the proposal was declared to be carried.

RESOLVED:- that appropriate action be authorised to include all steps including the instigation of court proceedings and any work required to secure the removal of the structure.

PC170 ADV/00065/EN18 - Former Police Headquarters, Weeping Cross

Considered the report of the Head of Development and the Head of Law and Administration (V2 9/4/18) in relation to the introduction of two large advertisement signs and eight advertisement flags.

It was subsequently moved by Councillor A P Edgeller, seconded by Councillor E G R Jones that the report be approved.

On being put to the vote, the proposal was declared to be carried.

- RESOLVED:-
- (i) that it is not considered expedient to take enforcement action with regard to the flagpoles and flags and it is therefore recommended that no further action be taken in respect of these;
 - (ii) that appropriate action be authorised to include all steps including the instigation of court proceedings and any work required to secure the removal of adverts/structures from the site.

CHAIRMAN