

Planning Meeting Minutes 9th September

Present

K England (Vice Chair), C Smedley, W Crossley, Cllr Cllr L Evans, Cllr T Spencer
Smithm F Crossley in attendance, Karen Duffill (Clerk)

Non attendance:

Cllr P Steadman,

1. Apologies received

Cllr R Lock (Chairperson) Cllr L Anderson, Cllr M Upton, Cllr D Morris

2. Declarations of Interest & Dispensation requests: *To receive from Members disclosure of ordinary or disclosable pecuniary interests in relation to any item on the agenda for this meeting, in accordance with Standing Orders and the Councillor Code of Conduct. Also, to consider any requests from Members for dispensation in accordance with the Councillor Code of Conduct.*

2.1 Tutbury Parish Charities own Charity House building. This is a public building that houses the museum and is used as a meeting room for the community. Tutbury Parish Charities is a trustee committee led organisation for the financial benefit of the parish.

Four councillors declared an interest in the Parish Charities as they were trustees three of whom had been nominated by the Parish Council. It was concluded that there was no individual pecuniary interest in the application relating to Charity House. Therefore dispensation was granted to participate and vote on the decision relating to the application **P/2019/01025 & : P/2019/00962.**

3. Public Participation

The chair of Tutbury Parish Charities and a trustee attended the meeting. The Charities chair representing the trustees expressed disappointment that Tutbury Charities had not been consulted on this application by the landowner or East Staffs Borough Council and have written to inform them of that disappointment. He presented land registry evidence that Tutbury Parish Charities own the section of the wall that the application for an additional dwelling P/2019/01025 & P/2019/00962 will use as pedestrian access to the new dwelling.

Part of the listed wall that is defined as a bricked-up entrance is defined on the land registry as Tutbury Parish Charities. The landowner is aware that the proposed entrance to the new property is owned by the charities as Tutbury Parish Charities contributed financially to that section of the listed wall when it was rebuilt.

4.Recent Applications

P/2019/01025 & : P/2019/00962

Listed Building application for the erection of an extension to existing building to form dwelling including use of first floor above garage as bedroom, and re-open bricked up opening in front wall as pedestrian access

Land to the West of Charity House, Duke Street, Tutbury, Staffordshire.

Decision Objection:

The charity House is a listed building in a conservation area that has historical importance in the village. By having a dwelling adjoined to it this significant building will lose its prominence as it will be dominated by the dwelling behind.

Tutbury Parish Council believe that this application will require a party wall agreement as the back wall of the Charity House is adjoining the garage of which the new dwelling will be built upon.

The proposed site is not a large enough plot to provide adequate amenity space around the dwelling or the neighbouring properties.

The parking spaces will be awkward as the drive access is already very tight and there will be little room to manoeuvre vehicles in and out of the access drive. On street parking is already limited outside Charity House.

The access to the property is not owned by the applicant. Tutbury Parish Charities own the section of the wall that is defined as the entry point to the property.

P/2019/00588

Demolition of existing club house and changing rooms, erection of a single storey clubhouse (amended description)

Tutbury Cricket Ground

Mill Site

Bridge Street

Tutbury

Staffordshire

DE13 9LZ

Decision

No Objection

P/2019/00836

Crown reduction of up to 2 metres of 1 Yew tree (T26 of TPO 9)

10a High Street, Tutbury, Staffordshire, DE13 9LP

Decision

No Objection

P/2019/01009

Erection of a single storey front and side extension

Cherry Tree Lodge, Fauld Lane, Fauld, Staffordshire, DE13 9GU

Decision

No Objection

P/2019/01006

Erection of a two-storey rear extension

4 Honeysuckle Avenue, Tutbury, Staffordshire, DE13 9NY

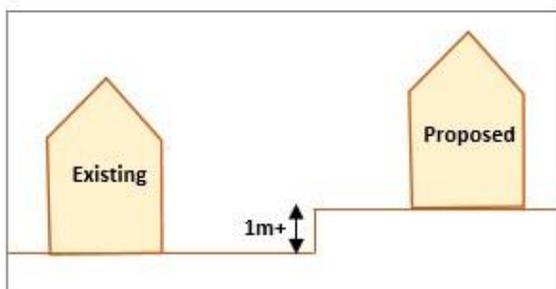
Decision

No Objection

4.2 Following the committee for the application of Tulip Road P/2019/00804 a two Storey extension permission was passed for the extension, despite the objection presented at the committee by Tutbury Parish Council.

4.3 The Supplementary Planning Document for **Separation Distance and Amenity SPD** deadline has been extended to allow Tutbury Parish Council to make a comment. Following the recent decision on Tulip way P/2019/00804. The example in 4.4 does not consider the impact of a two or three storey house overlooking a single storey property. This exacerbates the situation and the distance should be increased further than is suggested in the document when this situation occurs.

SPD section 4.4 Where dwellings differ in scale or finished floor level by a metre or greater the back to back distance should be increased in separation by 2 metres for each additional 1 metre of elevation.



4.4 Following the decision at the recent ESBC planning committee to permit the erection of a two-storey extension on Tulip Road. Cllr W Crossley proposed that a letter was sent in response to how this application was handled at the Planning committee see Appendix A . All cllrs voted in favour to send a letter to the chief executive of the Borough council to investigate the misdirection by a planning officer when dealing with the application.

5. Date of Next Meeting not set depending on applications

Appendix A

To the Planning Committee of Tutbury Parish Council

Proposal: to send East Staffordshire Borough Council a letter of objection over a planning misdirection.

At an ESBC planning committee meeting on the 13th of August the parish council objected to the extension of a house in Tulip Road, Tutbury. Our objection was based on the fact that the proposed extension would make the existing problem of overlooking in both Cromwell Close and Portway

Drive much worse, contrary to Local Plan detailed policy. As the application did not meet the Local Plan criteria there must be an explanation of how the officers responsible came to advise approval.

After the objectors had spoken committee members asked questions, one member asked how far away the minimum distance for primary facing windows is for such applications.

An officer confirmed the fact that there is no minimum distance between primary windows in the Local Plan, she then went on to mention one and stated that the proposal would be outside that distance. The parish council believes that the committee used that assurance to reject our objection and vote for approval.

The statement from the officer amounts to a misdirection and makes it impossible for the parish council, householders or anyone else to assess if such proposals meet Local Plan criteria in future consultations. **There is either a minimum distance or there is not.** Beyond that there is only opinion and one officer has no right to impose an opinion contrary to the Local Plan.

We require a response that sets out the rules followed by officers in the assessment of building extension proposals.

W.Crossley 03/09/2019