

EASTSTAFFORDSHIRE BOROUGH COUNCIL

PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in the Coltman VC Room, Town Hall, Burton upon Trent on Tuesday 19th February 2019.

Present:

Councillors E. Barker (Chairman), M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, Mrs V. J. Gould, G. Hall, S. Hussain, Mrs J. Jessel, R. Johnston, D. C. Leese, Ms A. Legg, G. Marjoram (for Minute nos. 330/19 to 333/19 (item 5.2)), Mrs B. Toon and C. Whittaker.

Officers Present:

L. Durham (Senior Solicitor), S. Khan (Head of Service) A. Miller (Planning Manager), A. Harvey (Principal Planning Officer) and N. Perry (Principal Planning Policy Officer).

Also Present:

Mr David Newham (Independent Viability Officer)

330/19 **DECLARATIONS OF INTEREST**

Councillors R. J. Clarke and S. Hussain declared that as they did not attend the site visits, they would take part in the debate but was unable to vote upon the applications.

All Members declared on an individual basis that they had received a letter from the applicant for application number P/2017/01307, and that they had attended the committee with an open mind with no pre-determination.

Councillor J. Jessel requested that it be placed on record that she has always attended each planning committee with an open mind with no pre-determination, and found it uncomfortable that she had to make the above declaration. Members of the Committee agreed with this statement.

331/19 **MINUTES**

The Minutes of the meeting held on 22nd January 2019 were approved and signed as a correct record.

332/19 **URGENT BUSINESS**

There was no urgent business submitted to the meeting pursuant to Rule 12.

APPLICATIONS FOR PLANNING PERMISSION

1. **P/2017/01307 – Outline application (including details of access with other matters reserved) for the erection of up to 148 No. dwellings, the formation of a ‘town park’ and re-naturalisation of Picknall Brook and alteration of existing vehicular access off Hockley Road, Pinfold Street and Old Knotty Way – Bamford Works, Pinfold Street, Uttoxeter (Ward: Town)**

The above site visit was attended by Councillors E. Barker, M. J. Bowering, K. J. Builth, R. Faulkner, Mrs V. J. Gould, G. Hall, Mrs J. Jessel, R. Johnston, D. C. Leese, Ms A. Legg, G. Marjoram, Mrs B. Toon and C. Whittaker.

Mr G. Anderson, agent for the applicant, spoke on the application

Councillor P. Hudson, Ward Councillor, spoke on the application.

Mr D. Newham, Viability Officer, spoke on the application.

Resolved:

That this application be **DEFERRED** in order that officers could negotiate with the applicant and seek their agreement that the issue of final affordable housing levels be deferred for resolution under the Section 106 Agreement as part of any reserved matters application.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker		
Councillor M J Bowering		
Councillor K J Builth		
Councillor R Faulkner		
Councillor V J Gould		
Councillor G Hall		
Councillor J F Jessel		
Councillor R Johnston		
Councillor D C Leese		
Councillor Ms A Legg		
Councillor G Marjoram		
Councillor Mrs B Toon		
Councillor C Whittaker		

(Councillor R. J. Clarke and S. Hussain did not vote as they did not attend the site visit).

2. **P/2018/01453 – Application under Section 73 of the Town and Country Planning Act 1990 relating to outline planning permission granted on appeal ref: P/2013/01287 to include means of access for up to 140 dwellings (Use Class C3), the extension of Bramshall Road Park and the demolition of the Dutch barn and rear stable building to Roycroft Farm without complying with Condition 14 for off-site highway works – Land at Roycroft Farm, Bramshall Road, Uttoxeter ('Barley Fields') (Ward: Heath)**

The above site visit was attended by Councillors E. Barker, M. J. Bowering, K. J. Builth, R. Faulkner, Mrs V. J. Gould, G. Hall, Mrs J. Jessel, R. Johnston, D. C. Leese, Ms A. Legg, G. Marjoram, Mrs B. Toon and C. Whittaker.

Mr S. Barton, on behalf of the applicant, spoke on the application.

Resolved:

To **APPROVE THE** application under Section 73 of the 1990 Town and Country Planning Act without complying with Condition 14 of appeal permission ref: P/201301283 (in respect of the provision of off-site highway works), subject to:

- (a) A deed of variation to the section 106 Agreement (attached to the outline approval);
- (b) The re-wording of condition 14 of the outline approval to take into account the revised off-site works and to require their completion within 6 months of the relevant decision being issued (unless otherwise agreed in conjunction with the County Highway Authority); and
- (c) The re-wording – and where applicable deletion – of the other conditions of the outline approval to take into account the works approved under the reserved matters and discharge of condition approvals; as well as akin into account the provision of the revised landscaping scheme as part of the current application.

Informatives

1. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraph 38 of the National Planning Policy Framework.
2. As the scheme requires off-site highway works the applicant is reminded to ensure that all necessary consents have been obtained from Staffordshire County Council (as the local highway authority) prior to works being commenced on the public highway.
3. The applicants are advised that this grant of planning permission does not override any obligations in respect of relevant wildlife legislation. In particular, hedgerows can provide a habitat for nesting birds. It is a criminal offence to wilfully cause harm to wildlife/birds.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker		
Councillor M J Bowering		
Councillor R Faulkner		
Councillor K J Builth		
Councillor Mrs V J Gould		
Councillor G Hall		
Councillor Mrs J Jessel		
Councillor R Johnston		
Councillor D C Leese		
Councillor Ms A Legg		
Councillor G Marjoram		
Councillor Mrs B Toon		
Councillor C Whittaker		

(Councillors R. J. Clarke and S. Hussain did not vote as they did not attend the site visit).

3. **P/2018/01346 – Reserved Matters application relating to outline planning permission ref: P/2014/00548 for the erection of 53 No. dwellings along with associated parking, children’s play area, creation of vehicular and pedestrian access and connection to the footpath network including details of appearance, landscaping, layout and scale – Land off Ashbourne Road, Uttoxeter (Ward: Rocester)**

The above site visit was attended by Councillors E. Barker, M. J. Bowering, K. J. Builth, R. Faulkner, Mrs V. J. Gould, G. Hall, Mrs J. Jessel, R. Johnston, D. C. Leese, Ms A. Legg, G. Marjoram, Mrs B. Toon and C. Whittaker.

Mrs J. Matthews, a member of the public, spoke on the application.

Resolved:

That **RESERVED MATTERS BE APPROVED** subject to the following conditions:

1. List of approved plans.
2. Where a private access falls towards the public highway a surface drainage interceptor, connected to a surface water outfall, shall be provided and then retained.
3. Prior to the occupation of any dwelling(s) on the site a scheme for the provision of electrical vehicle charging points to be provided to serve the dwellings shall be agreed, provided and then retained.

4. Details of the proposed pedestrian gate to be provided on the Ashbourne Road frontage of the site shall be agreed under the scheme for the approval of boundary treatment under Condition 7 of the outline planning permission ref: P/2014/00548.
5. No more than 50% of the dwellings hereby permitted shall be first occupied until the play equipment has been provided on the equipped play area in accordance with an approved scheme.
6. The garage accommodation/parking space(s) provided shall be made available at all times for the parking of vehicles and cycles.
7. No dwelling hereby permitted without access to a garage shall be occupied until the secure weatherproof cycle storage facility for that dwelling has been provided in accordance with approved plans.
8. Any soakaways shall be located a minimum of distance of 5.0 metres back from the rear of the highway boundary.
9. The landscaping shall be carried out in the first planting season.
10. The approved bin stores/bin collection points (as shown on the drawings listed at condition 1 above) shall be provided before the dwelling(s) they serve are first occupied and then retained.
11. The dwelling units identified shall be completed to Building Regulation 2010 Standard M4 (2).
12. No dwelling hereby permitted shall be occupied until the parking and turning areas for that dwelling have been provided and then retained.
13. Notwithstanding the details shown on the submitted plans prior to the occupation of any dwelling on the site protective fencing shall be erected around the attenuation pond on the site in accordance with a scheme first approved in writing by the Local Planning Authority.
14. Prior to the occupation of any dwelling on the site the footpaths/footways shall be surfaced in accordance with the details shown on the approved plans (as listed at condition 1 above) unless another timetable is otherwise agreed in writing with Local Planning Authority.

Informatives

1. Standard note of the record of engagement with the applicants.
2. The Condition of the outline permission ref: P/2014/00548 addressed by this Reserved Matters approval is Condition 2: being the layout, scale and appearance of the building(s) to be erected.
3. A number of conditions of this reserved matters approval respectively require details to be approved as the development progresses. This means that development/works may not be lawful until the particular requirements of these conditions have been met.
4. The County Highway Authority advised there will also be requirement for approval of highway works under the Staffordshire Act 1983 and the Highways Act 1980.

5. The applicants are also reminded to comply with any submissions agreed under application ref: P/2018/01496 in respect to the discharge of conditions 5, 6, 7, 8, 9, 10, 12, 14, 15, 16 and 18.
6. The applicants are also reminded to comply with the other relevant conditions of Outline Planning Permission ref: P/2014/00548.
7. The County Highway advises that as the proposed road and associated turning head serving Plots Nos. 2 – 7 is indicated as private then that shall be provided and maintained by the Maintenance Management Company to be established by the applicants.
8. The applicant's attention is drawn to the attached comments of the Architectural Liaison Officer.
9. The applicants are reminded to ensure that there is safe access at all times for users of the existing public right of way which runs through the application site. For further information they are advised to read section 7 of DEFRA's Rights of Way Circular (1/09).
10. The applicants are advised that consent would be required under Section 257 of the Town and Country Planning Act to divert the public right of way which runs through the application site.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker		
Councillor M J Bowering		
Councillor K J Builth		
Councillor R Faulkner		
Councillor Mrs V J Gould		
Councillor G Hall		
Councillor Mrs J Jessel		
Councillor R Johnston		
Councillor D C Leese		
Councillor Ms A Legg		
Councillor Mrs B Toon		
Councillor C Whittaker		

(Councillors R. J. Clarke and S. Hussain did not vote as they did not attend the site visit).

APPEALS RECEIVED AND DETERMINED

The Report of Sal Khan, Head of Service regarding appeals received, withdrawn and determined was received and noted.

335/19 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 7th January 2019 and 1st February 2019 was received and noted.

336/19 **EXCLUSION OF THE PRESS AND PUBLIC**

Resolved:

That, in accordance with Section 100(A) (4) of the Local Government Act, 1972, the Press and Public be excluded from the Meeting during discussion of the following items it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that there would be disclosed exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated in brackets before each item number on the Agenda:

ENFORCEMENT SCHEDULE

337/18 **ENFORCEMENT SCHEDULE**

The Report of Sal Khan, Head of Service regarding the enforcement schedule was received and noted.

Chairman