

EAST STAFFORDSHIRE 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 22nd January 2019.

Present:

Councillors E. Barker (Chairman), M. J. Bowering, K. J. Builth, R. J. Clarke, Mrs V. J. Gould, G. Hall, S. Hussain, Mrs J. Jessel, R. Johnston, D. C. Leese, Ms A. Legg, G. Marjoram 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).

Apologies for absence were received from Councillors R. Faulkner and Mrs B. Toon.

322/19 **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.

Councillor G. Marjoram declared an ordinary interest in application P/2018/00530, in that he had attended a parish council meeting when this development was discussed.

323/19 **MINUTES**

The Minutes of the meeting held on 11th December 2018 were approved and signed as a correct record with an amendment that Councillors E. Barker and Mrs J. Jessel did not attend the site visit for application no. P/2018/00505 at Roycroft Farm on 11th December 2018.

324/19 **URGENT BUSINESS**

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

325/19 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2018/01265 – Outline application for the erection of one dwelling – Land off Oakfields, Hanbury (with all matters reserved) (Ward: Hanbury)**

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

Resolved:

That **OUTLINE PLANNING PERMISSION BE APPROVED**, subject to the following conditions:

1. Details of the access, appearance, landscaping, layout, and scale (hereinafter called “the reserved matters”).

2. Application for approval of the reserved matters to be made no later than three years from the date of the permission.
3. The development to begin no later than two years from the date of approval of the last of the reserved matters.
4. Compliance with the approved plans.
5. The development shall only be carried out in accordance with the conclusion and recommendations identified in the Preliminary Ecological Appraisal Survey Report by Evolution Ecology dated 10th April 2014.
6. Details of a written scheme of archaeological investigation to be implemented.
7. Details of drainage plans for the disposal of surface water and foul sewage.
8. Details for the provision of bins within the application site.
9. Details of highway works including access, provision of parking, turning and servicing within the site curtilage, and surfacing materials.
10. The internal dimensions of any single garage to be provided to serve the dwelling should be a minimum size of 6.0m in depth x 3.0m in width.
11. All landscaping works to be undertaken in first season post completion.
12. No development (including groundworks) shall be commenced in relation to the construction of the dwelling hereby approved until such time as the diversion of the public footpath has been completed in full compliance with the requirements of the Diversion Order (approved under application ref: P/2016/01294).

Informatives

1. Standard engagement informative.
2. Standard timing/cost of discharge of conditions informative.
3. Severn Trent Water advise that there may be a public sewer located within the application site. Although the statutory sewer records do not show any public sewers within the area specified, there may be sewers that have recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
4. The grant of the planning permission does not imply any approval of the illustrative layout.
5. The applicant is advised that any grant of planning permission given does not construe the right to divert, extinguish or obstruct any part of the public footpath (Hanbury No. 26). The definitive path line, or any approved diversion, must remain open and available until such time as the Diversion Order (approved under application ref: P/2016/01294) has been finalised.

6. The Staffordshire County Council Public Rights of Way Officer advises that “it is important that users of the public footpath (Hanbury No. 26) are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. In this respect surface works may be required”.

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 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 C Whittaker		

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

2. **P/2018/00669 – Formation of vehicle parking area with lighting columns along with associated works including an Old Denstone Lane and landscaping works – JCB (Excavators) Limited, Lakeside Works, Station Road, Rocester, Uttoxeter (Ward: Rocester)**

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

Mr J. Malkin, agent for the applicant, spoke on the application.

Resolved:

That the **PLANNING PERMISSION BE APPROVED**, subject to a Section 106 Unilateral Undertaking (to provide for a monitoring fee for the undertaking of an annual review of the Travel Plan by the Highway authority) and the following conditions:

1. Approved drawing numbers. A record be made that planning officers will secure a revised landscaping plan to be included in a list which will be shared with the Chairman of the Planning Committee.
2. The scheme shall be implemented in accordance with an agreed phasing plan and the conditions of the approval.

3. Within 56 days of the date of the permission details of a surface water drainage scheme for Phase 1 to be submitted to the Local Planning Authority to provide for the improvement of the existing surface water disposal/watercourse/drainage system and to ensure access to/improvement/protection and maintenance of existing flood defences/proposed surface water system (including the provision of petrol interceptors). The approved scheme shall be completed within 3 months of its approval.
4. Within 56 days of the date of the permission details of the new pedestrian crossing to be provided on Old Denstone Lane (as Phase 2) are to be submitted to the Local Planning Authority. The new pedestrian crossing shall be provided within 3 months of the date of its approval and in any event prior to the commencement of any works on Phase 3.
5. Within 56 days of the date of the permission an update of the previously agreed Travel Plan from 2012 (under planning permission ref: P/2012/00196) shall be submitted including a timetable, methodology and implementation scheme to promote travel by sustainable modes. The submission is to be subject to consultation with the County Council as the Highway Authority.
6. Within 56 days of the date of the permission submission of details to the Local Planning Authority, including timetable for implementation, for the provision of 10 No. electric vehicle charging points on either the parking area(s) hereby approved or other existing parking areas serving JCB Lakeside Works and their retention thereafter.
7. Details of a Written Scheme of Archaeological investigation for implementation to be agreed by the Local Planning Authority prior to the commencement of Phase 3.
8. Prior to commencement of Phase 3 details of a Construction Vehicle Management Plan to include arrangements for the parking of site operatives/storage of plant and materials used in constructing the development/construction and delivery hours/recorded daily inspections of the highway adjacent to the site access/measures to remove mud or debris carried on to the highway.
9. Prior to commencement of Phase 3 details of a surface water drainage scheme to provide for the improvement of the existing surface water disposal/watercourse/drainage system, along with the car parking surfacing treatments and to ensure access to/improvement/protection and maintenance of existing flood defences/proposed surface water system (including the provision of petrol interceptors).
10. Prior to commencement of Phase 3 details, including timetable of works, for the permanent closure of any access made redundant as a consequence of the proposed development of Phase 3.
11. Prior to commencement of Phase 3 details of a scheme for the protection of all trees/hedgerows to be retained shall whilst construction works are being undertaken.
12. The new access to the parking area on Phase 3 shall be constructed with a gradient no exceeding 8% for the distance of the first 4.5m back from the rear of the highway boundary and all works in connection with the new site access

shall be completed within the limits of the public highway prior to the first use of the parking on Phase 3.

13. Visibility splays to be provided before any approved access is first brought into use and thereafter maintained.
14. New parking area on Phase 3 to be completed and surfaced in a bound material with the individual parking bays (including those allocated for persons with disabilities) clearly delineated before being first brought into use and thereafter maintained.
15. No vehicle barriers shall be installed to the access/egress to the parking area(s) hereby approved unless planning permission has first been approved by the Local Planning Authority.
16. Any soakaway to be provided to serve the development hereby approved should be located a minimum distance of 4.5m to the rear of the highway boundary.
17. Any approved tree/hedgerow removals works shall be undertaken outside the bird breeding/nesting season unless otherwise first agreed in writing by the Local Planning Authority.
18. Approved landscaping works on Phase 1 to be implemented in the first planting season following the grant of the permission unless an alternative timetable is first agreed in writing by the Local Planning Authority.
19. Approved landscaping works to be implemented in the first planting season following the completion of the development on Phase 3.
20. No lighting other than that shown the approved scheme shall be erected at the site unless first agreed in writing by the Local Planning Authority.

Informatives

1. Standard engagement condition.
2. Standard timing/cost of discharge of condition informative.
3. Note on the requirement to apply to the County Highway Authority for a Highway Works Agreement for works on Old Denstone Lane unless the highway has been de-registered.
4. It is pointed out that the County Council's Definitive Map of Public Rights of Way shows Rocester 15 (footpath) in the vicinity of the development on the site. The attention of the applicant is drawn to the existence of this route and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.
5. It is pointed out that the County Council's Definitive Map of Public Rights of Way shows Rocester 15 (footpath) in the vicinity of the development on the site and the development, including construction and associated works, shall not cause any obstruction to that right of way at any time.
6. With regard to Condition 7 the applicant's attention is drawn to the comments of the County Archaeologists.

7. With regard to Condition 15 the County Highway Authority advises that if entrance barriers are proposed to be installed to the parking area(s) as a separate application for planning permission in the future these would be expected to be set a minimum distance of 6 metres back from the highway boundary and to raise as vehicles approach with any checking process such as pass card recognition to be only provided at exit from the parking area(s).
8. With regard to Condition 6 the County Highway Authority advise that the demand for electric vehicle charging points should be monitored as part of the Travel Plan and additional spaces to be made available as required.
9. The applicant's attention is drawn to the comments of the Architectural Liaison Officer in relation to site security.

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 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 C Whittaker		

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

3. **P/2017/01307 – Outline application (including details of access) 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)**

This application was withdrawn prior to the meeting.

4. **P/2018/00530 – Hybrid application including a full planning application for the demolition of existing buildings and structure to facilitate the erection of a Lidl food store (Class A1) and two retail units (Class A1) and associated means of access, parking, landscaping and infrastructure works, and an outline planning application for the demolition of existing buildings and structures to facilitate a drive-thru restaurant (Classes A3/A5) including details of access – Brookside Business Park, Brookside Road, Uttoxeter (Ward: Town)**

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

Mr M. Churchward, a member of the public, spoke on the application.

Mrs J. Hawley, the applicant, spoke on the application.

Resolved:

That **PLANNING PERMISSION BE GRANTED** subject to a Section 106 Agreement and the following summary conditions:

Outline Planning Permission for Drive-thru Restaurant (Classes A3/A5)

1. Reserved matters submissions to be provided before development commences (other than any demolition/site clearance works shown on the relevant approved drawings in Condition 3 below) in relation to layout, scale, appearance and landscaping.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the permission.
3. List of approved plans.
4. The development hereby permitted shall begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved.
5. The floor area of the building to occupy the site shall not exceed 169 square metres (Gross Internal Area) and the site shall only be used in connection with a Class A3 and/or A5 use.
6. The details to be provided under Condition 1 shall include details of secure and covered cycle parking/the finish materials to the parking, access and turning areas (including delineation of parking spaces/pedestrian paths)/pedestrian and cycle access to the development site. The details shall be delivered in line with an agreed timetable and thereafter maintained.
7. Details of the proposed finished floor/slab levels and finished ground levels to be provided before new build development first commences.
8. Details of the proposed foul and surface water drainage systems to be provided before new build development first commences. Before first bringing into use the scheme shall be completed in accordance with the approved details and the measures set out in the submitted flood risk assessment.
9. Details of the sample materials before any development works progress above slab level.
10. Details of the lighting to serve the development to be submitted to the Local Planning Authority prior to the development being first brought into use.
11. Details of the provision of waste facilities/litter bins to serve the development to be submitted to the Local Planning Authority prior to the development being first brought into use.
12. The approved landscaping to be undertaken in the first planting season following the completion of the development.

Full Planning Permission (for Lidl and Two No. Retail Units)

13. Three year commencement condition.
14. List of approved plans.
15. Details of any phased programme of development shall be agreed with the Local Planning Authority prior to the commencement of any development (including demolition works on any part of the application site) and shall include a phasing timetable and details of the treatment of any lands that may remain vacant upon the occupation of any retail unit(s) on other areas of the site (including that the subject of the outline approval). The agreed phasing of any approved scheme shall be adhered to at all times unless agreed in writing by the Local Planning Authority.
16. Details of a Construction Vehicle Management Plan (CVMP) to be submitted before commencement of development (including demolition works on any part of the application site) to comprise the routing of demolition/delivery vehicles to and from the site including timing of movements to minimise congestion/arrangements for the parking of site operatives/arrangements to ensure vehicular access to the eastern extent of Brookside Road at all times/loading and unloading of plant and materials/storage of plant and materials used in constructing the development/construction and delivery hours/delivery routing and hours/recorded daily inspections of the highway adjacent to the site access/measures to mitigate/to remove mud or debris carried on to the highway/hours and days of operation.
17. Details of a scheme of dust mitigation during construction phase to be submitted prior to the development (including demolition works on any part of the application site) commencing.
18. All making good of retained buildings on the site shall be by way of blank elevations using matching materials with bonding and coursing of any brickwork to match that of the existing building.
19. Details of all off site highway works to be submitted prior to the new build development commencing including provision for revised customer access and new service access/provision of new footway/road widening and resurfacing works on Brookside Road; all of which and shall be completed in accordance with the approved details prior to first occupation of any new retail units unless otherwise agreed in writing by the Local Planning Authority.
20. Details of a land contamination mitigation scheme to be submitted to the Local Planning Authority prior to the commencement of new build development and completed prior to the first occupation of any retail unit.
21. Details of a foul drainage scheme to be submitted prior to the commencement of new build development and completed prior to the first occupation of any retail unit.
22. Details of a surface water drainage scheme to be submitted prior to the commencement of new build development and completed prior to first occupation of any retail unit. The scheme shall ensure no infiltration of surface water drainage into the ground is permitted other than where it has

been demonstrated that there is no resultant unacceptable risk to controlled waters (as per the requirements of the Lead Local Flood authority and the Environment Agency).

23. Details of retaining walls to car parking areas/access (including external finishes) to be submitted prior to the commencement of new build development and completed prior to the first occupation of any retail unit.
24. Any approved tree/hedgerow removals works shall be undertaken outside the bird breeding/nesting season unless otherwise first agreed in writing by the Local Planning Authority.
25. All ecological enhancement/mitigation measures in relation to the construction phase of the development and in respect of the long term retail use of the site shall be undertaken in accordance with the details set out in the submitted ecological/protected species reports. Mitigation measures shall be retained.
26. Details of boundary treatments (including materials/finishes) to be submitted prior to any occupation and completed prior to the first occupation of any retail unit.
27. Details of a scheme for the provision of electric charging points to be submitted before the first occupation of any retail unit including a timetable for installation.
28. Details of covered and secure cycle storage facilities for staff and customers to be submitted to the first occupation of any retail units which is to be retained thereafter.
29. Details of a scheme to provide Traffic Regulation Order on the south side of Brookfield to be submitted prior to any first occupation of any retail unit. Unless another timetable of implementation is otherwise agreed in writing by the Local Planning Authority the approved scheme shall be completed prior to the first use of any new retail unit and shall be retained thereafter.
30. Prior to first occupation of any retail unit a scheme of noise mitigation measures shall be provided to be implemented.
31. Prior to first occupation of any of the retail units the access drive(s) and associated visibility splays shall be provided and shall thereafter be kept free of all obstructions.
32. Prior to first occupation of any of the retail units the shared parking and manoeuvring area shall be provided in a bound material with the individual bays clearly delineated and retained thereafter.
33. Prior to first occupation of any of the retail units the pedestrian ramped access from Town Meadows Way shall be provided and all pedestrian accesses/paths clearly delineated and retained thereafter.
34. The development shall be completed in accordance with the measures set out in the submitted flood risk assessment prior to any first occupation of a retail unit and maintained thereafter throughout the lifetime of the development.
35. Approved boundary treatment scheme to be implemented prior to first occupation of any retail unit.

36. The approved landscaping scheme shall be implemented following the first completion of the development/development phase.
37. Any soakaway to serve the development scheme shall be located a minimum distance of 4.5 metres to the rear of the adopted highway boundary.
38. The two No. (smaller) Class A1 retail units shall only be used for the sale of comparison goods and no more than 20 per cent of the available sales area of the Lidl retail unit (i.e. 121.6 sqm) shall be used for the sale of comparison goods unless planning permission has otherwise been first approved by the Local Planning Authority.
39. No retail unit shall be sub-divided, no mezzanine floor shall be inserted and nor shall any additional retail floors be created above that shown on the approved plans/specified in the application, submission unless planning permission has otherwise been first granted by the Local Planning Authority.
40. No gates or barriers are to be installed at the vehicular access to the customer parking areas at any time, unless first agreed with the Local Planning Authority under the current application prior to the occupation of any retail unit or unless thereafter planning permission has otherwise been first granted by the Local Planning Authority.
41. Any gates or barriers to be installed to the HGV/delivery access shall be set a minimum distance of 18 metres from the edge of the public highway and shall open away from the highway at all times.
42. There shall be a minimum of 206 car parking spaces provided within the site.

Informatives

1. Standard engagement note.
2. Condition discharge timetables.
3. The applicant's attention is drawn to the comments of the Environment Agency in relation to water environment pollution.
4. The applicant's attention is drawn to the comments of the Network Rail on lighting provision at the site and the operation of the railway.
5. The applicant's attention is drawn to the comments of Cadent on the existence of gas mains in the locality.
6. The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council etc.
7. This permission is subject to a Section 106 Agreement in relation to an approved Framework Travel Plan and associated Travel Plan monitoring sum of £11,900; in respect of a Traffic Regulation Order on Brookside Road (for which there is a fee payable of £6,000); and in respect of an undertaking not to use the existing Lidl store on Town Meadows Way for food retail sales (upon its vacation by Lidl).
8. The applicant is advised that a separate application would be required for advertisement consent and the approval of this planning application does not imply any approval for any signage shown on the submitted plans.

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 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 C Whittaker		

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

326/19 **APPEALS RECEIVED AND DETERMINED**

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

327/19 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 26th November 2018 and 4th January 2019 was received and noted.

328/19 **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

329/18 **ENFORCEMENT SCHEDULE**

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

Chairman