

# 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 Wednesday 24<sup>th</sup> April 2019.

### **Present:**

Councillors E. Barker (Chairman), M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, Mrs V. J. Gould, S. Hussain, Mrs J. Jessel, R. Johnston, D. C. Leese, Ms A. Legg, Mrs B. Toon and C. Whittaker.

### **Officers Present:**

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

### **Also Present:**

Mr David Newham (Independent Viability Officer).

Apologies for absence were received from Councillors G. Hall and G. Marjoram.

### 338/19 **DECLARATIONS OF INTEREST**

Councillors R. J. Clarke and S. Hussain declared that as they did not attend the site visit for application number P/2017/01307, they would take part in the debate but was unable to vote upon the applications.

Councillor Mrs V. J. Gould declared that as she had made representations on application number P/2018/01594, and as such she would not take part in the debate and sat in the public gallery when the application was heard.

### 339/19 **MINUTES**

The Minutes of the meeting held on 19<sup>th</sup> February 2019 were approved and signed as a correct record.

### 340/19 **URGENT BUSINESS**

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

### 341/19 **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)**

Previously 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 D. Trenergy, parish councillor, spoke on the application.

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

Mr Anderson indicated that he wished the Committee to approve the application with a Section 106 Agreement providing for the affordable housing levels to be agreed at the outline stage (as per the applicant's submissions) but had been instructed by his clients to offer as an alternative that the issue be deferred to the reserved matters stage.

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

**Resolved:**

Outline planning permission be **GRANTED** subject to the summary list of conditions outlined in the draft discussion appendix, circulated at the meeting, and also subject to a Section 106 Agreement that will incorporate a clause to include all those matters that are outlined in the February committee report in terms of financial contributions, offsite requirements etc., with the provision that the level of affordable housing be determined at the reserve matters stage.

1. Reserved matters submissions to be provided before development on any phase commences (as agreed under condition 5) in relation to layout, scale, appearance and landscaping.
2. Application for the last 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 be begun before the expiration of two years from the date of the approval of the reserved matter(s) to be approved.
5. Details of a phased programme of work shall be agreed with the Local Planning Authority prior to the commencement of any development (including site clearance works/groundworks) and shall include a phasing timetable for the development of the residential element(s) of the scheme (including associated open space provision) along with the timing of works for the re-naturalisation of the Picknall Brook and for the provision of the 'town park'/other open space provision along with the details of the treatment of any lands that may remain vacant upon occupation of any dwelling unit(s) of other phases/areas of the site. The agreed phasing shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.
6. Unless otherwise agreed under the provision of the phasing scheme (to be agreed under condition 5) no development (including any site clearance works/groundworks) shall take place on the site until precise details of the restoration/re-naturalisation of the Picknall Brook (including a long-term maintenance plan) has been submitted to and approved in writing by the Local Planning Authority.  
Unless otherwise agreed under the provisions of the phasing scheme (to be agreed under condition 5) the approved scheme shall be implemented in full prior to the commencement of any other part of the development approved by the planning permission.

7. Unless otherwise agreed in writing by the Local Planning Authority details of the proposed flood risk mitigation works in line with the submitted Flood Risk Assessment (Version 2.0 of September 2017 to be provided before other development first commences and reviewed in conjunction with the Environment Agency.
8. Prior to commencement of development (including clearance works/groundworks) on any phase which includes the alteration of the watercourse detailed designs and alignment for the watercourse, as indicated on the illustrative Masterplan for the proposed development, shall be submitted to and approved in writing by the Local Planning authority in consultation with the Environment Agency.
9. Prior to the commencement of any works affecting the flood plain/existing watercourse, including any site clearance works/groundworks, within each phase of the development, detailed Construction Method Statements for the flood plain compensation and separately any alterations of the watercourse shall be submitted to, and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The approved statements shall be adhered to throughout the construction period.
10. No phase of the development site shall take place (including any site clearance works/groundworks), until a Construction Vehicle Management Plan (CVMP) has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall include: Arrangements for the parking of site operatives and visitors/Loading and unloading of plant and materials/Storage of plant and materials used in constructing the development/Construction day and hours/Delivery routeing and hours/Pedestrian and cyclist protection/Any proposed temporary traffic restrictions/Recorded daily inspections of the highway adjacent to the site access/Wheel washing and measures to remove mud and debris carried onto the highway.
11. No phase of the development (including any site clearance works/groundworks) shall take place until details of a scheme of dust mitigation during the construction process is first agreed.
12. No development (including any site clearance works/groundworks) shall take place on any phase of the development scheme until details of the proposed foul water drainage systems are provided.
13. No development (including any site clearance works/groundworks) shall take place on any phase of the development scheme until details of the proposed Sustainable Drainage systems are provided.
14. Prior to the commencement of the development (including any site clearance works/groundworks) on any relevant phase full details of vehicular access points including visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The vehicular access points and visibility splays shall thereafter be provided in accordance with the approved details prior to first occupation of any dwelling served by that access.
15. No development (including any site clearance works/groundworks) shall take place on any phase of the development until details of road construction related to that phase, including longitudinal sections and means of drainage have been submitted to and approved in writing by the Local Planning

Authority. The development shall only be carried out in accordance with the approved details.

16. No development (including any site clearance works/groundworks) shall take place on any phase until details of all materials for hard-surfaced areas relating to that phase, including accesses, roads, parking, turning areas, pavements, pathways and any other hard-surfaced areas within the phase and around the buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
17. No development (including any site clearance works/groundworks) hereby permitted shall take place on any agreed phase until details of finished floor levels and finished ground levels of that phase of the development are submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The details to be submitted shall demonstrate that internal finished floor levels are set in a minimum of 450m higher than the 1 in 100 year plus 30% for climate change predicted flood level for that phase of development.
18. No development (including any site clearance works/groundworks) shall take place on any phase until mitigation measures (including an implementation timetable) for the protection of protected species/other ecological interests on the relevant phase (including the Picknall Brook) during and after construction works have been submitted to and approved in writing by the Local Planning Authority. Where any development commences within 2 years of the date of the ecological submissions on the application (to be listed), the mitigation measures shall be based on the ecological survey work submitted with the application. Where any development commences after the aforementioned 2 year period the mitigation works shall thereafter be based on updated ecological survey work which shall have first been submitted to and approved in writing by the Local Planning Authority (and which in any case shall not be more than two years old at the time of works commencing). All mitigation works to be undertaken in accordance with the approved details/timetable.
19. No development (including any site clearance works/groundworks) shall take place until a biodiversity strategy for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The submissions (where relevant to the phase(s)) shall relate to the 'town park' and other open spaces/green areas and built-up areas, and include a nature conservation management plan for the town park and other open space/green areas. The development shall only be carried out in accordance with the approved strategy and plan document(s).
20. The details required under condition 1 in relation to any development on Zone 1 shall include a Master Plan which shall include the following: Street layout and character including measures to restrain vehicle speeds to 20mph/Parking Strategy including the provision of secure cycle parking facilities for each dwelling unit/Phasing/Timetable of the works/Pedestrian connectivity (especially to public transport)/Clear delineation of roads and footways to be offered for adoption. The Master Plan shall be complied with unless otherwise agreed in writing by the Local Planning Authority.
21. The details required under condition 1 in relation to any development on Zone 1 shall include details of the means of ensuring that vehicular and/or pedestrian access to the rear of the properties on Balance Street which

currently benefit from vehicular and/or pedestrian access is retained during the construction phase and in relation to the development phase.

22. The details required under condition 1 in relation to any development on Zone 1 shall include a Master Plan which shall include the following off-site highway related works: Pinfold Street traffic calming/Toucan crossing on Hockley Road/Yellow Box junction on Hockley Road/Pedestrianisation of the southern section of Pinfold Street. The highway works shall thereafter be constructed in accordance with the approved details prior to completion of the 50<sup>th</sup> dwelling or otherwise agreed with the Local Planning Authority.
23. No development (including any site clearance works/groundworks) shall take place on Zone 1 (as identified on the relevant drawing reference) until submission and approval of the final phase or remedial works in Zone 1 including suitable capping layer and gas protection measures (where applicable) and a timetable for undertaking the works.
24. The details required under condition 1 in relation to development on Zones 1 and 2 shall where relevant include details of the formal laying out of the 'town park' and other areas of open space/green areas, precise details of the pathways throughout the park/lands, including links with existing public footways (including a timescale for completion. The pathways and links shall be provided in accordance with the approved details and timescale and thereafter shall be retained for the life of the development.
25. No development (including any site clearance works/groundworks) shall take place on Zone 2 (as identified on the relevant drawing reference) until submission and approval of a revised conceptual site model (CSM) and risk assessment for Zone 2 along with any necessary remedial works and a timetable for undertaking the works.
26. No development (including any site clearance works/groundworks) shall take place on Zone 3 (as identified on the relevant drawing reference) until submission and approval of the final phase of remedial works in Zone 3 including suitable capping layer and gas protection measures (where applicable) and a timetable for undertaking the works.
27. No development above damp proof course level shall take place on any residential element within a phase until details of sustainability/energy saving measures and techniques to be employed in relation to dwellings in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
28. No development above damp proof course level shall take place on any residential element within a phase until details of noise attenuation measures to be incorporated in the residential properties in that phase have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall be constructed in accordance with the approved measures.
29. No development above damp proof course level shall take place in relation to residential development on any phase of the development scheme until samples and details of all external materials and finishes relating to that phase (including those for walls, roofs, windows, doors and chimneys), including details of colour, coursing and texture have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials and finishes.

30. Upon the approved revised site access points being completed and first brought into use any existing footway crossings on Hockley Road and Pinfold Street, made redundant as a consequence of the development, shall be permanently closed with the access crossing reinstated as a footway in accordance with details which shall have been first submitted to and approved in writing by the Local Planning Authority.
31. Before any development is first occupied/brought into use on each phase of the development until details of boundary treatment, including materials, finishes, heights and sections (where there are changes in topography) in relation to that phase have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be provided prior to the first use or occupation of the phase of the development to which it relates.
32. Before any development is first occupied/brought into use on each phase of the development until details of a landscape management plan related to that phase, for all landscape areas outside of private domestic curtilages, for years five to ten from initial planting has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall be managed in accordance with the approved plans.
33. No phase of the development shall be first occupied until a Travel Plan relating to that particular phase of the development has been submitted to and agreed by the Local Planning Authority in conjunction with the County Highway Authority. Such a Travel Plan shall be implemented through agreed mechanisms that have been approved.
34. No development (including any site clearance works/groundworks) shall take place on any phase until such time as the protection of all existing trees and hedges to be retained in relation to that phase have been erected in accordance with the submitted tree report and shall be retained at all times whilst construction work is taking place (unless otherwise agreed in writing by the Local Planning Authority).
35. No development shall be first occupied/first brought into use on any phase of the development until details of the lighting to serve the development phase is agreed by the Local Planning Authority and provided on the phase.
36. Upon completion of the cut and fill works (floodplain compensation scheme) required by the development/for each development phase and prior to any first occupation of each development phase, an 'as built' topographical survey of the area of floodplain compensation shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency.
37. There shall be no raising of ground levels or erection of any building, structure or any other such obstruction to flood flows within the area of floodplain compensation created as part of the redevelopment of the site and hereby approved under another condition of this approval, unless otherwise agreed in writing by the Local Planning Authority in consultation with the Environment Agency.
38. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling(s) to which it relates or the

completion of the development of the phase of which it forms part, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

39. Any schemes of walling and fencing approved as part of another condition of this permissions shall be completed prior to that phase of the development first being brought into use/the relevant dwelling(s) being first occupied.
40. Any approved tree/hedgerow removal works shall be undertaken outside the bird breeding/nesting season unless that removal is undertaken in accordance with mitigation measures set out in the application submissions.

**Informatives**

1. Standard engagement note.
2. Condition discharge timetables.
3. Standard note about the provision of material samples.
4. The applicant’s attention is drawn to the comments of the Environment Agency in relation to the water environment (including pollution).
5. The applicant’s attention is drawn to the comments of the Network Rail insofar as the submissions of any discharge of condition submissions are concerned where it is necessary to have due regard to the operation of the railway which bisects the site.
6. The conditions requiring off-site highway works will require a Highway Works Agreement with Staffordshire County council etc. (standard note).
7. With regard to the provision of surface drainage submission the applicant’s attention is drawn to the comments of Network Rail and to the fact that the county Highway Authority advises that any soakaway to be installed should be located a minimum distance of 4.5m to the rear of the highway boundary.
8. This permission does override any private legal issues as rights of way or the requirements of other legislation (for example in relation to the operation of the railway).
9. The permission is subject to a Section 106 Agreement.

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 J F Jessel		

Councillor R Johnston		
Councillor D C Leese		
Councillor Ms A Legg		
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/2018/00846 – Erection of 10 No. four bedroomed Golf Lodges to provide (overnight) visitor accommodation and the conversion and alterations to front elevation of Pinewood Cottage to provide golf course related office accommodation, meeting room, locker rooms and store along with the provision of associated vehicular access, parking facilities and landscaping – JCB Golf Course, Woodseat Level, Rocester (Ward: Churnet)**

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

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

**Resolved:**

That planning permission be **APPROVED** subject to the following conditions (along with the additional informative (No. 11) circulated in the update sheet prior to the meeting):

1. Development to accord with the list of approved plans unless otherwise required by another condition of the approval.
2. Tree protection shall be put in place and retained during the construction phase in line with BS5837:2012.
3. Details of lighting scheme to Pinewood Lodge and its environs (to the north-east of the main service road) shall be submitted within 28 days of any approval. No lighting other than that approved shall be installed unless permission has first been granted by the Local Planning Authority.
4. Details of lighting scheme to serve the proposed golf lodges and associated service roads/facilities (to the south-west of the main service road) shall be submitted prior to the first bringing into use of any golf lodge. No lighting other than that approved shall be installed/erected unless permission has first been granted by the Local Planning Authority.
5. The service access road and car parking facilities shall be provided in accordance with the details shown on the approved plans before any of the golf lodge(s) are first brought into use and thereafter retained as being available for the parking of vehicles at all time for the lifetime of the development.
6. The development permitted by this planning permissions shall only be carried out in accordance with the approved Flood Risk Assessment (FRA)/Drainage Strategy.



7. Details of how the unimproved ('type MG5') grassland to be provided will be delineated shall be submitted for approval prior to the implementation of the landscaping scheme.
8. Landscaping to be undertaken in the first planting season following the completion of the development of the application.
9. No service or delivery vehicles serving the development shall enter or exit the golf course site to serve the development outside of the hours 07.00 – 18.00 Monday to Saturday, with no deliveries Sundays or Bank Holidays.
10. The golf lodges are to be occupied only by visitors to the golf course and the JCB World Head Quarters.
11. Pinewood Cottage shall only be used for purposes ancillary to the main use of the site as a golf course.

### **Informatives**

1. Standard engagement note to applicants.
2. Timing/cost of discharge of condition application informative.
3. The applicant is reminded to discharge condition 20 of application ref: P/2016/00434 (Golf Club Membership).
4. The applicant is reminded to comply with condition 31 of the application ref: P/2016/00434 which requires a Traffic Management and Monitoring Plan to be put in place for a period of at least five years after the opening of the golf course.
5. With regard to the condition(s) above in relation to the provision of lighting the County Ecologist advises that the scheme ought not to provide for any external lighting of the upper floors of Pinewood Cottage and that all external lighting should be designed in accordance with the Bat conservation Trust/ILP Guidance Note 8/18 Bats and Artificial Lighting in the UK.
6. The applicants should ensure the habitats of nesting birds are not disturbed during the construction phase in line with the requirements of the Wildlife Acts.
7. The applicant's attention is drawn to the comments of the Architectural Liaison Officer.
8. The County Council's Public Rights of Way Officer advises that Public Footpath No. 27, Rocester Parish which currently runs through the application site will need diverting as part of the proposals and therefore the developer will need to apply to the Borough Council under Section 257 of the Town and Country Planning Act 1990 to divert the right of way to allow the development.
9. The County Council's Public Rights of Way Officer advises that it is important that users of the footpath network are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development.
10. The County Council Public Rights of Way Officer advises that Staffordshire county council has received an application under Section 53 of the Wildlife

and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. Details of the application reference no. LF610G can be found at the link below:

<https://apps2.staffordshire.gov.uk/SCC/PROW/>

For more information regarding the application under Section 53 of the Wildlife and Countryside Act 1981, please contact Staffordshire County Council's legal section.

It should be noted, however, that this does not also preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

11. Advice note that for the use of reuse sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to Severn Trent Water under Section 106 of the Water Industry Act 1991. The applicant may obtain copies of the current guidance notes and application form from either the Severn Trent Water Limited website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting their Development Services Team (Tel: 0800 707 6600).

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 J Clarke		
Councillor R Faulkner		
Councillor K J Builth		
Councillor Mrs V J Gould		
Councillor S Hussain		
Councillor Mrs J Jessel		
Councillor R Johnston		
Councillor D C Leese		
Councillor Ms A Legg		
Councillor Mrs B Toon		
Councillor C Whittaker		

3. **P/2018/01594 – Consent for the erection of a single storey rear and side extension, roof alterations to facilitate a loft conversion, installation of front dormer windows and erection of a detached garage and workshop (AMENDED PLANS RECEIVED) – 16 Claymills Road, Stretton, Burton upon Trent, Staffordshire DE13 0JQ (Ward: Stretton)**

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

Mr G. Lamb, parish councillor, spoke on the application.

Mr A. Gould and Mr R. Millson, members of the public, spoke on the application.

Mr M. Reynolds, agent for the applicant, spoke on the application.

**Resolved:**

That accordingly, taking into consideration the above mentioned planning considerations the recommendation is to **PERMIT** the proposal, subject to the following conditions:

1. Time limit condition (3 years).
2. Compliance with the approved plans.
3. Matching materials.
4. Garage shall be retained for the parking of motor vehicles and cycles.
5. The garage and workshop shall remain ancillary to the dwelling known as 16 Claymills and shall not be converted into living accommodation without the prior approval of the Local Planning Authority.
6. Prior to the garage/workshop being brought into use the existing garage and outbuildings shall be removed.
7. Removal of permitted rights for extensions and curtilage buildings.

**Informative**

1. Engagement informative.
2. Ecology informative.
3. Radon Gas informative.

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 J Clarke		
Councillor R Faulkner		
Councillor S Hussain		
Councillor Mrs J Jessel		
Councillor R Johnston		
Councillor D C Leese		
Councillor Ms A Legg		
Councillor Mrs B Toon		

Councillor C Whittaker		
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(Councillor Mrs V. J. Gould declared an interest in the application and so did not speak or vote thereupon).

342/19 **APPEALS RECEIVED AND DETERMINED**

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

343/19 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 4<sup>th</sup> February 2019 and 5<sup>th</sup> April 2019 was received and noted.

344/19 **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**

345/18 **ENFORCEMENT SCHEDULE**

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

**Chairman**