

EAST STAFFORDSHIRE BOROUGH COUNCIL

PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in a virtual environment on Tuesday 29th September 2020.

Present:

Councillors Mrs V. Gould (Chairman), Mrs B. Ashcroft, E. Barker, R. Faulkner, G. Hall, G. H. Lamb, Ms A. Legg, S. McGarry, S. McKiernan, C. Sylvester and Mrs B. Toon.

Officers Present:

S. Grant (Solicitor), S. Khan (Head of Service), N. Perry (Planning Manager), K. Challoner (Principal Planning Officer) and B. Toy (Principal Planning Officer).

Apologies for absence were received from Councillors Mrs B. Brady and K. J. Bulth.

128/20 **DECLARATIONS OF INTEREST**

Councillor G. Hall declared a private interest in application no. P/2019/01270 in that his partner works for the planning consultancy representing the applicants. Councillor Hall left the meeting so did not take part in the discussions or vote thereupon.

129/20 **MINUTES**

The Minutes of the meeting held on 25th August 2020 were approved and signed as a correct record.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor Mrs B Ashcroft		Councillor S McGarry
Councillor E W Barker		
Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor G Hall		
Councillor G H Lamb		
Councillor Ms A Legg		
Councillor S McKiernan		
Councillor C Sylvester		
Councillor Mrs B Toon		

130/20 **URGENT BUSINESS**

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

At this juncture Councillor G. Hall left the meeting.

APPLICATIONS FOR PLANNING PERMISSION

1. **P/2019/01270 – Erection of a single storey detached building to form a class A1 foodstore, together with car parking, landscaping, lighting, fencing and associated works – Land at the corner of Old Knotty Way, Uttoxeter, Staffordshire (Ward: Town)**

The above virtual site visit was attended by Councillors Mrs B. Ashcroft, E. Barker, R. Faulkner, Mrs V. Gould, G. Lamb, Ms A. Legg, S. McGarry, S. McKiernan, C. Sylvester and Mrs B. Toon.

Mr P. Gibbs, Waitrose Store Manger, spoke on the application.

Mrs R. Rutter, representing Aldi Uk, spoke on the application.

Discussions took place.

A proposal was put forward by the Planning Officer to include a condition relating to lighting on the site.

Councillor Ms A Legg also proposed (seconded by Councillor Mrs B Ashcroft) that an informative be added regarding litter bins be delegated to the Planning Officer.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor B Ashcroft		Councillor G Lamb
Councillor E W Barker		
Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor Ms A Legg		
Councillor S McGarry		
Councillor S McKiernan		
Councillor C Sylvester		
Councillor Mrs B Toon		

Further discussions took place.

A proposal was put forward by Councillor S. McGarry (seconded by Councillor Mrs B. Ashcroft) to **permit** the application.

Resolved:

To **GRANT**, subject to the following conditions and the completion of a S106 agreement:

1. **Grampian Condition – Off Site Highway Works**

The development hereby permitted shall not be brought into use until written confirmation has been secured from Staffordshire County Council (as the highway authority) and submitted in writing to the Local Planning Authority

that the new access off Old Knotty Way including the widening of the road and removal of a local central island, the construction of a new signal controlled pedestrian crossing and a new footpath from the existing pedestrianised crossing have been completed to the satisfaction of the County Highway Authority under the Highway Acts.

2. **Time Limit – 3 Year Standard**

The development hereby permitted shall be begun before the expiration of three years from the date of the permission.

3. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to the compliance with other conditions of the permission:

Drawing No's:

AMA/40035/SKO12 dated as received 21 July 2020

2554-051 Location Plan dated as received 30 October 2019

2554-100 Rev A Proposed Site Layout dated as received 21 July 2020

2554-101 Rev A Proposed Layout Plan dated as received 23 December 2019

2554-102 Rev A Proposed Elevations dated as received 23 December 2019

2554-103 Rev A Proposed Sections dated as received 23 December 2019

2554-104 Rev A Proposed Roof Plan dated as received 23 December 2019

2554-VL-L01 Rev D Landscape Plan dated as received 23 December 2019

2554-100 Rev 1 Lighting Plan dated as received 01 November 2019

Ecological Impact Assessment SLR Ref: 414.02748.00009 Version 1 dated September 2019

Results of Dusk Bat Surveys of Trees 10 and 11 SLR Ref: 424.07248.00015 Version 1 dated June 2020.

Flood Risk Assessment dated as received 09 October 2019.

4. **Materials**

All external materials used in the development shall be set out on the approved plans listed under condition 2 unless otherwise first agreed in writing with the Local Planning Authority.

5. **Implementation of Landscaping**

All planting, seeding or turfing comprised in the approved details of landscaping as set out on the approved plans listed under condition 2 shall be carried out in the first planting and seeding season following the first

occupation of the building(s) or the completion of the development, 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 unless the Local Planning Authority gives written consent to any variation.

6. Protection of Trees During Development

All existing trees and hedges shown as being retained on the plans hereby approved under condition 3 above shall be protected by 2m high fencing in line with the Tree Protection Barrier recommendations contained within British Standard 5837 (2012) 'Trees in Relation to Construction'. Such fencing shall be erected before development commences and shall be retained at all times whilst construction work is taking place.

7. Highways

The development hereby permitted shall not be brought into use until the access, parking, cycle parking, servicing and turning areas shown on the approved plans listed under condition 3 above have been provided, hard surfaced, marked out and drained in accordance with the approved plans and shall not be used for purposes other than those and maintained as such thereafter.

8. Highways

The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway have been completed.

9. Highways

The development hereby permitted shall not be brought into use until the pedestrian access to the site off Old Knotty way has been completed. The pedestrian access shall be retained for the lifetime of the development.

10. Travel Plan

The development hereby permitted shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in the plan unless otherwise agreed in writing by the Local Planning Authority. Records demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent. The Travel Plan shall include targets for modal shift as well as additional measures should those targets be missed.

11. Surface/Foul Water Drainage Scheme

No development shall take place until a detailed surface and foul water drainage scheme for the site has been submitted to and approved in

writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and Severn Trent Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme to be submitted shall demonstrate:

- Surface water drainage system to be designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical storm to 8.0l/s.
- Provision of adequate surface water run-off attenuation storage in accordance with the requirements specified in 'Science Repot SC030219 Rainfall Runoff Management for Developments'.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

12. **Contaminated Land**

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

13. **Contaminated Land**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed by the Local Planning Authority. The Local Planning Authority must be given two week written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report, that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. In the event that contamination is

found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

14. Contaminated Land

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.

15. Noise Assessment

No development shall take place until a Noise Impact Assessment with regards to external plant and deliveries has been submitted to and approved in writing by the Local Planning Authority which shall include details of any noise mitigation measures required. The development shall only be implemented in accordance with the approved mitigation measures and maintained as such for the life of the development.

16. Construction Management Plan

No development shall take place until a Construction Management Plan, which shall specify the routing of demolition and construction to and from the site, parking of vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials, storage area of the plant and materials used during the construction of the development, appropriate wheel wash facilities and measures to prevent the deposition of deleterious material on the public highway. The approved Construction Management Plan shall be implemented and adhered to throughout the construction period unless otherwise first agreed in writing by the Local Planning Authority.

17. Network Rail

No development shall take place within the application site until details of boundary fencing to be located along the boundary with the railway will be provided and agreed in writing by the Local Planning Authority. The approved fencing shall be installed prior to the first occupation of any dwelling on the site.

18. Network Rail

No development shall take place within the application site until a method statement detailing the proposed method of construction, risk assessment in relation to the railway and a construction traffic management plan shall be submitted and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

19. Ecological Measures Required

The development shall be carried out in accordance with the mitigation measures set out in the Ecological Impact Assessment and the results of the Dusk Bat Surveys Documents listed under condition 3 above unless first agreed in writing by the Local Planning Authority.

20. Electric Vehicle Charging Points

Prior to first use of the development hereby permitted 2 no. electric vehicle charging points shall be installed and retained and maintained for the lifetime of the development.

21. To Define the Permission

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), the Class A1 (retail) floor space hereby permitted shall be used primarily for the sale of convenience goods with a maximum of 263sq m of the net sales are devoted to comparison goods without the consent of the Local Planning Authority.

22. To Define the Permission

The Class A1 (retail) unit hereby permitted shall be used as a single unit and shall not be subdivided into two or more units, and no concessions shall be permitted within the unit without the consent of the Local Planning Authority.

23. To Define the Permission

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending that order with or without modification), no mezzanine floor or other form of internal floor to create additional retail floor space other than that hereby permitted shall be constructed in the hereby permitted Class A1 (retail) unit without the consent of the Local Planning Authority.

24. Lighting Condition

The development hereby permitted shall not be brought into use until full details of the external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The details shall include precise locations and heights of lighting columns and luminance levels. The development shall only be implemented in accordance with approved details and maintained as such for the lifetime of the development.

Informatives

1. Pre-commencement Conditions

The conditions identified below require details to be approved before commencement of the development – Condition No's 1, 11, 12, 15, 16, 17 and 18. This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these condition have been met.

As from 6th April 2008 requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request. Payment can be made by cheque or card only. Please telephone 01283 508606.

Although the Council will endeavour to discharge all conditions within 21 days of receipt of the applicant's written request, legislation allows the Local Planning Authority period of 8 weeks, and therefore this timescale should be borned in mind when programming development.

2. **Engagement**

During the course of consideration of the 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.

3. **Highways**

The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to Minor/Major Works Information Pack and an application form for the Minor/Major Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council Network Management Unit, Staffordshire Place 1, 1Wedgewood Building, Tipping Street, Stafford, Staffordshire ST16 2DH (or email to nmu@staffordshire.gov.uk)
<https://www.staffordshire.gov.uk/Highways/licences/Vehicle-Access/VehicleAccessCrossings.aspx>

4. **Ecological Responsibilities**

The applicant/developer is advised that the permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procures to ensure and offence is not committed.

5. **Network Rail**

Given the proposed works adjacent to the boundary with the railway it is imperative that the developer liaises with Network Rail asset protection team.

6. **Network Rail**

The drainage strategy required under condition 11 above should take into consideration the following requirements:

- All soakaways should discharge away from the railway infrastructure.

- Any attenuation ponds next to the railway should include adequate storm capacity and overflow arrangements so that there is no risk of flooding to the railway line in any event.

5. **Cadent**

Cadent have advised that there are gas pipelines and associated equipment within the vicinity of the application site. The applicants are advised to contact the plan protection team prior to any works commencing on site. Email: planprotection@cadentgas.com Tel:0800 688588

7. **Litter Bins**

The applicant is advised upon the request of the Planning Committee that sufficient litter bins be placed within the car parking area to serve the development.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor B Ashcroft		Councillor G Lamb
Councillor E W Barker		
Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor Ms A Legg		
Councillor S McGarry		
Councillor S McKiernan		
Councillor C Sylvester		
Councillor Mrs B Toon		

At this juncture Councillor G. Hall re-joined the meeting.

132/20 **APPEALS RECEIVED AND DETERMINED**

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

133/20 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 10th August 2020 and 11th September 2020 was received and noted.

134/20 **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:

PRIVATE MINUTES

ENFORCEMENT SCHEDULE

Chairman