

# 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 21<sup>st</sup> March 2017.

### **Present:**

Councillors G. Hall (Chairman), E. Barker (for Minute no. 179/17 to 184/17), M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, S. Gaskin (for Minute no. 179/17 to 182/17 (5.2)), S. Hussain (for Minute no. 179/17 to 184/17), R. Johnston, Mrs J. Jones, Ms A. Legg, C. Smith, S. Smith Mrs B. Toon (for Minute no. 179/17 to 184/17), and C. Whittaker.

### **Officers Present:**

J. Kirkham (Solicitor), G. Upton (Interim Planning Manager) and C. El Hakiem (Principal Planning Officer).

#### 179/17 **DECLARATIONS OF INTEREST**

Councillors R. J. Clarke, C. Smith and S. Smith declared that as they did not attend the site visit for application number P/2016/01737, they would take part in the debate but were unable to vote upon the application.

Councillor C. Whittaker declared that as he did not attend the site visits for application numbers P/2016/01219 and P/2016/0392, he would take part in the debates but was unable to vote on the applications.

#### 180/17 **MINUTES**

The Minutes of the meeting held on 21<sup>st</sup> February 2017 were approved and signed as a correct record.

#### 181/17 **URGENT BUSINESS**

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

#### 182/17 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2016/01737 – Listed Building application for the replacement of windows to side and rear elevations, in substitution for those conditionally approved under reference P/2015/01332 – Ashleigh House, 11 High Street, Tutbury, Burton upon Trent, Staffordshire DE13 9LP (Ward: Tutbury)**

Councillors E. Barker, M. J. Bowering, K. J. Builth, R. Faulkner, S. Gaskin, G. Hall, S. Hussain, R. Johnston, Mrs J. Jones, Ms A. Legg, Mrs B. Toon and C. Whittaker attended the site visit on 21<sup>st</sup> February 2017.

Mrs S. Adams, on behalf of Tutbury Parish Council, spoke on the application.

Mr Philip Heath, agent for the applicant, spoke on the application.

### **Resolved:**

After consideration the Committee decided to **PERMIT** the application because in this case it meets with Local Plan Policy SP1 and Local Plan Policy DP5, and the development would cause no harm to the heritage asset in a conservation area, subject to the following conditions:

1. Standard time limit for the commencement of the development.
2. Compliance with the approved plans (subject to other conditions).
3. All new windows shall unless agreed in writing by the Local Planning Authority:-
  - i. Be set back from the outer face of wall by a minimum of 50mm.
  - ii. Constructed so that the opening casements are flushed with the frame.
  - iii. Have a traditional cill detail.
4. Timber windows to have a white painted finish unless agreed otherwise in writing by Local Planning Authority.

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 Builth		
Councillor R Faulkner		
Councillor S Gaskin		
Councillor G Hall		
Councillor S Hussain		
Councillor R Johnston		
Councillor Mrs J Jones		
Councillor Ms A Legg		
Councillor Mrs B Toon		
Councillor C Whittaker		

2. **P/2016/01219 – Outline application for residential development of 4 dwellings including details of access and layout – Proposed Residential Development at Rose Avenue, Stretton, Burton upon Trent, Staffordshire Ward: (Stretton)**

The site visit was attended by Councillors E. Barker, M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, S. Gaskin, G. Hall, S. Hussain, R. Johnston, Mrs J. Jones, Ms A. Legg, C. Smith, S. Smith and Mrs B. Toon.

Mr C. McKiernan, Parish Councillor, spoke on the application.

Mr B. Jones and Mr M. Robinson, members of the public, spoke on the application.

**Resolved:**

**PERMIT** subject to the following conditions:

1. Standard time limit for the commencement of the development.
2. Time limit for the submission of Reserved Matters.
3. Compliance with the approved plans (subject to other conditions).
4. Approval of all external materials.
5. Submission and approval of a surface water and foul water drainage scheme and implementation of such (with SUDS being required where ground conditions allow).
6. Submission of full landscaping and boundary treatment including details of tree protection measures for retained trees on the boundary, the planting of native trees and the provision of boundary treatment along that part of the side boundary.
7. Implementation of the approved landscaping scheme.
8. Submission and approval of a scheme regarding sustainable construction and energy efficiency and compliance with such.
9. Completion and retention of the approved boundary treatment scheme.
10. Completion of the access including to individual proposed properties and the unmade sections of the accessway, parking and turning areas in a bound and porous material/s (with exact material/s to be first approved by the Local Planning Authority) and such remaining available for their dedicated purposes for the life of the development.
11. Submission and approval of slab levels.
12. Construction Management Plan including construction hours.
13. Implementation of Ecological Enhancement Measures.
14. Compliance with the FRA.
15. Compliance with the tree survey.
16. Compliance with the Ecology survey.
17. Compliance with noise survey.
18. Provisions of bins.
19. All roof lights to fit flush with the roof slope in which they are set and have black frames.

20. All windows and external doors to be set back from outer face of wall by 50mm.
21. Removal of Permitted Development Rights for future extensions, outbuildings, external alterations including any new windows and roof lights, boundary treatment for flood risk reasons.
22. No development shall take place until details of the provision of a passing place(s) has been submitted in writing and approved by the Local Planning Authority. The approved passing place(s) shall be provided prior to the first occupation of the dwellings.

### **Informatives**

1. Engagement informative.
2. Submission of materials.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker	Councillor Mrs J Jones	Councillor S Gaskin
Councillor M J Bowering	Councillor C Smith	
Councillor K Builth	Councillor Mrs B Toon	
Councillor R J Clarke		
Councillor R Faulkner		
Councillor G Hall		
Councillor S Hussain		
Councillor R Johnston		
Councillor Ms A Legg		
Councillor S Smith		

3. **P/2016/00392 – Demolition of existing outbuildings and erection of 25 affordable homes comprising 5 pairs of semi-detached dwellings, 11 terraced dwellings and a detached building comprising 4 flats and construction of vehicular access – land adjacent to 89 Rosliston Road, Stapenhill, Burton upon Trent, Staffordshire DE15 9RG**

The site visit was attended by Councillors E. Barker, M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, S. Gaskin, G. Hall, S. Hussain, R. Johnston, Mrs J. Jones, Ms A. Legg, C. Smith, S. Smith and Mrs B. Toon.

Mr A. Bates, Mrs L. Barnes and Mr R. Edgar, members of the public, spoke on the application.

Mr D. Sercombe, agent for the applicant, spoke on the application.

At this juncture Standing Orders were suspended so that the Council business could continue.

**Resolved:**

**PERMIT** subject to the following conditions and the completion of a Section 106 agreement requiring 100% on site affordable homes:-

1. Time limit for commencement (2 years).
2. Submission and approval of samples and details of materials of construction.
3. Submission and approval of drainage details.
4. Submission and approval of the details relating to contaminated land as set out in the response from Environmental Health.
5. Imported soils condition.
6. Ground gases condition.
7. Submission and approval of finished floor levels.
8. Submission and approval of details of highway construction.
9. Submission and approval of construction management plan including assessment of noise during construction and implementation of recommended mitigation measures.
10. Submission and approval of details of remediation of contamination including verification.
11. Submission of landscaping scheme and details of retaining wall throughout the development.
12. Formation of access, parking and turning areas prior to first occupation.
13. Implementation of landscaping.
14. Implementation of fencing and walling.
15. Development to be carried out in accordance with mitigation measures set out in ecology appraisal.
16. Development to accord with recommendations of the FRA.
17. Conditions recommended by the Contaminated Land Officer.
18. Removal of Permitted Development Rights for all plots.
19. 10% of all new housing providing ground floor accommodation must meet Building Regulation M3(2).
20. Heavy set trees on site.
21. Vegetation removal outside of the bird feeding season. An inspection of buildings undertaken to check for active nests prior to their demolition – nests must remain unaffected until chicks have been fledged.

22. Provision of refuse containers.

23. Compliance with approved plans (subject to other conditions).

### **Informatives**

1. Standard engagement informative.
2. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer. However, where there is any conflict between the recommendations of the Architectural Liaison Officer and the terms of the planning consents the latter take precedence.
3. Pre-commencement conditions standard informative.
4. The applicant to meet with the Parish Council and Ward Member to deliver on site open space that meets the community wishes.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker	Councillor Ms A Legg	
Councillor M J Bowering	Councillor S Hussain	
Councillor K J Builth		
Councillor R Clarke		
Councillor R Faulkner		
Councillor G Hall		
Councillor R Johnston		
Councillor Mrs J Jones		
Councillor C Smith		
Councillor S Smith		
Councillor Mrs B Toon		

### 183/17 **APPEALS RECEIVED AND DETERMINED**

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

### 184/17 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 6<sup>th</sup> February 2017 and 3<sup>rd</sup> March 2017 was received and noted.

### 185/17 **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**

186/17

**ENFORCEMENT SCHEDULE**

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

**Chairman**