

EAST STAFFORDSHIRE BOROUGH COUNCIL

PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in the Dove Room, Town Hall, Burton upon Trent on Tuesday 12th December 2017.

Present:

Councillors E. Barker (Chairman), G. Allen, M. J. Bowering, K. J. Builth, R. Faulkner, G. Hall, Mrs J. Jessel, R. Johnston, C. Smith, S. Smith, Mrs B. Toon and C. Whittaker.

Officers Present:

J. Kirkham (Senior Solicitor), Sal Khan (Head of Service), J. Upton (Planning Manager), K. Challoner (Planning Officer), E. Christie (Planning Officer), A. Harvey (Principal Planning Officer), C. Humphries (Pollution Officer), M. Manning (Senior Pollution Control Officer) and N. Perry (Senior Planning Policy Officer).

Apologies for absence were received from Councillors R. J. Clarke, S. Hussain and Ms A. Legg.

228/17 **DECLARATIONS OF INTEREST**

Councillor E. Barker declared that as he had 'called in' the application number P/2017/00242, and on view of the comments which he had made as a ward member, he had received legal advice that he could be considered to have predetermined the application and would not be sitting as a member of the Committee for the item. He would be speaking in the public speaking section as Ward Member. Save for that, he left the meeting and took no part in the debate or vote thereon.

Councillor C. Smith declared that as he did not attend any of the site visits, he would take part in the debate but was unable to vote upon the applications.

229/17 **MINUTES**

The Minutes of the meeting held on 14th November 2017 were approved and signed as a correct record.

230/17 **URGENT BUSINESS**

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

231/17 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2017/01129 – Installation of a decentralised gas peak power facility generating approximately 10 MW, including generator barn, housing 3 No. containerised generators and a customer substation/electrical cabinet, transformer, sub-station – New Farm, Rolleston Lane, Tutbury, Burton upon Trent, Staffordshire DE13 9HE (Ward: Tutbury)**

The site visit was attended by Councillors G. Allen, E. Barker, M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, G. Hall, Mrs J. Jessel, R. Johnston, S. Smith, Mrs B. Toon and C. Whittaker.

Mr W. Crossley, parish councillor, spoke on the application.

Mr C. Barkey, a member of the public, spoke on the application.

Mr R. Shaw, agent for the applicant, spoke on the application.

Councillor D. Goodfellow, Ward Councillor, spoke on the application.

Resolved:

REFUSE for the following reasons:

1. Policy SP1 of the East Staffordshire Local Plan 2012 – 2031 lists principles in determining whether proposals constitute sustainable development. Strategic Policy 8 of East Staffordshire Local Plan 2012 – 2031 states that outside settlement boundaries new development will not to be permitted unless it is essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside, providing facilities for the general public or local community which are reasonably accessible on foot or by public transport, in accordance with a 'Made' Neighbourhood Plan, is development under the Rural Exceptions Sites policy, is appropriate reuse of Rural Buildings, is infrastructure development where overriding need for the development to be located in countryside can be demonstrated, provides renewable energy generation of a scale and design appropriate to its location and is otherwise appropriate in the countryside.

The construction of a peak power gas generator for the National Grid is not a form of development which falls within any of the types of development permitted outside settlement boundaries as set out in of the East Staffordshire Local Plan 2012 – 2031. While information has been provided seeking to justify why this proposal needs to be constructed in this location it is considered that this is not sufficient to meet the policy requirements in that there is no site specific overriding need in this case. Consequently, the proposal would not be essential to support the viability of an existing lawful business, nor is it close to an existing settlement and intended to provide facilities for the general public, nor is it infrastructure development when an overriding need for the development to be located in countryside can be demonstrated. It would not provide renewable energy generation of a scale and design appropriate to its location and would not qualify as development otherwise appropriate in the countryside. The proposed development is thus directly contrary to Policy SP8 of the Local Plan 2012 – 2031 and would result in the open countryside for which there is no substantive justification for it being constructed in the proposed location.

2. Strategic Policies 1 and 24 of the East Staffordshire Local Plan 2012 – 2031 indicate that development proposals must contribute positively to the area in which they are proposed. Policy SP24 lists a number of criteria which development proposals must contribute positively to the area in which they are proposed. Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.

It is considered that by reason of their scale and height the proposed new generator barn building and the proposed acoustic fence surrounding the peak generator plant complex at New Farm would detract from the visual amenities of the locality at the eastern approach to Tutbury in views from Rolleston Lane and Cornmill Lane. As such it is considered that the scheme

would be contrary to Policies SP1, SP24 and DP1 of the adopted East Staffordshire Local Plan 2012 – 2031.

3. The application submissions have failed to demonstrate that the proposed development would result in an acceptable level of noise pollution which would impact on the amenity of residents of properties on Cornmill Lane. As such the proposed development would be contrary to Policy DP7 of the East Staffordshire Local Plan and the National Planning Policy Guidance (in particular paragraph17).

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor G Allen		
Councillor E Barker		
Councillor M J Bowering		
Councillor K J Builth		
Councillor R Faulkner		
Councillor G Hall		
Councillor Mrs J Jessel		
Councillor R A Johnston		
Councillor S Smith		
Councillor Mrs B Toon		
Councillor C Whittaker		

(Councillor C. Smith did not vote as he had not attended the site visit).

2. P/2017/00242 – Erection of a two storey detached building to provide overnight accommodation, extension to existing car park with associated landscaping (Revised Plans) - Rear of Duncombe Arms, Main Road, Ellastone, Derbyshire DE6 2GZ (Ward: Weaver)

The site visit was attended by Councillors G. Allen, E. Barker, M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, G. Hall, Mrs J. Jessel, R. Johnston, S. Smith, Mrs B. Toon and C. Whittaker.

At this juncture, Councillor E. Barker moved to the public area. Councillor M. Bowering (Vice-Chairman) took the Chair.

Mrs B. Butler and Mr R. Watkin, members of the public spoke on the application.

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

Councillor E. Barker, Ward Councillor, spoke on the application but left the room once he had spoken.

Resolved:

PERMIT subject to the following conditions:

1. Standard time limit for the commencement of the development.
2. Compliance with the approved plans.
3. Submission of details of materials.
4. Sample panel of brickwork to be constructed on site.
5. Sample of panel of stonework to be constructed on site.
6. Submission of details of external glazing, windows and doors.
7. Submission of details of heating and ventilation flues.
8. Submission of details of any external lighting.
9. Landscaping scheme to be submitted.
10. Implementation of landscaping scheme.
11. Finish of rainwater goods.
12. Parking and turning areas and parking bays clearly delineated.
13. Ancillary use.

Informatives

1. Engagement informative.
2. Details of proposed materials.
3. Pre-commencement conditions.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor G Allen		
Councillor M J Bowering		
Councillor K J Builth		
Councillor R Faulkner		
Councillor G Hall		
Councillor Mrs J Jessel		
Councillor R A Johnston		
Councillor S Smith		
Councillor Mrs B Toon		
Councillor C Whittaker		

(Councillor C. Smith did not vote as he had not attended the site visit).

P/2017/00405 – Installation of a replacement sewerage treatment plant and associated drainage works – Rear of Duncombe Arms, Main Road, Ellastone, Derbyshire DE6 2GZ (Ward: Weaver)

The site visit was attended by Councillors G. Allen, E. Barker, M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, G. Hall, Mrs J. Jessel, R. Johnston, S. Smith, Mrs B. Toon and C. Whittaker.

Mrs B. Butler and Mr R. Watkin, members of the public spoke on the application.

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

Councillor E. Barker, Ward Councillor, spoke on the application.

Resolved:

PERMIT subject to the following conditions:

1. Standard time limit for the commencement of the development.
2. Compliance with the approved plans.
3. Submission of perimeter fencing details.

Informatives

1. Engagement informative.
2. Submission of fencing details.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor G Allen		
Councillor M J Bowering		
Councillor K J Builth		
Councillor R Faulkner		
Councillor G Hall		
Councillor Mrs J Jessel		
Councillor R A Johnston		
Councillor S Smith		
Councillor Mrs B Toon		
Councillor C Whittaker		

(Councillor C. Smith did not vote as he had not attended the site visit).

At this juncture Councillor E. Barker resumed the Chair.

3. **P/2016/01847 – Erection of 203 dwellings, comprising 87 no. affordable dwellings, alterations to access, landscaping, acoustic fencing and associated works (Revised Information received) – Former Alumasc Grundy Limited, Hawkins Lane, Burton upon Trent, Staffordshire DE14 1GY (Ward: Burton)**

The site visit was attended by Councillors G. Allen, E. Barker, M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, G. Hall, Mrs J. Jessel, R. Johnston, S. Smith, Mrs B. Toon and C. Whittaker.

Mr D. Abbott and Mr J. Hayward, members of the public, spoke on the application.

Mr C. Timothy, agent for the applicant, spoke on the application.

Councillor H. Hall, Ward Councillor, spoke on the application.

Resolved:

PERMIT subject to the following conditions and the completion of a S106 agreement to secure the infrastructure and contributions as set out in paragraph 23.3 of the report:

1. Time limit for commencement (2 years).
2. Approved plans condition.
3. Submission and approval of samples and details of materials of construction.
4. Submission and approval of drainage details.
5. Submission and approval of the details relating to contaminated land as set out in the response from Environmental Health.
6. Imported soils condition.
7. Ground gases condition.
8. Submission of details of play equipment.
9. Submission and approval of finished floor levels.
10. Submission and approval of details of highway construction.
11. Submission and approval of a construction management plan including assessment of noise during construction and implementation of recommended mitigation measures.
12. Submission and approval of details of remediation of contamination including verification.
13. All the noise mitigation, ventilation and control of overheating works set out in the Noise Co UK Report No. 17987A-1, dated 04/08/2017.
14. Before the scheme is occupied the Local Planning Authority shall confirm in writing that the works required in the Noise Co UK Report No. 17987A-1,

dated 04/08/2017, or any alternatives agreed in writing by the Local Planning Authority, designed to achieve within the dwellings the recommended internal noise levels from BS 8223:2014 have been satisfactorily completed.

15. Details of noise and dust suppression during construction shall be submitted and approved.
16. Formation of access, parking and turning areas prior to first occupation.
17. Detailed landscaping scheme including details of eco soundblok.
18. Implementation of landscaping.
19. Implementation of fencing and walling.
20. Development to be carried out in accordance with mitigation measures set out in the ecology appraisal.
21. Development to accord with the recommendations of the FRA.
22. Removal of PD rights for all plots.
23. Heavy set trees on site.
24. Vegetation removal outside of the bird breeding season. An inspection of buildings undertaken to check for active nests prior to their demolition – nests must remain unaffected until chicks have fledged.
25. Provision of affordable housing.

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 recommendation of the Architectural Liaison Officer and the terms of the planning consents the latter take precedence.
3. Pre-commencement conditions standard informative.
4. Highway informatives.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor G Allen		
Councillor E Barker		
Councillor M J Bowering		
Councillor K J Builth		
Councillor R Faulkner		
Councillor G Hall		
Councillor Mrs J Jessel		

Councillor R A Johnston		
Councillor S smith		
Councillor Mrs B Toon		
Councillor C Whittaker		

(Councillor C. Smith did not vote as he had not attended the site visit).

4. P/2017/00923 – Reserved Matters application relating to P/2012/01467 for the erection of 70 dwellings, including details of access, appearance, landscaping, layout and scale – Lawnswood (Branston Locks), Branston Road, Tatenhill, Burton upon Trent, Staffordshire DE13 9SB (Ward: Branston and Shobnall)

The site visit was attended by Councillors G. Allen, E. Barker, M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, G. Hall, Mrs J. Jessel, R. Johnston, S. Smith, Mrs B. Toon and C. Whittaker.

Mr John Fawn, parish councillor, spoke on the application.

Mr W. Brearley, agent for the applicant, spoke on the application.

Resolved:

DEFER the application for further information regarding the submitted plans.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor G Allen		Councillor G Hall
Councillor E Barker		
Councillor M J Bowering		
Councillor K J Builth		
Councillor R Faulkner		
Councillor Mrs J Jessel		
Councillor R A Johnston		
Councillor S Smith		
Councillor Mrs B Toon		
Councillor C Whittaker		

(Councillor C. Smith did not vote as he had not attended the site visit).

5. P/2016/00505 – Erection of 6 detached dwellings (Revised Plans) – Land off Weaverlake Drive, Hadley Street, Yoxall, Burton upon Trent, Staffordshire (Ward: Yoxall)

The site visit was attended by Councillors G. Allen, E. Barker, M. J. Bowering, K. J. Builth, R. J. Clarke, R. Faulkner, G. Hall, Mrs J. Jessel, R. Johnston, S. Smith, Mrs B. Toon and C. Whittaker.

Mr B. Keys, parish councillor, spoke on the application.

Mr J. Finney and Mr G. Horrobin, members of the public, spoke on the application.

Mr W. Brearley, agent for the applicant, spoke on the application.

Councillor A. Johnson, Ward Councillor, was unable to attend the meeting so he sent in a statement and requested that the Chairman read it to the Committee on his behalf.

Resolved:

REFUSE for the following reason:

Policies SP8 and SP18 of the Local Plan sets out the parameters for assessing rural exception sites amongst other things. In this case insufficient evidence has been shown or demonstrated to support the development that is proposed. The proposal is therefore contrary to the provisions of SP8 of the Local Plan and H2 of the made Yoxall Neighbourhood Plan.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor G Allen		
Councillor E Barker		
Councillor M J Bowering		
Councillor K J Builth		
Councillor R Faulkner		
Councillor G Hall		
Councillor Mrs J Jessel		
Councillor R A Johnston		
Cllr S Smith		
Cllr Mrs B Toon		
Councillor C Whittaker		

(Councillor C. Smith did not vote as he had not attended the site visit).

232/17 **APPEALS RECEIVED AND DETERMINED**

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

233/17 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 31st October 2017 and 24th November 2017 was received and noted.

234/17 **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

235/17 **ENFORCEMENT SCHEDULE**

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

Chairman