

# EAST STAFFORDSHIRE BOROUGH COUNCIL

## PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in a virtual environment on Wednesday 27<sup>th</sup> May 2020.

### **Present:**

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

### **Officers Present:**

L. Durham (Solicitor), S. Khan (Head of Service), A. Baldwin (Planning Manager), E. Carrington (Senior Planning Officer), K. Challoner (Principal Planning Officer) and D. Ward (Planning Enforcement Officer).

### **Also Present:**

Mr M. Jones and Mr D. Plant (Staffordshire County Council Highways).

#### 94/20 **DECLARATIONS OF INTEREST**

There were no declarations of interest at the commencement of the meeting.

#### 95/20 **APPOINTMENT OF VICE CHAIRMAN**

Councillor C. Sylvester was appointed vice-chairman for the ensuing year.

#### 96/20 **MINUTES**

The Minutes of the meeting held on 17<sup>th</sup> March 2020 were approved and signed as a correct record with an amendment to Minute No. 88/20, that Councillor A. Legg did not vote on application no. P/2019/00770.

#### 97/20 **URGENT BUSINESS**

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

#### 98/20 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2019/00770 – Erection of 2 No. detached dwellings and widening of existing highway and formation of vehicular access – Bank Close Cottage, Bank Close, Uttoxeter, Staffordshire ST14 8BP**

The above site visit was originally attended by Councillors E. Barker, Mrs R. Brady, Mrs V. Gould, G. Lamb, S. McGarry, S. McKiernan and C. Sylvester.

At this juncture, the Chairman announced that only those Members that attended the original site visit for this application on 17<sup>th</sup> March 2020 would be able to take part in the discussion and vote on the application.

Mrs C. Green, Parish Councillor, spoke on the application.

Mrs Y. Kitchen and Mr M. Richardson, members of the public, spoke on the application.

Mr Emery, agent for the applicant, spoke on the application.

The following motion was put forward by Councillor V Gould and seconded by Councillor S McGarry.

- That the amendment of the site plan and the agreement of the boundary treatments be delegated to the Local Authority's planning officers.

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker		
Councillor Mrs B Brady		
Councillor Mrs V Gould		
Councillor G Lamb		
Councillor S McGarry		
Councillor S McKiernan		

A motion was put forward by the Chairman (seconded by Councillor Barker) to follow the officer's recommendation to approve.

(Councillor Toon enquired as to why Councillor Sylvester was taking no part the discussion of this application, as he was on the original site visit. The Solicitor advised the Committee that Councillor Sylvester had attended the site of the development on an unofficial visit, and so left the meeting and did not take part in the discussion or vote thereupon).

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker	Councillor Mrs B Brady	
Councillor V Gould	Councillor G Lamb	
	Councillor S McGarry	
	Councillor S McKiernan	

The above motion was not carried. Further discussion followed and Members were subsequently invited to put forward their reasons for refusal.

A motion to refuse was proposed by Cllr McGarry, seconded by Cllr Brady

At this juncture there was a short adjournment to consider the motion to refuse the application.

Further debate took place and a further vote was carried out.

**Resolved:**

**REFUSE** the application on the following grounds:

The proposed erection of two additional dwellings served from Bank Close will result in an acceptable increase in vehicular movements on the adjoining highway(s) that will have an adverse impact on highway safety, due to the narrow carriageway width of Banks Close, and limited visibility at the junction of Banks Close with Balance Hill. The proposal is therefore contrary to Local Plan Policies SP1, SP35, and DP1 of the adopted East Staffordshire Local Plan, Policies T1 and T3 of the made Uttoxeter Neighbourhood Plan, and the National Planning Policy Framework.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor Mrs B Brady	Councillor E Barker	
Councillor G Lamb	Councillor V Gould	
Councillor S McGarry		
Councillor S McKiernan		

2. **P/2019/00320 – Erection of 64 affordable dwelling on eastern part of the site and construction of vehicular access and associated works – Land off Forest Road, Shobnall, Burton upon Trent, Staffordshire DE14 2BD**

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

**Resolved:**

**PERMIT** subject to the following conditions and the completion of a S106 Agreement:

1. **Standard Time Limit**

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

2. **Compliance with the Approved Plans**

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

- 18-363-12A Location Plan dated as received 26 March 2019
- 18-363-11 Rev I Planning Layout dated as received 27 June 2019
- 18-363-20 Services Layout dated as received 28 June 2019
- 18-363-15A Surfaces Plan dated as received 18 March 2020
- GL0840 06A Soft Landscape and Childrens Park Details dated as received 18 March 2019

GL0840 07 Soft Landscape and Childrens Park Details dated as received 18 March 2019  
GL0840 09 Tree Protection Plan and Method Statement dated as received 18 March 2019  
18-363-16B Boundary Treatment Plan dated as received 18 March 2019  
7388 C 10 1.8m High Timber Fence Detail dated as received 18 March 2020  
7388 C 11 1.8m High Wall Detail dated as received 18 March 2019  
HT-M4-EL Grindleford (M42) Proposed Elevations dated as received 28 June 2019  
HT-M4-PL Grindleford (M42) Proposed Floor Plans dated as received 28 June 2019  
HT-M-EL Rev A Grindleford Proposed Elevations dated as received 18 March 2019  
HT-M-PL Rev A Grindleford Proposed Floor Plans dated as received 18 March 2019  
HT-N-EL Rev B Melbourne OPP Proposed Elevations dated as received 18 March 2019  
HT-N-PL Rev B Melbourne OPP Proposed Floor Plans dated as received 18 March 2019  
HT-B-EL Rev A Milford Proposed Elevations dated as received 18 March 2019  
HT-B-PL Rev A Milford Proposed Floor Plans dated as received 18 March 2019  
HT-C-EL Rev A Rosliston Proposed Elevations dated as received 18 March 2019 sent 9/12/19  
HT-C-PL Rev A Rosliston Proposed Floor Plans dated as received 18 March 2019 sent 9/12/19  
HT-L-EL Rev B Rosliston Detached Proposed Elevations dated as received 18 March 2019  
HT-L-PL Rev B Rosliston Detached Proposed Elevations dated as received 18 March 2019  
HT-L-O- EL Rev A Rosliston Detached (Opp) Proposed Elevations dated as received 18 March 2019  
HT-L-O- PL Rev A Rosliston Detached (Opp) Proposed Elevations dated as received 18 March 2019  
HT-E-A- EL Tissington Proposed Elevations dated as received 18 March 2019  
HT-E-A- PL Tissington Proposed Elevations dated as received 18 March 2019  
PJS18-38-100A Drainage General Arrangement dated as received 26 March 2019  
PJS18-38-102 Long Section dated as received 26 March 2019  
PJS18-38-103A Long Section dated as received 26 March 2019  
PJS18-38-105 Drainage Construction Details dated as received 26 March 2019  
PJS18-38-107 Attenuation Crate Details dated as received 26 March 2019  
PJS18-38-108A Control Chambers General Arrangement dated as received 26 March 2019  
PJS18-38-109A Control Chambers General Arrangement dated as received 26 March 2019  
PJS18-38-110 Pond General Arrangement dated as received 26 March 2019  
PJS18-38-114 Contour Plan dated as received 26 March 2019  
PJS18-38-117C Private Drainage External Works dated as received 18 May 2020

PJS18-38-118B Private Drainage External Works dated as received 18 May 2020

PJS18-38-120 Planning Storm Drainage Area Plan dated as received 26 March 2019

PJS18-38-122 Shared Drive details dated as received 18 May 2020

Planning Statement dated as received 18 March 2019

Design and Access Statement dated as received 18 March 2019

Landscape Management Statement dated as received 18 March 2019

Arboricultural Impact Assessment and Method Statement dated as received 18 March 2019

Affordable Housing Statement dated as received 18 March 2019

Flood Risk Assessment dated as received 18 March 2019

Ecological Impact Assessment dated as received 18 March 2019

Phase I Site Appraisal dated as received 18 March 2020

Phase II Site Appraisal dated as received 18 March 2020

### 3. **Details of Materials**

No development shall take place above damp proof course until samples and details of materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing brickwork and roof tiles) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

### 4. **Slab Levels**

No development shall take place above damp proof course until details showing the existing and proposed land levels of the site including spot heights and the finished floor levels, ridge and eaves heights of all buildings hereby permitted with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings shall have been submitted to and approved in writing by the Local Planning Authority. The floor levels shall generally be reflective of those shown on Drawing No. PJS 18-38-117C Private Drainage External Works dated as received 18<sup>th</sup> May 2020. The development shall be undertaken in strict accordance with the approved details.

### 5. **Construction Management Plan**

No development shall take place until a Construction Management Plan has been submitted to, and agreed in writing with the Local Planning Authority. The submitted Construction Management Plan shall include:

- The routing of all demolition and construction vehicles to and from the site. The measures shall include the phasing of movements to avoid traffic congestion.
- The parking of vehicles of site personnel, operatives and visitors.
- Arrangements for the loading and unloading of plant and materials.
- Areas of storage for plant and materials used during the construction of the development.

- Measures to prevent the deposition of deleterious material on public highway during the construction of the development.

The approved Construction Management Plan shall be implemented and adhered to throughout the construction period.

6. **Provision of the Residents Parking Area**

Before any on site construction work commences the parking court access and the parking area to serve the existing dwellings shall be resurfaced and thereafter maintained in a bound material with the parking bays clearly delineated on the ground in accordance with details which shall be submitted to, and approved in writing by the Local Planning Authority and will thereafter be retained for the lifetime of the development.

7. **Provision of Access Road Gate**

Prior to the first use of the access road to serve the rear of dwellings fronting on to Forest Road the access gates as indicated on the plans approved under Condition 2 shall be installed and maintained as such thereafter.

8. **Site Access Road**

No development on the site shall take place until the access road between the edge of Forest Road (B5017) and the northern side of the access to the parking court, and the rear access road to serve properties on Forest Road as indicated on the drawings approved under Condition 2 have been completed to base level.

9. **Surface Water Drainage Receptor**

Where a private access falls towards the public highway a surfaced water drainage interceptor connected to surface water outfall, shall be provided across the access immediately to the rear of the highway boundary unless otherwise agreed in writing with the Local Planning Authority.

10. **Provision of Parking**

Prior to the first occupation of each dwelling hereby granted permission the access, parking and turning areas shown on the approved plans (listed at Condition 2 above) shall be provided in a bound porous material in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and thereafter shall be made available at all times for their designated purposes.

11. **Ecological Enhancement Measures**

No development shall take place above damp proof course until details of ecological enhancement measures (including bird nesting and that bat roosting facilities along with hedgehog boxes) to be installed on the site have been submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancement measures shall be installed prior to the first occupation/use of any part of the development and thereafter made available at all times for their designated purposes.

12. **Cycle Storage Facilities provided in accordance with details to be submitted before occupation of any dwellings**

No dwelling hereby permitted shall be occupied until a scheme of secure weatherproof cycle storage facilities to serve the dwellings has been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Once provided the approved secure weatherproof cycle storage facilities shall thereafter be retained as available at all times for its designated purposes.

13. **Visibility Splays**

Before any on site construction commences the visibility splays shown on the drawings approved under Condition 2 onto Forest Road shall be provided and thereafter maintained at all times for the lifetime of the development to retain visibility over a height of 600mm above the adjacent carriage level.

14. **Implementation of Landscaping**

All planting, seeding or turfing comprised in the approved details of landscaping as set out on the drawings approved under Condition 2 above shall be carried out in the first planting and seeding season following the first occupation of the dwellings 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.

15. **Implementation of Walling and Fencing**

The approved scheme of walling and fencing as set out on the drawings approved under Condition 2 above shall be completed in accordance with the approved scheme before each dwelling served by the fencing/walling is first occupied and thereafter maintained for the lifetime of the development.

16. **M4 (2) Complaint Dwelling**

Each of the dwelling units on Plots 51, 52, 95, 97 and 98 as identified on the approved plans (listed at Condition 2 above) shall be completed to Building Regulation 2010 Standard M4 (2) before the first occupation of the relevant dwelling unit (s) concerned.

17. **Development to be carried out in accordance with the Archaeological Scheme of Investigation**

The programme of work shall be implemented in accordance with the Archaeological Written Scheme of Investigation dated as received 18<sup>th</sup> March 2019.

**Informatives**

1. **Engagement**

During the course of consideration of this 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.

2. The conditions identified below require details to be approved before commencement of the development.  
Condition No's. 5 and 6.

This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.

As from 6<sup>th</sup> 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, on telephone number 01283 508606.

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

3. **Details of Proposed Materials**

The applicant is advised that in complying with Condition 3 above regarding the submission of samples and details of all external materials, ensuring the product name and manufacturer is provided and must be submitted in writing to the Local Planning Authority as part of the relevant Discharge of Condition application along with correspondence confirming that date on which samples will be made available on-site and where they will be located.

4. **Ecological Responsibilities**

The applicant/developer is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of protected species is found at any point all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

5. **The development will need approval under Staffordshire Act 1983 and Highways Act 1980**

The County Highway Authority advise this consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980 for the proposed new footway. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. There are several detailed issues that may need to be revised in order to achieve technical approval under that process and the developer is advised to contact Staffordshire County Council to ensure that the necessary approvals and agreements are secured before the commencement of works.



6. **Soakaways**

The County Highway Authority advises that any soakaways shall be located a minimum distance of 5.0 metres back from the rear of the highway boundary.

7. **Construction Hours/Days**

The applicant is advised that the Environmental Health Manager recommends that construction hours be restricted to the following:

Monday to Friday 07.30 hours to 18.00 hours

Saturday 08.00 hours to 14.00 hours

Sunday and Bank Holidays No working

Voting concerning the above decision was as follows:

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

3. **P/2020/00131 – Reserved Matters application relating to P/2016/01219 for the erection of 4 detached dwellings including details of appearance landscaping, layout and scale – Land adjacent to Rose Avenue, Stretton, Burton upon Trent DE14 0DQ**

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

**Resolved:**

**APPROVE RESERVED MATTERS** subject to the following conditions:

1. **Compliance with the Approved Plans**

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

- Drawing 114590 07 Plots 1 & 2 - 1:100 elevations and floor plans received 06/02/2020
- 114590 11 – 1:1250 site location plan received 06/02/2020
- Drawing 114590 13 Plots 3 & 4 – 1:100 elevations and floor plans received 11/05 /2020
- Drawing 14590 14 – 1:100 site plan and sections received 11/05/2020
- 14950 15 – 1:100 street scenes received 11/05/2020
- 14590 16 – 1:200 landscaping plan (including block plan) received 11/05/2020
- 14590 17 - 1:100 full site section received 11/05/2020

2. **Surfacing of parking/drive in a bound material**

Prior to the first occupation of the dwelling/use of the development hereby granted permission the access, parking and turning areas shown on the approved plans as listed under Condition 1 above shall be provided in a bound porous material and thereafter shall be made available at all times for their designated purposes.

3. **Retention of garage/parking spaces**

Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 the garage accommodation provided in connection with the development hereby approved shall be made available at all times for the parking of vehicles in relation to the residential use of the premises unless planning permission for any alternative use has first been granted by the Local Planning Authority.

4. **Landscaping**

Notwithstanding the planting details shown on drawing 14590 16 - 1:200 landscaping plan (including block plan) received 11/05/2020, no development shall commence until a scheme of landscaping and tree planting for the proposed rear garden areas has been submitted to and approved in writing by the Local Planning Authority. 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 dwellings 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.

## 5. Electric Charging Points

Prior to the first occupation of each of the dwellings hereby approved, electrical vehicle charging points shall be provided within the garage to serve the respective dwelling and thereafter be retained as available for use for the life of the development.

### Informative

#### 1. Engagement informative

During the course of consideration of this 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 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.

Voting concerning the above decision was as follows:

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

#### 99/20 APPEALS RECEIVED AND DETERMINED

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

#### 100/20 PLANNING PERMISSIONS

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 6<sup>th</sup> April 2020 and 8<sup>th</sup> May 2020 was received and noted.

**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****PLANNING BRIEFING**

102/20 **ENFORCEMENT SCHEDULE**

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

An opportunity for questions followed.

D. Ward (Planning Enforcement Officer) attended the meeting to answer questions from Members.

Noted.

103/20 **PLANNING BRIEFING**

Members received short oral briefing from the Planning Manager.

Noted.

**Chairman**