

EAST STAFFORDSHIRE BOROUGH COUNCIL

PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in a virtual environment on Tuesday 25th August 2020.

Present:

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

Officers Present:

S. Grant (Solicitor), S. Khan (Head of Service), A. Baldwin (Planning Manager), N. Perry (Principal Planning Policy Officer), L. Bird (Planning Officer) E. Carrington (Planning Officer), H. Neale (Environmental Health Technical Officer) and M. Manning (Environmental Protection Officer).

Apologies for absence were received from Councillors Mrs B. Brady and S. McGarry.

121/20

DECLARATIONS OF INTEREST

Councillor K. J. Builth declared a private interest in both application no. P/2020/00184 in that he lives across the road of the development and he know the applicant. Councillor Builth left the meeting so did not take part in the discussions or vote thereupon.

Councillor Ms A. Legg declared that she had received two letters from members of the public regarding application no. P/2020/00613, and came into the meeting with an open mind.

All Councillors declared that they had received a script from a member of the public regarding application no. P/2020/00613, but had not read the contents and had come to the meeting with an open mind.

122/20

MINUTES

The Minutes of the meeting held on 28th July 2020 were approved and signed as a correct record subject an amendment that Councillor B. Ashcroft did not attend the site visit and vote on application no. P/2019/00253.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor Mrs B Ashcroft		
Councillor E W Barker		
Councillor K J Builth		
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		

123/20 **URGENT BUSINESS**

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

124/20 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2020/00163 – Change of use of a residential dwelling (Class C3) to children’s home (Class C2 – Waterloo Mount, Tower Road, Burton upon Trent DE15 0NL (Ward: Winshill)**

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

Mr D. Fletcher, parish councillor, spoke on the application.

Mrs A. Brooks, Mr P. Levy and Mr S. Swindale, members of the public, spoke on the application.

Mrs A. McManus, agent for the application, spoke on the application.

A proposal was put forward by Councillor G. Hall (seconded by Councillor C. Sylvester) to **permit** the application.

Resolved:

To **GRANT** the application, subject to the following conditions:

1. **Time Limit 3 Year Standard**

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

2. **Approved Plans**

The development hereby permitted insofar as it relates to the extent of the application site and means of access only shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of the permission.

Drawing No. Am20-002-101 showing Existing Floor Plans (at Scale 1:50), Site Plan (at Scale 1:500) & Site Location Plans (at Scale 1:1250) dated as received on 16th June 2020.

3. **Parking Spaces**

A minimum of 4 No. car parking spaces shall be retained as available for their designated purposes within the application site all times for the life of the development.

4. **Restricted Use**

Notwithstanding the provisions of the Town and Country Planning (Use of Classes) Order 1987 or any order revoking and re-enacting that Order, the permission shall relate to the use of the premises as a children's home, for a maximum of three children, as described in the application and for no other purpose.

Informatives

1. **Engagement**

The Local Planning Authority has taken a positive approach to decision-making in respect of the application concluding that it is a sustainable form of development which 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 secured 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. **Food Team Informative**

Kitchen Layout – the layout, design, construction and size of the kitchen must comply with Chapters 1 and 11 of Annex 11 to Regulation (EC) 852/2004, including the provision of a separate washbasin for cleaning hands, and adequate ventilation as detailed below. For further details the applicant should contact Environmental Health.

Grease Traps – provision should be made to include the installation of one or more grease traps or oil interceptors within the drainage system to prevent waste from entering directly or indirectly into a public sewer.

Ventilation – the kitchen must be provided with adequate mechanical ventilation to all cooking equipment other than microwave ovens. The system should be designed, sited and installed so that no noise, vibration or odour nuisance will be caused outside or inside the building and so the ventilation is balanced.

Odour Control – an approved scheme for odour control and noise abatement must be submitted to the environmental health department.

This should details:

- Minimum ventilation rates;
- Details of canopy including velocity requirements, dimensions, material of construction, and grease filtration;
- Details of the fan and duct work including the duct velocities;
- Minimum requirements for odour control including details of the discharge stack and odour arrestment plant performance;
- Minimum requirements for noise control.

For guidance see: <https://www.gov.uk/government/publications/guidance-on-the-control-of-odour-and-noise-from-commercial-kitchen-exhaust>

Wash – Hand Basins – following the Food Standards Agency's Advice on E-coli, wash-hands basins in commercial kitchens should be provided with non-hand operable taps.

Advisory comment – it would be considered ‘good practice’ if provision was made for a separate toilet for staff use only.

The above motion was carried to **APPROVE** the application.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor B Ashcroft	Councillor R Faulkner	
Councillor E W Barker		
Councillor K J Builth		
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		

At this juncture the Chairman requested a short adjournment.

At this juncture Councillor K J Builth left the meeting.

2. **P/2018/00184 – Reserved Matters application relating to P/2013/00429 for Phase 1 for the erection of 322 dwellings, associated car parking, secondary roads, 2 substations and 1 gas governor including details of access, appearance, layout and scale – Upper Outwoods Farm Beamhill Road, Burton upon Trent (Ward: Outwoods)**

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

Mr J. Anderson and Mr P. Joyce, parish councillors, spoke on the application.

Mr R. Crinson, a member of the public, spoke on the application.

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

Discussions took place.

A motion was proposed by Councillor by Ms A. Legg (seconded by Councillor R. Faulkner) for an informative to delegate the wording for the installation of swift bricks to the local authority planning officers.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor B Ashcroft		
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		

Further discussions took place.

A motion was proposed by Councillor Mrs V. Gould (seconded by Councillor Mrs B. Ashcroft to include an informative regarding the installation of a bollard on the pathway to stop it being used as a 'rat-run' be delegated to the planning officers.

Voting concerning the above decision was as follows:

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

A proposal was put forward by Councillor Mrs V. Gould (seconded by Councillor C. Sylvester) to **permit** the application.

Resolved:

To **GRANT PERMISSION** subject to conditions:

1. **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 No. P19-2337 003 – Rev C 1:500 site location plan dated as received on 11 March 2020

Drawing No. P19-2337 004 – Rev Q 1:500 Planning Layout dated as received on 4 August 2020

Drawing No: Schedule of proposed House Types – 1:100 elevations and 1:100 floor plans dated as received 9 March 2020 and 13 May 2020

Drawing No. GTC-E-SS-0012-R2-1 1 of 1 1:50 Substation details dated as received on 28 February 2020

Drawing No. UK P6131 – DWG 150 – Rev 1 – 1:10 and 1:20 Kiosk details dated as received on 28 February 2020

2. **Highway Condition**

Before any part of the development hereby authorised is brought into beneficial use the numbers and sizes of car parking spaces, cycle parking and garages shall be provided in accordance with the number and dimensions required by East Staffordshire Borough Council policy and Staffordshire County Council Design Guidance.

3. **Retention of Garage/Parking Spaces**

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

4. **Details of Landscaping**

No development shall take place until a scheme of within plot landscaping, has been submitted to and approved in writing by the Local Planning Authority.

5. **Implementation of Landscaping**

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 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.

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. 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 bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

3. Environmental Health Comments

The applicant/developer is advised that the Environmental Health Manager has pointed out that since the initial grant of outline planning permission P/2013/00429, advice and standards have been updated. Any application to discharge conditions as recommended by Environmental Health will be assessed using current standards and any reports/statements submitted by the applicant will need refer to these standards accordingly.

4. Highways Informative

This estate road and drainage layout will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section of the Highways Act 1980. If there are detailed issues that may need to be revised in order to achieve technical approval under that process and the developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. The obtaining of planning permission for this design/layout will not be considered as a reason to relax the required technical standards for the adoption of the road and drainage and any changes may necessitate the submission of further planning applications.

5. Pre-Commencement Conditions

In addition to the pre-commencement condition referred to in condition 4 above, the applicant/developer is reminded that the conditions on the original outline approval P/2013/00429 and the terms of the associated S106 Legal Agreement also apply to the approval of Reserved Matters application and need to be satisfied/complied with accordingly.

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

As form 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 (or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house). 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 endeavours to discharge all conditions within 21 days of receipt of your 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.

The above motion was carried to **APPROVE** the application.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor B Ashcroft		
Councillor E W Barker		
Councillor R A 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		

Councillor K. J. Builth did not vote on the application as he had declared a private interest in this application.

At this juncture the Chairman requested a short adjournment.

At this juncture Councillor K. Builth re-joined the meeting.

3. **P/2019/01342 – Continued use of part of farmyard for dog breeding Class Sui Generis), retention of kennels and erection of a whelping shed and store and proposed provision of an acoustic fence enclosure with associated vehicular access and parking facilities – Smithy Farm, Mill Lane, Gratwich (Ward: Kingstone)**

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

Mrs J. Owen, a member of the public, spoke on the application.

Mr J. Imber (agent for the applicant) spoke on the application.

Discussions took place.

At this juncture, as three hours had elapsed since the commencement of the meeting a motion to extend the meeting was duly moved and seconded. In accordance with the voting the Chairman declared the motion carried.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor Mrs B Ashcroft		
Councillor E W Barker		
Councillor K J Builth		
Councillor R A 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		

Further discussion took place.

At this juncture the Chairman requested a short adjournment in order that the Planning Officer could provide the wording for a proposed condition regarding provision of the acoustic fencing.

A motion was put forward by Councillor Mrs V. Gould (seconded by Councillor G. Hall) to amend Condition No.9 in the report and replace with the following condition:

Within 30 days of the decision the acoustic fencing shown on the approved plans shall be erected and thereafter be retained for the life of the development

The above motion was carried to replace Condition 9.

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 W Barker		Councillor B Toon
Councillor K J Builth		
Councillor R A Faulkner		
Councillor Mrs V Gould		
Councillor G Hall		
Councillor G H Lamb		

Councillor Ms A Legg		
Councillor C Sylvester		

A motion was put forward by Councillor V. Gould (seconded by Councillor G. Hall) to **approve** the application.

Resolved:

To **PERMIT** subject to the following conditions:

1. **Time Limit 3 Year Standard**

The development hereby permitted, with the exception of the existing dog kennel building, shall begun before the expiration of three years from the date of this permission.

2. **Approved Plans**

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

Drawing No. A4333-001 P7 – 1:50 proposed and existing elevations, 1:500 proposed and existing site plan dated as received 6th August 2020.

Drawing No. 06 J7/01043 – 1:25 Acoustic fence specifications dated as received 9th May 2020.

Kennel Noise Management Plan prepared by Aspen Environmental dated June 2020.

3. **Materials**

All external materials used in the development shall be in accordance with the details submitted with the application, including the materials specified for the acoustic fence, unless otherwise first agreed with the Local Planning Authority.

4. **Defining the Permission**

The permission shall relate solely to the use of part of the farmyard and associated buildings identified on the submitted plans as being within the application site, for the breeding of dogs and for no other purpose whatsoever without the prior written approval of the Local Planning Authority.

5. **Site Management Scheme to be Provided**

Within 56 days of the date of the permission a written scheme of site management shall be submitted for the written approval of the Local Planning Authority in respect of the disposal of dog waste and kennel bedding and the cleaning/washing down of kennels and associated surfaced areas. Upon its approval in writing by the Local Planning Authority the site management scheme shall be implemented with at all times.

6. Site Supervision Scheme to be Provided

Within 56 days of the date of the permission a written scheme of site supervision shall be submitted for the written approval of the Local Planning Authority. Upon its approval in writing by the Local Planning Authority the site supervision scheme shall be implemented and complied with at all times.

7. Highways – Access Condition

Within 3 months of the date of the permission the vehicular access to the site hereby approved shall be laid out with a minimum width of 5 metres with 4.5 metre radii on either side of the access and the entrance gate set back at least 5 metres from the back of the carriageway and opening inwards only. The area in front of the gate shall be hard surfaced and thereafter kept free of obstruction at all times.

8. Highway Visibility Splays

Within 3 months of the date of the permission the visibility splays shown on the approved drawings (as listed at condition 2 above) shall be laid out in accordance with those drawings and once constructed maintained as such thereafter for the lifetime of the development. No structure over 600mm in height be erected or replaced with the visibility splays at any time.

9. Fencing

Within 30 days of the decision the acoustic fencing shown on the approved plans shall be erected and thereafter be retained for the life of the development

10. Lighting Units

No lighting shall be installed at the site unless first approved by the Local Planning Authority.

11. Scheme of Surface Water Disposal

Within 56 days of the date of the permission, a scheme for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be completed in accordance with the approved details prior to the proposed new whelping shed and store being first brought into use, and shall be retained thereafter as approved.

Informatives

1. 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.

- The County Highway Authority advise that the conditions requiring highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form.

Please complete and send to the address on the application form or email to nmu@staffordshire.gov.uk. The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales -

<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

- The applicant/developer is reminded that the permission does not include dog training activities given that this element was omitted from the proposal during the application process. Any subsequent proposal to commence dog training activities will require the submission of a formal planning application.
- The applicant/developer is advised that this permission relates solely to approval under the Planning Acts and the applicant is reminded that this does not override or replace any requirements under other legislation for the breeding and keeping of dogs.

The above motion was carried to **APPROVE** the application.

Voting concerning the above decision was as follows:

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

125/20 **APPEALS RECEIVED AND DETERMINED**

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

126/20 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 13th July 2020 and 7th August 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:

PRIVATE MINUTES**ENFORCEMENT SCHEDULE**

Chairman