

# EAST STAFFORDSHIRE BOROUGH COUNCIL

## PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in a virtual environment on Tuesday 30<sup>th</sup> March 2021.

### **Present:**

Councillors Mrs V. Gould (Chairman), Mrs B. Ashcroft, E. Barker, Mrs B. Brady, K. Builth, 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), N. Perry (Planning Manager) and K. Challoner (Principal Planning Officer).

#### 173/21 **DECLARATIONS OF INTEREST**

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

#### 174/21 **MINUTES**

The Minutes of the meeting held on 23<sup>rd</sup> February 2021 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 B Brady		
Councillor K 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		

#### 175/21 **URGENT BUSINESS**

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

**APPLICATIONS FOR PLANNING PERMISSION****1. P/2020/01080 – Demolition of existing detached dwelling and erection of a replacement detached dwelling, a detached hydrotherapy pool building and alterations to existing vehicular access – 187 Rolleston Road, Burton upon Trent DE13 0LD (Ward: Tutbury and Outwoods)**

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

Mrs K. Fearn and Mrs J. Smith, members of the public, spoke on the application.

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

Discussions took place.

A motion was put forward by Councillor Ms A. Legg (seconded by Councillor Mrs B. Toon) for an informative regarding suitable replacement of the Maple Tree on the development site, with the wording 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 Hall
Councillor E W Barker		
Councillor K Builth		
Councillor B Brady		
Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor G Lamb		
Councillor Ms A Legg		
Councillor S McGarry		
Councillor S McKiernan		
Councillor C Sylvester		
Councillor Mrs B Toon		

Further discussions took place.

A motion was put forward by Councillor Mrs V. Gould (seconded by Councillor S. McGarry) to approve the application.

**Resolved:**

To **APPROVE**, subject to the following conditions:

1. **Time Limit**

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

2. **Plan Numbers**

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:

Drawing No.s:

T1036-PL01 Rev A Existing Location Plan and Site Plan dated as received 12 October 2020

T1036-PL02 Rev A Existing Plans dated as received 12 October 2020

T1036-PL04 Rev B Location Plan and Site Plan dated as received 21 January 2021

T1036-PL05 Rev B Proposed House Plans dated as received 21 January 2021

T1036-PL06 Rev B Proposed House Plans dated as received 17 February 2021

T1036-PL07 Rev B Proposed Hydrotherapy Pool dated as received 21 January 2021

Arboricultural Report and Impact Survey Ref AWA3408 dated as received 05 October 2020

Bat Survey - Preliminary Roost Assessment dated 20<sup>th</sup> September 2019 dated as received 05 October 2020.

3. **Materials**

No development above damp proof course shall take place until samples and details of all materials to be used externally (including details of coursing of brickwork, rendering, cladding 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. **Levels**

Before the development hereby permitted is first commenced, 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 development shall be undertaken in strict accordance with the approved details.

5. **Foul and Surface Water Drainage**

No development shall take place until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to first occupation.

**6. Landscaping, Tree Protection Plan and Method Statement**

No development shall take place until a scheme of landscaping, fencing and walling, and measures set out in a tree protection plan and method statement for the protection of trees and hedges to be retained during the course of the development has been submitted to and approved in writing by the Local Planning Authority.

**7. Construction Management Plan**

No development shall take place until a Construction Management Plan, which shall specify the time windows of deliveries to the site for loading and unloading of plant and materials, the parking of vehicles of site personnel, operatives and visitors and the storage area of plant and materials used during the construction of the development, has been submitted to and approved in writing by the Local Planning Authority. 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.

**8. Landscaping Plan Implementation**

All planting, seeding or turfing comprised in the approved details of landscaping as required under Condition 6 above 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 other of similar size and species unless the Local Planning Authority gives written consent to any variation.

**9. Boundary Treatment Implementation**

Any scheme of walling and fencing approved as part of the landscaping scheme required by Condition 6 above shall be completed prior to the first occupation of the dwelling hereby approved.

**10. Obscure Glazing**

The ground and first floor windows in the side elevations facing No's 185 and 189 Rolleston Road as indicated on the plans approved under Condition 2 shall be permanently glazed to a minimum of level 4 Pilkington obscure glass (or its equivalent) and shall have fixed (i.e. non-openable) lights/units at all times, unless the opening parts are 1.7 metres above the floor level of the room in which they are installed.

**11. Parking and Turning Areas to be Provided**

Prior to the first occupation of the dwelling hereby approved, the access, parking spaces and turning areas shall be provided in a bound material in accordance with the approved plans listed under Condition 2. The parking and turning areas shall thereafter be made available at all times for their designated purposes.

## **12. Ecology – Bird and Bat Boxes**

No development shall take place until details of ecological enhancement measures (including bird nesting and bat roosting facilities) 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.

## **13. Ecology – Recommendations of the Bat Survey**

Prior to the demolition of any of the existing buildings on the site, full details of reasonable avoidance measures in relation to bats shall be provided and approved in writing by the Local Planning Authority. These will need to specify reasonable avoidance and mitigation measures during construction, and the level of site supervision required from a suitably qualified/licensed Ecologist. Should bats be found on the site during the course of demolition or construction the approved mitigation measures and contingency plans shall be implemented. The development shall not be carried out otherwise than in accordance with the approved details.

## **14. Construction Hours**

Demolition and construction works shall not be carried outside the following hours unless otherwise agreed in writing with the Local Planning Authority:

Monday to Friday 07.30 to 18.00 hours

Saturday 08.00 to 14.00 hours

Sunday/Bank Holiday: No working

## **15. Permitted Development Rights – Extensions and Garden Buildings**

Notwithstanding the provision of Classes A, B, C, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other Order revoking and re-enacting that Order, the dwelling(s) hereby permitted shall not be altered or extended, no windows shall be inserted and no buildings or structures shall be erected within the curtilage of the new building(s) unless planning permission has first been granted by the Local Planning Authority.

## **16. Demolition and Construction Works**

The demolition and construction works shall be carried out in strict accordance with the approved tree protection plan and method statement required under Condition 6.

## **Informatives**

### **1. Standard Engagement – Proactive**

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.

## 2. **Pre Commencement**

The conditions identified below requires details to be approved before commencement of the development.

Condition No's 4, 5, 6, 7, 12 and 13

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

The conditions identified below require details to be approved during commencement of the development.

Condition 3

As from 6<sup>th</sup> April 2008 requests for confirmation of compliance with planning conditions requires a payment 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 Authority endeavour to discharge the conditions within 21 days of receipt of written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore the timescale should be borne in mind when programming development.

## 3. **Highways Informative**

Please note that prior to access being constructed, a Section 184 Notice of Approval from Staffordshire County Council is required. Please email [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk) for further details. The link below provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway:

[www.staffordshire.gov.uk/Highways/licences/Overview.aspx](http://www.staffordshire.gov.uk/Highways/licences/Overview.aspx)

## 4. **Wildlife**

The applicant is advised that the permission does not absolve responsibilities in relation to protected species. If evidence of bats is found during demolition all works must cease and the services of a licensed ecologist procured to ensure an offence is not committed.

## 5. **Boundary Treatments**

The applicant is advised the boundary treatments to be identified to discharge Condition 6 should include the provision of suitable 1.8m high fencing to enclose the rear garden.

## 6. **Trees**

The applicant is advised that the landscaping plan required under Condition 6 should provide for suitable mitigation planting for the trees which are to be removed from the site. Advice may be sought from the Council's Tree Officer

regarding appropriate species and sizes of mitigation tree planting by contacting [dcsupport@eaststaffsbc.gov.uk](mailto:dcsupport@eaststaffsbc.gov.uk)

## 7. **Landscaping Plan**

The applicant is advised that the landscaping plan required under Condition 6 should provide for a suitably replacement Norway Maple Tree as requested by the Planning Committee.

Voting concerning the above decision was as follows:

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

Councillor G. Hall did not vote on the above application as he was not present at the site visit.

## 2. **P/2020/01221 – Erection of a single storey rear extension – 77 Outwoods Street, Burton upon Trent, Staffordshire DE14 2PL (Ward: Shobnall)**

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

The Chairman read out a statement on behalf of Mrs P. Dennis, Clerk to Shobnall Parish Council.

Mr R. Clarke, Staffordshire County Councillor, spoke on the application.

Mr P. Smallwood, a member of the public, spoke on the application.

A proposal was put forward by Councillor G. Hall (seconded by Councillor Mrs B. Ashcroft) to permit the application.

### **Resolved:**

To **APPROVE**, subject to the following conditions:

#### 1. **Time Limit**

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

## 2. Plan Numbers

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:

Drawing No's.

50487-2020-GC-01 dated as received 29<sup>th</sup> October 2020

50487-2020-GC-03B dated as received 29<sup>th</sup> October 2020

## 3. Matching Materials

All external materials used in the development shall match those of the existing building including colour, size, coursing and texture unless otherwise first agreed in writing with the Local Planning Authority.

## Informative

### 1. Standard 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.

Voting concerning the above decision was as follows:

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



177/21 **APPEALS RECEIVED AND DETERMINED**

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

178/21 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 8<sup>th</sup> February 2021 and 12<sup>th</sup> March 2021 was received and noted.

179/21 **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**