

# EAST STAFFORDSHIRE BOROUGH COUNCIL

## PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in the Main Hall, Town Hall, Burton upon Trent on Tuesday 22<sup>nd</sup> June 2021.

### **Present:**

Councillors Mrs V. Gould (Chairman), Mrs B. Ashcroft, E. Barker, K. Builth, 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), N. Perry (Planning Manager), A. Harvey (Principal Planning Officer) and L. Bird (Planning Officer).

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

### 200/21 **DECLARATIONS OF INTEREST**

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

### 201/21 **MINUTES**

The Minutes of the meeting held on 25<sup>th</sup> May 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 E W Barker		
Councillor K 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		

### 202/21 **URGENT BUSINESS**

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

203/21 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2020/01489 – Outline application including details of access to develop land for the erection of 5 No. dwellings (comprising 2 No. Affordable Housing units, 2 No. Over 55's units and 1 No. Open Market unit) – Land South of College Road, Denstone (Ward: Churnet)**

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

Mrs J. Turner, Denstone Parish Council, spoke on the application.

Mrs H. Barter, representing Denstone Parish Council, spoke on the application.

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

Mr J. Malkin, agent for the applicant, spoke on the application.

Councillor S. Sankey, Ward Councillor, spoke on the application.

Discussions took place.

Councillor G. Hall (seconded by Councillor C. Sylvester) put forward a motion to permit the application.

**Resolved:**

To **APPROVE** subject to a Unilateral Undertaking and the following conditions, and the applicants submitting further information within 56 days of the resolution which satisfactorily demonstrates to officers that the scheme would not exacerbate off site surface water flooding.

1. **Expiration Date of Outline Permission**

The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved.

2. **Reserved Matters Details**

No development shall take place until plans and particulars of the layout, scale and appearance of the building(s) to be erected and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.

3. **Reserved Matters Submission Date**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the permission.

4. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans/documents listed below subject to compliance with other conditions of this permission.

Location Plan (Scale 1:2500) and vehicular access details only as shown on Drawing No. A4396-001 P9 dated as being received on 12<sup>th</sup> November 2020.

Elite Ecology – Land off College Road, Denstone: Preliminary Ecological Appraisal (November 2019) dated as being received on 5<sup>th</sup> December 2019.

5. **Form of Development and Type and Number of Dwellings**

This approval shall only provide for built development on the western side of the access drive to The Croft (as shown on the area hatched on the plan attached) and for the development of the site for five No. dwellings specifically comprising the following mix:

- 1 x 2 Bed House – Affordable Housing
- 1 x 3 Bed (dormer) Bungalow – Affordable Housing
- 1 x 2 Bed Bungalow – Over 55's accommodation
- 1 x 3 Bed Bungalow – Over 55's accommodation
- 1 x 4 Bed Bungalow – Market Housing

6. **Levels Details**

The details required under Condition 4 above shall include plans to a metric scale showing the proposed land levels of the site including site sections, all regrading works and finished floor levels of all buildings and the finished levels of the access road and footway(s). The proposals should be provided in the context of the details of existing land levels and using a fixed datum. The development shall be undertaken strictly in accordance with all approved details.

7. **Drainage**

The details required under Condition 4 above shall include detailed plans to a metric scale for the disposal of foul and surface water flows. The development shall be completed strictly in accordance with all approved details before any dwelling is first occupied.

8. **Construction Management Plan**

No development (including any associated groundworks) shall take place until a Construction Management Plan, which shall specify the days and hours of operation, the parking of vehicles of site personnel, operative and visitors, loading and unloading of plant and materials, storage area of plant and materials used during the construction of the development, has been submitted 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 agreed in writing by the Local Planning Authority.

## 9. **Tree/Hedge Protection**

No development shall take place on the site until a tree and hedge protection scheme and a method statement for the works within the Root Protection Area to 'British Standard BS 5837' has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection scheme as shown on the approved plans/documents shall be put in place prior to any works commencing on the site (including any ground or site clearance works) and shall be retained in situ at all times during the construction phase unless otherwise agreed in writing by the Local Planning Authority.

## 10. **Ecology**

Unless otherwise first agreed in writing by the Local Planning Authority the construction phase of the scheme hereby approved shall be undertaken in accordance with the recommended mitigation measures set out in the report of Elite Ecology – Land off College Road, Denstone: Preliminary Ecological Appraisal (November 2019) dated as being received on 5<sup>th</sup> December 2019.

## 11. **Details of Lighting**

No development shall take place above slab level until a detailed scheme of lighting for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and no other lighting shall be installed on the site unless first agreed in writing with the Local Planning Authority.

## 12. **Details of Materials**

No development shall take place above slab level until samples and details of all 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.

## 13. **Ecology**

No dwelling shall be first occupied until details of ecological enhancement measures to be installed on the site (including a timetable of implementation) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by the recommendations set out in the Elite Ecology – Land off College Road, Denstone: Preliminary Ecological Appraisal (November 2019) as dated as being received on 5<sup>th</sup> December 2019. The approved ecological enhancement measures shall be installed in accordance with the approved timetable and thereafter be retained and made available at all times for their designated purposes.

## 14. **Visibility**

The development hereby permitted shall not be brought into use until the visibility splays across the areas coloured blue and red on the approved drawings (as listed at Condition 4 above) from a point 2.4m back from the

carriageway edge in the centre of the access have been provided. Once provided the visibility splays shall thereafter be kept free from obstructions to visibility over a height of 600mm above the adjacent carriageway level.

#### **15. Access Provision**

No part of the development hereby permitted shall be occupied until the approved access to the site within the limits of the public highway has been completed and all common access, servicing and turning areas provided in accordance with details first approved in writing with the Local Planning Authority. Once provided all common access, servicing and turning areas shall thereafter be kept clear and made available at all times for their designated purposes.

#### **16. Access Provision**

No part of the development hereby permitted shall be first occupied until a pedestrian footway has been provided within the site in accordance with details first approved in writing with Local Planning Authority. Once provided the footway shall be maintained and made available for use at all times for pedestrians for the life of the development.

#### **17. Parking Areas to be Provided**

Prior to the first occupation of any dwelling hereby approved, the parking spaces associated with the respective plot(s) shall be provided in a bound material in accordance with details first approved in writing with the Local Planning Authority. Once provided the parking areas shall thereafter be made available at all times for the parking of vehicles.

#### **18. Landscape Implementation**

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 completion of the development, and any trees or plants which within a period of 5 years from the completion of the landscaping scheme installation 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.

#### **19. Boundary Treatments**

Prior to the first occupation of any dwelling hereby approved, the boundary treatments for the respective plot(s) shall be erected in accordance with the approved plans (as required under Condition 2 above).

### **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. **Details of Proposed Materials**

The applicant is advised that in complying with Condition 12 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.

## 3. **Pre-Commencement Conditions**

The conditions identified below require details to be approved before commencement of the development/works.

Conditions No(s) 8 and 9.

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

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. Please telephone 01283 508606.

Although the Local Planning Authority will endeavour 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.

## 4. **Surfacing of Access, Footways, Parking and Turning Areas**

The applicant(s) is/are advised that in complying with Conditions 15, 16 and 17 above materials with a high degree of porosity would be the most likely to be acceptable as they will reduce the amount of surface water run-off.

## 5. **Ecological Responsibilities**

The applicant(s) is/are 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 service of a licensed ecologist procured to ensure an offence is not committed.

## 6. **Details of Construction Manager**

The applicant(s) is/are advised that the contact details for the construction manager should be supplied to the Environmental Health Manager prior to the commencement of construction works by emailing the Pollution Team ([pollution.team@eaststaffsbc.gov.uk](mailto:pollution.team@eaststaffsbc.gov.uk)).

**7. Highways Informative**

This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

**8. Landscape Details**

The applicant is advised that the details of landscaping required under Condition 4 should include details of boundary treatments.

**9. Public Footpaths**

The applicant(s) is/are advised that the Public Footpath(s) which cross the site should not be obstructed or extinguished as a result of the development either during or after construction. Their attention is also drawn to the comments of the Public Rights of Way Officers on the issues of hierarchy of use of any public right of way.

**10. Swift Bricks and Hedgehog Holes**

The applicant is advised the details of the ecological mitigation measures shall include the provision of at least one swift brick to a dwelling on the site. All close boarded fencing shall have provision for hedgehog holes.

**11. Approved Plan Clarification**

The applicants are advised that Condition 2 provides solely for the vehicular access works as shown on Drawing No. A4396-001 P9 dated as being received on 12 November 2020 and does not imply any approval for the layout or design of the dwellings shown on the drawing. These details will need to be agreed under the reserved matters submissions as per the other conditions of this grant of outline planning permission.

**12. Waste**

The developer will be required to provide the appropriate external storage containers for refuse and recycling collection (in accordance with the Council's specification). Further details may be found at:

<http://www.eaststaffsbc.gov.uk/sites/default/files/docs/bins/WasteStorageandCollectionGuidance.pdf>

**13. Legal Agreement**

This permission is subject to a Unilateral Undertaking.

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 Builth	Councillor G Lamb	
Councillor Mrs V Gould	Councillor Ms A Legg	
Councillor G Hall	Councillor S McKiernan	
Councillor C Sylvester	Councillor Mrs B Toon	

- As the above decision ended in a tie the Chairman used her casting vote so the application was permitted.

2. **P/2020/01498 - Burton Washlands Central Enhancements Project, comprising: wetland habitat creation with swales and pools; boardwalks for public access across the wetland areas; public open space improvements including planting and hard surfacing; a new play area; and platforms for access to the water's edge - Washlands Floodplain, between Meadowside Drive, and the River Trent, Burton Upon Trent, Staffordshire (Ward: Burton)**

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

Councillor G. Hall (seconded by Councillor K. Builth) put forward a motion to permit the application.

Councillor Mrs B. Toon (seconded by Councillor G. Hall) put forward a motion to add an informative regarding bat and bird boxes, and the wording to be delegated to the planning officer.

**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:

123230-BVL-ZZ-00-DR-L-00004 Rev P01, 1:2500 Location Plan dated as received on 22<sup>nd</sup> December 2020

123230-BVL-ZZ-00-DR-L-00005 Rev P01, 1:500 Site Block Plan 1 of 3 dated as received on 22<sup>nd</sup> December 2020

123230-BVL-ZZ-00-DR-L-00006- Rev P01, 1:500 Site Block Plan 2 of 3 dated as received on 22<sup>nd</sup> December 2020

123230-BVL-ZZ-00-DR-L-00007 Rev P01, 1:500 Site Block Plan 3 of 3 dated as received on 22<sup>nd</sup> December 2020



123230-BVL-ZZ-00-DR-L-00001 Rev P01, 1:100 and 1:200 Cross Sections East-West dated as received on 23<sup>rd</sup> March 2021

123230-BVL-ZZ-00-DR-L-00002 Rev P01, 1:200 and 1:500 Cross Sections North-South dated as received on 23<sup>rd</sup> March 2021

123230-NUK-ZZ-00-DR-L-00030 Rev P01, 1:250 Play Area Setting Out Plan dated as received on the 16<sup>th</sup> April 2021

123230-BVL-ZZ-00-DR-L-00003 Rev P01, 1:25 River Bank Reprofiting Cross Sections dated as received on 23<sup>rd</sup> March 2021

Design and Access Statement dated as received on 22<sup>nd</sup> December 2020

Heritage Statement Report 2020/41 v2a dated as received on 22<sup>nd</sup> December 2020

Archaeological Desk Based Assessment Report 2019/11 dated as received on 22<sup>nd</sup> December 2020

Geophysical Survey Report dated as received on 22<sup>nd</sup> December 2020

Arboricultural Impact Assessment dated as received on 22<sup>nd</sup> December 2020

Arboricultural Method Statement dated as received on 22<sup>nd</sup> December 2020

Extended Phase I Habitat Survey dated as received on 22<sup>nd</sup> December 2020

Outline Landscape Specification BV Project No. 123230 dated as received on 22<sup>nd</sup> December 2020

Environmental Action Plan dated as received on 22<sup>nd</sup> December 2020

Flood Risk Assessment dated as received on 22<sup>nd</sup> December 2020

Geo-Environmental Report Project No. 123230 dated as received on 15<sup>th</sup> April 2021

Factual Ground Investigation Report dated as received on 15<sup>th</sup> April 2021

Preliminary Water Framework Directive Compliance Assessment dated as received on 22<sup>nd</sup> December 2020

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

No development shall take place until samples and details of all materials to be used externally ensuring the product name and manufacturers is provided (including details of boardwalk and raised platform materials and materials for all structures within the public realm, such as bollards, benches, paving, play equipment etc.) 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. **Details of Landscaping**

No development shall take place until a scheme of landscaping and planting and a management plan for the existing retained woodland 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 completion of the development, whichever is 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.

**6. Protection of Trees During Development**

All existing trees and hedges shown as being retained on the plans hereby approved shall be protected by 2m high fencing in line with the Tree Protection Barrier recommendations contained within British Standard 5837 (2012) 'Trees in Relation to Construction'. Such fencing shall be erected before development commences and shall be retained at all times whilst construction work is taking place.

**7. Arboricultural Method Statement**

The development shall be carried out in accordance with the Arboricultural Method Statement listed in Condition 2 approved plans.

**8. Details of Disposal of Surface Water**

No development shall take place until a detailed scheme of drainage 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 its first occupation.

**9. Contaminated Land (During Construction)**

If potential ground contamination is detected during groundworks of the proposed development, this must be reported immediately to the Council and an investigation and risk assessment must be undertaken by a competent person in accordance with 'Land Contamination Risk Management, LCRM (EA, 2020)'. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historic environment, which is subject to the approval in writing by the Local Planning Authority. The scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measure identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority for approval prior to bringing the development into use.

## 10. Programme of Archaeological Work

- (a) Prior to the commencement of the development hereby permitted, a Historic Environmental Management Plan (HEMP) shall be submitted for the written approval of the Local Planning Authority. The HEMP shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.
- (b) The archaeological site work shall thereafter be implemented in full in accordance with the HEMP approved under Condition (a).
- (c) The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the HEMP approved under condition (a) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

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 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		

### 204/21 APPEALS RECEIVED AND DETERMINED

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

### 205/21 PLANNING PERMISSIONS

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 10<sup>th</sup> May 2021 and 4<sup>th</sup> June 2021 was received and noted.

206/21

**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**

