

EAST STAFFORDSHIRE BOROUGH COUNCIL

PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in the Coltman VC Room, Town Hall, Burton upon Trent on Tuesday 27th July 2021.

Present:

Councillors C Sylvester (Vice-Chairman), Mrs B. Ashcroft, E. Barker, Mrs B. Brady, R. Faulkner, G. Hall, H. Hall, G. H. Lamb, Ms A. Legg, S. McKiernan, M. Metcalfe and Mrs L. Walker.

Officers Present:

S. Grant (Solicitor) and N. Perry (Planning Manager).

Apologies for absence were received from Councillors K. Bultth, Mrs V. Gould and Mrs B. Toon.

209/21 **DECLARATIONS OF INTEREST**

Councillors H. Hall and M. Metcalfe declared that as they were newly appointed Members to the Planning Committee, and are currently awaiting training, they would not take part in the discussion or vote on the application.

Councillor Mrs L. Walker had also been newly appointed to the Planning Committee, and had received training so was able to take part in the meeting.

210/21 **APPOINTMENT OF VICE-CHAIRMAN**

The appointment of vice-chairman was deferred to the next meeting.

211/21 **MINUTES**

The Minutes of the meeting held on 22nd June 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 Mrs L Walker
Councillor E W Barker		
Councillor Mrs B Brady		
Councillor R Faulkner		
Councillor G Hall		
Councillor G H Lamb		
Councillor Ms A Legg		
Councillor S McKiernan		
Councillor C Sylvester		

212/21 **URGENT BUSINESS**

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

213/21 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2019/01244 – 7 Stanton Road, Stapenhill, Burton upon Trent, Staffordshire DE15 9RW (Ward: Stapenhill)**

The above virtual site visit was attended by Councillors Mrs B. Ashcroft, E. Barker, Mrs B. Brady, R. Faulkner, G. Hall, H. Hall, G. Lamb, Ms A. Legg, S. McKiernan, M. Metcalfe, C. Sylvester and Mrs L. Walker.

Mr A. Ross, a member of the public, spoke on the application.

Discussions took place.

Councillor Ms A Legg (seconded by Councillor G Hall) put forward a motion for an informative regarding the boundary treatment, with the wording being delegated to the planning officer.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor Mrs B Ashcroft		
Councillor E Barker		
Councillor Mrs B Brady		
Councillor R Faulkner		
Councillor G Hall		
Councillor G Lamb		
Councillor Ms A Legg		
Councillor S McKiernan		
Councillor C Sylvester		
Councillor Mrs L Walker		

Further discussions took place.

Councillor G Hall (seconded by Councillor G Lamb) put forward a motion regarding the division of the S106 monies.

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 Mrs B Brady		

Councillor R Faulkner		
Councillor G Hall		
Councillor G H Lamb		
Councillor Ms A Legg		
Councillor S McKiernan		
Councillor C Sylvester		
Councillor Mrs L Walker		

Councillor G Hall (seconded by Councillor Mrs B Ashcroft) put forward a motion to permit the application.

Resolved:

That outline planning permission be granted subject to the following conditions, and subject to the signing of a S106 Legal Agreement to cover the matters agreed at the Committee:

1. 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.
2. 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. The development hereby permitted is in outline and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.
4. 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. 00799_AL(0)04 Rev B – 1:1250 Site Location Plan and 1:200 Existing site Block Plan dated as received 3 March 2020

Drawing No. 00700_(0)03 Rev D – 1:1250 Site Location Plan and 1:200 Indicative Block Plan (Means of Access only) dated as received 3 March 2020

Drawing No. 02049/01 - 1:200 Topographical Survey dated as received 1 October 2019

Arboricultural Report Prepared by Tree heritage and dated as received 1 October 2019

Bat Activity Report Prepared by Absolute Ecology and dated as received 1 October 2019

Phase 1 Geo-Environmental Assessment Report Prepared by GIP Ltd and dated as received 1 October 2019

Preliminary Ecological Appraisal Prepared by Absolute Ecology and dated as received 1 October 2019

5. No development shall take place until samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of 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.
6. No development shall take place until a scheme of landscaping, fencing and walling, and measures for the protection of trees and hedges to be retained during the course of development has been submitted to and approved in writing by the Local Planning Authority.
7. All planting, seeding or turfing comprised in the approved details of landscaping referred to in condition 6 shall be carried out in the first planting and seeding season following 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.
8. Any scheme of walling and fencing approved as part of the landscaping scheme required by condition 6 above shall be completed prior to the development first being brought into use.
9. The development hereby permitted shall not be commenced until the access to the site as indicated on submitted Drg. No. AL(0)03 Rev. D, within the limits of the public highway, has been completed to base course level.
10. The development hereby permitted shall not be brought into use until the access has been constructed with a gradient not exceeding 1 in 15 for a minimum distance of 10 metres from the rear of the highway boundary in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.
11. The development hereby permitted shall not be brought in to use until, the visibility splays shown on Drg. No. AL(0)03 Rev. D, the subject of this consent have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
12. The existing vehicular access shall be permanently closed immediately the use hereby approved is commenced and the access crossing shall be reinstated as verge/footway in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.
13. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garage accommodation/parking spaces 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.

14. The reserved matters submissions under condition 2 above shall include details of weatherproof cycle storage to be provided prior to the first occupation of any dwelling, which shall thereafter be retained as such for the parking of cycles for the life of the development.
15. The reserved matters submissions required under condition 2 shall include garages and parking spaces (including disabled parking spaces) which accord with the standards and minimum dimensions set out in the Council's Parking Standards SPD.
16. The reserved matters submissions required under condition 2 shall include designated waste/recycling bin collection points rear of the highway boundary.
17. 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 details shall include a surface water drainage strategy for the site. The development shall be completed in accordance with the approved details prior to its first occupation.
18. Prior to first occupation of the development hereby permitted details of electric vehicle charging points, shall be submitted in writing to and agreed in writing by the Local Planning Authority. The approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.
19. No development shall take place until a Noise Impact Assessment has been submitted to and approved in writing by the Local Planning Authority which shall include details of any noise mitigation measures required. The development shall only be implemented in accordance with the approved mitigation measures and maintained as such for the life of the development.
20. Before the development commences an intrusive site investigation shall be carried out to establish the full extent, depth and cross-section, nature and composition of potential contamination. Ground gas, water and chemical analysis, identified as being appropriate by the GIP Phase 1 Assessment (ref: CFM/27699), should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. The details of this investigation (including all technical data) shall be submitted to the Council, as a phase 2 report, for approval prior to any site remediation or construction works.

In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted to this department (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The Statement should also include details of validation testing that will be carried out once works have been completed.

If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to this

Department for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement.

The development shall not be occupied until a validation report has been submitted to and approved in writing by this Department. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

21. Any soil to be imported to the site shall first be chemically analysed for contaminants, with the results submitted to and approved in writing by the Local Planning Authority prior to the soil being installed.
22. There shall be no site works outside the following hours, without specific consent of the Local Planning Authority:

Monday to Friday 07.30 – 21.00 hours
Saturday 08.00 – 14.00 hours
Sunday and Bank Holidays – no working.
23. Prior to demolition, construction or earthworks on site, a scheme of construction noise mitigation shall be submitted to and agreed by the Local Development Control Department. The scheme shall be in line with BS5288 Part 1+A1:2014.
24. The details required under condition 2 above shall include details showing the existing and proposed land levels of the site including site sections and the finished floor levels, ridge and eaves heights of all proposed buildings with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings. The development shall be undertaken in strict accordance with the approved details.
25. Prior to commencement of any construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGV's, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. All sites operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.
26. The development shall be carried out in accordance with the findings and mitigation measures set out in the Preliminary Ecological Appraisal prepared by Absolute Ecology dated November 2018 and the Activity for Bats Survey also prepared by Absolute Ecology and dated August 2019 unless otherwise first agreed in writing by the Local Planning Authority.
27. No development shall take place until details of energy saving measures have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation of the dwellings to which they relate hereby permitted and retained as such for the life of the development.

28. Prior to the first occupation of the development hereby approved, each dwelling shall be provided with appropriate external containers for refuse and recycling collection. The containers must be available for use before commencement of the Council's waste collection service.

Informatives

1. The Local Planning Authority has taken a positive approach to decision-taking in respect of this 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. The conditions identified below require details to be approved before commencement of the development/works – Condition 5, 6, 17, 19, 20, 23, 25 and 27.

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

3. Road construction details submitted following the granting of Reserved Matters Consent will require approval under Section 7 of the Staffordshire Act 1983.
4. Any off-site highway works shall require a Highway Works Agreement with Staffordshire County Council.
5. The minor access reinstatement works referred to in condition 12 above involve work on the highway and as such require the consent of the County Council. Please contact the Network Management Unit, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford ST16 2DH.
6. The proposed access road is to remain private. The developer should be advised to contact East Staffordshire Borough Council's Waste Management Section to agree waste and recycling arrangements. With reference to submitted Drg. No. AL(0)03 Rev. D, the positioning of car parking spaces 23.1 and 24.1 would lead to cars reversing an excessive length and would likely to lead to a recommendation of refusal from the Highway Authority.
7. 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.
8. The applicant/developer is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
9. Severn Trent Water advised that there may be a public sewer located within the application site. Although their statutory sewer records do not show any public sewers within the area that the applicant have specified, there may

be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or to be diverted without consent and contact must be made to Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that the applicant will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that the applicant will be able to undertake those works on a self-lay basis.

Every approach to build near to or divert Severn Trent's assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is **vital** therefore that the applicant contact Severn Trent at the earliest opportunity to discuss the implications of their assets crossing the site. Failure to do so could significantly affect the costs and timescales of the project if it transpires diversionary works need to be carried out by Severn Trent.

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 Mrs B Brady		
Councillor R Faulkner		
Councillor G Hall		
Councillor G H Lamb		
Councillor Ms A Legg		
Councillor S McKiernan		
Councillor C Sylvester		
Councillor Mrs L Walker		

** Although Councillor Mrs L. Walker had been newly appointed to the Planning Committee, she had received training so was able to take part in the debate and vote on the application.

214/21 **APPEALS RECEIVED AND DETERMINED**

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

215/21 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 5th June 2021 and 16th July 2021 was received and noted.

216/21

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