

EAST STAFFORDSHIRE BOROUGH COUNCIL

PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in the Dove Room, Town Hall, Burton upon Trent on Tuesday 28th September 2021.

Present:

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

Officers Present:

S. Grant (Solicitor), S. Khan (Head of Service), N. Perry (Planning Manager) and Mrs B. Toy (Principal Planning Officer).

Apologies for absence were received from Councillors Mrs B. Brady and G. Lamb.

219/21 **DECLARATIONS OF INTEREST**

Councillor H. Hall declared that although she had made comments on application no. P/2020/01454, she had attended the meeting with an open mind, so would take part in the discussions and vote thereupon.

Councillor K. J. Builth declared a personal interest regarding application no. P/2020/01454 in that he was on the board of directors for MIND, who works with Trent and Dove Housing but had made no comments on the application.

They had sought legal advice from the Solicitor who advised them that she did not consider they had not predetermined the application, so could take part in the discussions and vote thereupon.

220/21 **APPOINTMENT OF VICE-CHAIRMAN**

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

221/21 **MINUTES**

The Minutes of the meeting held on 27th July 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 K J Builth
Councillor E W Barker		
Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor G Hall		

Councillor H Hall		
Councillor Ms A Legg		
Councillor M Metcalfe		
Councillor S McKiernan		
Councillor C Sylvester		
Councillor Mrs B Toon		
Councillor Mrs L Walker		

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/2020/01454 – Hybrid planning application seeking full planning permission for 72 unit sheltered housing scheme, 10 no. dwellings, 13 no. apartments, 2 no. B1 Office units and associated landscape, parking and external works; and Outline planning permission to include to to 5150 sq. m of (Class E (a/b/g), C1 Hotel, C3 Apartment, public houses/drinking establishments with associated parking and up to 4 no. dwellings and 8 no. apartments with all matters reserved – Bargates, High Street, Burton upon Trent DE14 1LJ (Ward: Burton)**

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

Councillor D. Florence-Jukes and Mrs R. Talbot, members of the public, spoke on the application.

Mr D. Shaw, agent for the applicant, 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 addition of the Police Liaison Officer, 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 R Faulkner
Councillor E Barker		
Councillor K J Builth		
Councillor V Gould		
Councillor G Hall		
Councillor H Hall		
Councillor Ms A Legg		

Councillor M Metcalfe		
Councillor S McKiernan		
Councillor C Sylvester		
Councillor Mrs B Toon		
Councillor Mrs L Walker		

Further discussions took place.

Councillor Ms A. Legg (seconded by Councillor C. Sylvester) put forward a motion for an additional condition regarding a management plan for the provision of the maintenance of the site from 2 years to 5 years and bat friendly lighting, 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 R Faulkner
Councillor E W Barker		Councillor M Metcalfe
Councillor Mrs B Brady		
Councillor Mrs V Gould		
Councillor G Hall		
Councillor H Hall		
Councillor Ms A Legg		
Councillor S McKiernan		
Councillor C Sylvester		
Councillor Mrs B Toon		
Councillor Mrs L Walker		

Councillor Mrs V. Gould (seconded by Councillor C. Sylvester) put forward a motion to permit the application.

Resolved:

That the planning permission be **GRANTED** subject to the following:

GRAMPIAN CONDITION

For the applicant to enter into a unilateral undertaking to Staffordshire County Council in relation to the Travel Plan monitoring fee.

For the applicant to enter into a unilateral undertaking to East Staffordshire Borough Council to secure a viability appraisal in associated with reserved matters for phase 2 and 3.

TIMESCALES

1. Application for approval of the reserved matters for phase 2 and phase 3 shall be made to the Local Planning Authority before the expiration of three years from the date of the permission.

2. No development on land identified as phase 2 and phase 3 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 (thereafter called “the reserved matters”) for Phase 2 and Phase 3 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 for phase 1 shall begun before the expiration of three years from the date of the approval of the last reserved matter(s) to be approved.

PLANS

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

2433.001	Location Plan	A1	1:1250	Revision P2
2433.100	Proposed Site Plan	A1	1:500	Revision P4
2433.110	External Surface Treatment	A1	1:500	Revision P3
2433.125	Site Sections	A1	1:200	Revision P1
2433.160	Site Survey	A1	1:500	Revision P2
2433.161	Constraints Plan	A3	1:1250	Revision P3
2433.162	Site Survey Rights of Access	A3	1:1250	Revision P3
2433.165	Car Parking Provision	A3	1:1000	Revision P3
2433.166	Bin & Cycle Provision	A3	1:1000	Revision P3
2433.167	Existing Trees on Site	A3	1:1000	Revision P1
2433.168	Sustainability Plan	A3	1:1000	Revision P1
2433.170	Proposed Site Plan - Phase 1	A1	1:500	Revision P4
2433.173	Proposed Site Plan - Phase 2 (Option 3)	A1	1:500	Revision P3
2433.175	Proposed Site Plan - Phase 3	A1	1:500	Revision P3
2433.A.110	Block A - Proposed Ground & First Floor Plans	A1	1:200	Revision P1
2433.A.111	Block A - Proposed Second & Third Floor Plans	A1	1:200	Revision P1
2433.A.112	Block A - Proposed Roof Plan	A1	1:200	Revision P1
2433.A.120	Block A - Proposed Elevation 1-1	A1	1:200/1:100	Revision P1
2433.A.121	Block A - Proposed Elevation 1-1	A1	1:200/1:100	Revision P1
2433.A.122	Block A - Proposed Elevation 3-3	A1	1:200/1:100	Revision P1
2433.A.123	Block A - Proposed Elevation 3-3	A1	1:200/1:100	Revision P1
2433.A.124	Block A - Proposed Elevations 2-2 & 4-4	A1	1:100	Revision P1
2433.B.110	Block B - Proposed Floor Plans (Type B1)	A1	1:50	Revision P2
2433.B.111	Block B - Proposed Floor Plans (Type B2)	A1	1:50	Revision P1
2433.B.120	Block B - Proposed Elevations (Type B1)	A1	1:50	Revision P2
2433.B.121	Block B - Proposed Elevations (Type B2)	A1	1:50	Revision P1
2433.C.110	Block C - Proposed Floor Plans	A1	1:50	Revision P1
2433.C.120	Block C - Proposed Elevations	A1	1:50	Revision P1
2433.D.110	Block D - Proposed Floor Plans	A1	1:50	Revision P1
2433.D.120	Block D - Proposed Elevations	A1	1:50	Revision P1

Bargates 016-BG-001-R5

Robert Colbourne Bargates Landscape Strategy_v3

Robert Colbourne- Bargates-Planting and Maintenance Notes

AFFORDABLE HOUSING

5. No development shall take place on site until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it to include both affordable homes to rent and shared ownership homes. The scheme shall include:

- i). The arrangements for the transfer of the Affordable Housing Units to an Affordable Housing Provider;
- ii). The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing except where a third party has fully acquired a shared ownership home or where a rented property has been fully acquired under the Right to Buy Scheme or Right to Acquire; and
- iii). The occupancy criteria to be used for determining the identity of occupiers of the affordable rented housing which is or remains under the control of the Affordable Housing Provider by means of the Borough Council's Allocations Scheme or in such form as may be proposed by the Local Authority and the means by which such occupancy criteria shall be enforced.

MATERIALS

6. No development shall take place until samples and details of all materials to be used internally ensuring the product name and manufacturer is provided (including details of coursing of brickwork and roof tiles, windows and rainwater goods) 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.
7. No development shall take place until samples of all materials to be used for hard surfacing as part of the landscaping within and around the site 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.
8. No development shall take place on the balcony railings until construction details for the proposed balcony railings 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.
9. No development shall take place until a scheme of landscaping, fencing and walling, have been submitted to and approved in writing by the Local Planning Authority.
10. 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 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.
11. 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.

HIGHWAYS

12. Prior to the commencement of any works on the estate roads that are required to provide access for refuse vehicles servicing the site details of the design and layout of those roads to adoptable standard shall be submitted to and approved in writing by the Local Planning Authority and once approved those roads shall be constructed in accordance with those details.
13. Prior to commencement of any works on the site details of the closure of the northern access and its designation as a footway/cycleway shall be submitted to and approved by the Local Planning Authority and once approved those works

shall be completed in accordance with those details and maintained as such thereafter.

14. Car parking for the leisure centre shall be maintained at a minimum of the existing level at all times and will be hard surfaces, the spaces marked out and all appropriate signage etc. in place at all times and access to it shall be maintained at all times. Any changes to the location or number of spaces shall be submitted to and approved by the Local Planning Authority prior to the commencement of any changes.
15. Before any part of the development hereby approved is brought into beneficial use and irrespective of the document currently submitted a Travel Plan will be submitted to and approved by the Local Planning Authority which will include a monitoring methodology which will include a survey methodology for assessing the travel mode choices of residents, an initial series of targets should the initial targets not be achieved. These secondary targets could include contributions to improving infrastructure to support sustainable travel modes as well as or instead of other measures to drive change.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the 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.
17. The weatherproof cycle storage shall 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.

SUSTAINABLE DESIGN

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 details of renewable energy and 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.

LIGHTING

20. The development shall no progress above damp proof course level until a lighting scheme has 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. No lighting other than the approved scheme shall be installed unless otherwise agreed in writing by the Local Planning Authority.

WASTE

21. Prior to the first occupation of the development hereby approved, each dwelling shall be provided with appropriate external storage containers for refuse and recycling collection. The containers must be available for use before commencement of the Council's waste collection service.
22. Prior to the development being brought into use a scheme of indemnification from any claim against the Authority for damage to roads, paved areas and landscaping.

FLOODING AND DAMAGE

23. No Phase 2 or Phase 3 development shall begun until the final detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must demonstrate:

- a). Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).
- b). SuDS design to provide sufficient water quality treatment, in accordance with the CIRA SuDS Manual Simple Index Approach and SuDS treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff.
- c). Limiting the discharge rate generated by all rainfall events up to 100 year plus climate change in accordance with the guidance in the SCC SuDS Handbook. Provision of surface water runoff attenuation storage to achieve the limited discharge.
- d). Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations, to include as a minimum the 100 year plus 40% climate change and the 30 year return periods.
- e). Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system, including pump failure where applicable. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.
- f). Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

To include the name and contact details of the party(ies) responsible. The development shall thereafter proceed in accordance with the approved details.

24. The development hereby permitted for Phase 1 shall not be brought into use until the approved drainage scheme in the following documents has been implemented:

- K824-204 –PHASE 1 DRAINAGE STRATEGY P01
- PHASE 1 SURFACE WATER NETWORK
- K824-203 – PHASE 1 IMPERMABLE AREAS PLAN P01

Thereafter, the drainage scheme shall be retained and maintained in accordance with K824-205- PHASE 1 SUDS MAINTENANCE PLAN – REV P0

25. The development shall be carried out in accordance with the submitted flood risk assessment references K824 dated December 2019 and the following mitigation measures it details:

1. In accordance with section 7.1.4 of the FRA the sheltered accommodation will be set Finished Floor Levels to at least 46.4m Above Ordinance Datum (AOD).
2. In accordance with section 7.1.4 of the FRA all other finished floor levels on the proposed development will be set to at least 46.7m AOD. Notwithstanding the FRA the current flood defence cannot be disassembled or altered until finished ground levels behind the flood defence are confirmed by the Environment Agency to be no lower than 46.10m AOD and the high ground is

deemed structurally secure to ensure no increase in flood risk to Burton on Trent.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

26. The development hereby permitted shall not be commenced until such time as a Section 40 Agreement, supplied by the Environment Agency, has been signed and implemented by the applicant. This shall be submitted to, and approved in writing by the Local Planning Authority.
27. If during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
28. No development shall take place until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing to 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.

NOISE, DUST AND CONTAMINATION

29. A dust mitigation scheme shall be submitted to and agreed by the Local Planning Authority, and implemented during the development. The scheme shall follow the principles of the latest version of the Institute of Air Quality Management's (IAQM) *Guidance on the assessment of dust from demolition and construction*.

Noise

30. A scheme of noise mitigation (glazing and ventilation) shall be submitted to and agreed by the Local Planning Authority, and then installed, prior to the first occupation of the apartments. The scheme shall ensure the recommended standards of BS 8233:2014 *Guidance on sound insulation and noise reduction for buildings* are complied with.

The scheme shall ensure that at a minimum, the glazing and ventilation mitigation specifications recommended in above noise assessment for the various apartment facades are met. As also recommended in the above noise report, mechanical ventilation shall be installed and where clean air is required to drawn into the apartments for the purposes of the mechanical ventilation, this shall be from as far away as possible from the Burton Bridge Brewery to ensure any odour effects from the brewery are minimised.

During any further ground works, any contamination is identified that has not been considered within the Remediation Method as set out in Patrick Parsons Phase 11 Site Appraisal (Rev 2) (Ref: B16267 dated October 2019), 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 the Remedial measures set out in Patrick Parsons Phase 11 Site Appraisal (Rev 2) (Ref: B16267 dated October 2019) have been completed and 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.

31. 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.
32. a). Where the Phase 11 Site Appraisal (Rev 2) completed October 2019 by Patrick Parsons has identified the presence of soil contamination and ground gas, 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. Please note that the ground gas classification and remedial measures should be completed in reference to BS 8485 2015+A1:2019.

b). 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.

c). The development shall not be occupied until 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.
33. 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.

HOURS OF CONSTRUCTION AND CONSTRUCTION MANAGEMENT

34. There shall be no site works outside of the following hours, without the 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
35. 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.
36. 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 site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

ECOLOGICAL ENHANCEMENTS

37. The development shall be carried out in accordance with the findings and mitigation measures set out in the ecological assessment and landscape plan unless otherwise first agreed in writing by the Local Planning Authority.
38. Notwithstanding the provisions of Class A Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no gates, walls, fences or other means of enclosure (except for those approved by this consent) shall be erected within the curtilage of the dwelling(s) unless planning permission has been granted by the Local Planning Authority.
39. Notwithstanding the provisions of Classes A, B, C, D, E, G and H of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the dwelling(s) hereby permitted shall not be altered or extended, no new windows shall be inserted, no chimneys shall be erected, no satellite dishes shall be affixed to the dwelling(s) and no buildings or structures shall be erected within the curtilage of the new dwelling(s) unless planning permission has first been granted by the Local Planning Authority.

Informatives

1. The Local Planning Authority has taken a positive approach to decision-making 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.

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. 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.
4. 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.
5. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you 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 be diverted without consent and contact must be made with 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 you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our 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 you contact us at the earliest opportunity to discuss the implications of our assets crossing the site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Environmental Permitting Regulations (EPR)

This development will require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over of within 8 metres of the top of the bank of, or within the floodplain of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission.

Please note that we have a 2 month statutory period in which to determine Environmental Permits once all information has been received and it should not be assumed that such consent will automatically be forthcoming. We would advise you to consult us at the earliest opportunity in order to determine and secure formal consent for the proposed works as appropriate.

Finally, in order for the Environment Agency to monitor its effectiveness in influencing the determination of planning applications, a copy of the decision notice (including conditions) for this application would be appreciated.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor Mrs B Ashcroft	Councillor Helen Hall	Councillor Mrs B Toon
Councillor K J Builth	Councillor S McKiernan	Councillor E Barker
Councillor R Faulkner	Councillor Mrs L Walker	
Councillor Mrs V Gould		
Councillor G Hall		
Councillor Ms A Legg		
Councillor M Metcalfe		
Councillor C Sylvester		

2. **P/2017/00667 – Application for outline planning permission for the erection of 71 no. dwellings with all matters reserved except for access (including demolition of existing outbuildings) (Amended Scheme)**

And

P/2017/060668 – Erection of 18 no. dwellings with new vehicular access and associated garaging/parking facilities following the demolition of the existing farm outbuildings along with restoration works to the existing dwelling at Churnet Farm (Amended Scheme) – Churnet House, High Street, Rocester, Uttoxeter, Staffordshire ST14 5JU (Ward: Churnet)

These applications were withdrawn from the agenda prior to the meeting.

3. **P/2021/00777 – Reserved Matters application relating to P/2012/01467 for the erection of a single detached industrial warehouse unit, with ancillary offices, covering Use Classes E1, B2 and B8, providing 15,937 sq m (GIA) (16,2=625 sq m GEA) of floorspace, with associated vehicle parking, cycle storage, yard space, circulation, lighting, landscaping, access road, access point of the access road, and other ancillary development. The outline application P/2012/01467 was accompanied by an Environmental Impact Assessment – Quintus – Phase 2, Branston Locks, Branston Raod, Burton upon Trent, Staffordshire DE13 9SB (Ward: Branston)**

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

Mrs R. Uppal, agent for the applicant spoke on the application.

Discussions took place.

Councillor Ms A. Legg (seconded by Councillor G. Hall) put forward a motion for an additional condition regarding details of rest area and a smoking shelter to be submitted to the Local Planning Authority.

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 Mrs V Gould		
Councillor G Hall		
Councillor H Hall		
Councillor Ms A Legg		
Councillor S McKiernan		
Councillor M Metcalfe		
Councillor C Sylvester		
Councillor Mrs B Toon		

Councillor Ms A. Legg (seconded by Councillor G. Hall) put forward a motion for an informative regarding the installation of a hedgehog highway, 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 M Metcalfe
Councillor E W Barker		

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

Councillor Ms A. Legg (seconded by Councillor G. Hall) put forward a motion for an informative regarding bat friendly lighting 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 W Barker		
Councillor Mrs B Brady		
Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor G Hall		
Councillor H Hall		
Councillor Ms A Legg		
Councillor S McKiernan		
Councillor M Metcalfe		
Councillor C Sylvester		
Councillor Mrs B Toon		
Councillor Mrs L Walker		

Councillor Mrs V. Gould (seconded by Councillor C. Sylvester) put forward a motion to permit the application.

Resolved:

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

1. **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 the permission:

Site Location Plan Drawing 21169 P0001 Rev C D dated as received on 18-06-2021
Proposed Site Layout Plan Drawing 21169 P0002 Rev F dated as received on 02-06-2021
Proposed Building Layout Drawing 21169 P0100 Rev C dated as received on 02-06-2021
Proposed Office Layout Drawing 21169 P0101 Rev C dated as received on 02-06-2021
Proposed Elevations Drawing 21169 P0102 Rev D dated as received on 13-09-2021
Proposed Roof Layout Drawing 21169 P0103 Rev C dated as received on 02-06-2021
Proposed Building Section Drawing 21169 P0104 Rev C dated as received on 02-06-2021
Proposed Transport Office Layout Drawing 21169 P0105 Rev B dated as received on 02-06-2021
Proposed Gatehouse Details Drawing 21169 P0009 Rev C dated as received on 02-06-2021
Proposed M and E Compound Details Drawing 21169 P0007 Rev C dated as received on 18-06-2021
Proposed Refuse Enclosure Details Drawing 21169 P0006 Rev C dated as received on 18-06-2021
Proposed Cycle Shelter Details Drawing 21169 P0005 Rev B dated as received on 02-06-2021
Proposed Fencing Details Drawing 21169 P0004 Rev B dated as received on 02-06-2021
Proposed External Surfacing Drawing 21169 P0003 Rev B dated as received on 02-06-2021
External Materials Schedule dated as received on 02-06-2021
External Materials Plan dated as received on 02-06-2021
Soft Landscaping Strategy dated as received on 02-06-2021
Soft Landscaping Proposals 1 of 2 Drawing 21-64-01 dated as received on 02-06-2021
Soft Landscaping Proposals 2 of 2 Drawing 21-64-02 dated as received on 02-06-2021
External LED Lighting Assessment Report by mba Consulting Engineers dated as received on 02-06-2021
Indicative External Lighting Layout Drawing 21-084-EX-001 dated as received on 02-06-2021
Heritage Compliance Statement by JLL dated as received on 02-06-2021
Planning Supporting Statement by JLL dated as received on 02-06-2021
Design and Access Statement dated as received on 02-06-2021

2. **MATERIALS**

All external materials used in the development shall be set out on the plans listed under condition 1 and as set out on the application form unless otherwise first agreed in writing with the Local Planning Authority.

3. **LANDSCAPE IMPLEMENTATION**

All planting, seeding or turfing comprised in the approved details of landscaping required under condition 1 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. Trees within the public realm shall be heavy gauge and those flanking to entry to the site shall be extra heavy gauge.

4. **NOISE**

Prior to the commencement of the development in order to ensure that the proposal will have no significant adverse noise impact, a BS4142:2014 *Methods for rating and assessing industrial and commercial sound*, assessment shall be undertaken and a scheme of appropriate mitigation submitted to and agreed by the Local Planning Authority. Any mitigation shall be implemented prior to the first use of the proposal, and maintained thereafter.

The above assessment shall be considered in the context of the other permitted Quintus phases and also the broader Branston Locks planning permissions, particularly in terms of the nearest receptors, permitted but not yet developed.

5. **NO WORKING OR STORAGE IN THE OPEN**

No working or storage shall take place in the open areas of the site, except for loading and unloading of vehicles hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Details Approved under Conditions attached to Planning Application P/2012/01467: 2 and 4.

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(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 services of a licensed ecologist procured to ensure an offence is not committed.

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 Mrs V Gould		
Councillor G Hall		
Councillor H Hall		
Councillor Ms A Legg		

Councillor S McKiernan		
Councillor M Metcalfe		
Councillor C Sylvester		
Councillor Mrs B Toon		
Councillor Mrs L Walker		

4. **P/2019/01489 – 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 – Extension of time to determine the application (Ward: Denstone)**

Discussions took place.

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

Resolved:

To amend the resolution of the Planning Committee of 22nd June 2021 to approve the scheme subject to conditions and a Unilateral Undertaking (as per the salient committee minutes) and subject to the applicants submitting further information by 12th October 2021 which satisfactorily demonstrates to officers that the scheme would not exacerbate off site surface water flooding.

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 S McKiernan
Councillor K J Builth		
Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor G Hall		
Councillor Ms A Legg		
Councillor C Sylvester		
Councillor Mrs B Toon		

*Councillors H. Hall, M. Metcalfe and Mrs L. Walker did not vote on this application as they were new Members of the Planning Committee, and were not involved in the application previously.

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 9th August 2021 and 10th September 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