

EAST STAFFORDSHIRE BOROUGH COUNCIL

PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in a virtual environment on Tuesday 27th April 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. 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 B. Toy (Principal Planning Officer).

An apology for absence was received from Councillor S. McGarry.

182/182/21 **DECLARATIONS OF INTEREST**

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

183/183/21 **MINUTES**

The Minutes of the meeting held on 30th March 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 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		

184/184/21 **URGENT BUSINESS**

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

APPLICATIONS FOR PLANNING PERMISSION

1. **P/2020/01468 – Reserved Matters application relating to P/2012/01467 for Phase 1 for the erection of three detached industrial and warehouse units with ancillary offices covering Use Classes E, B2 and B8 with associated works including details of appearance. Landscaping, layout, scale and access – Quinitis- Phase 1, Branston Locks, Branston Road, Tatenhill, Burton upon Trent, Staffordshire DE13 9SB (Ward: Branston)**

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. McKiernan, C. Sylvester and Mrs B. Toon.

Mr P. Leaver, agent for the applicant, spoke on the application.

Discussions followed.

A motion was put forward by Councillor Ms A. Legg (seconded by Councillor Mrs B. Toon) for an informative regarding using amber sensitive lighting and litter bins in the car parks, 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 E 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 McKiernan		
Councillor C Sylvester		
Councillor Mrs B Toon		

Further discussions took place.

A motion was put forward by Councillor G. Hall (seconded by Councillor E. Barker) to approve 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 19146 P0001 Rev D dated as received on 15-01-2021
Proposed Site Layout Plan Drawing 19146 P0002 Rev F dated as received on 15-01-2021
Unit 1 Proposed Building Layout Drawing 19146 P0100 Rev C dated as received on 18-12-2020
Unit 1 Proposed Office Layout Drawing 19146 P0101 Rev C dated as received on 18-12-2020
Unit 1 Proposed Elevations Drawing 19146 P0102 Rev D dated as received on 18-12-2020
Unit 1 Proposed Roof Layout Drawing 19146 P0103 Rev C dated as received on 18-12-2020
Unit 1 Proposes Building Section Drawing 19146 P0104 Rev C dated as received on 18-12-2020
Unit 2 Proposed Building Layout Drawing 19146 P0200 Rev D dated as received on 18-12-2020
Unit 2 Proposed Office Layout Drawing 19146 P0201 Rev C dated as received on 18-12-2020
Unit 2 Proposed Elevations Drawing 19146 P0202 Rev D dated as received on 18-12-2020
Unit 2 Proposed Roof Layout Drawing 19146 P0203 Rev C dated as received on 18-12-2020
Unit 2 Proposes Building Section Drawing 19146 P0204 Rev C dated as received on 18-12-2020
Unit 3 Proposed Building Layout Drawing 19146 P0300 Rev C dated as received on 18-12-2020
Unit 3 Proposed Office Layout Drawing 19146 P0301 Rev C dated as received on 18-12-2020
Unit 3 Proposed Elevations Drawing 19146 P0302 Rev D dated as received on 18-12-2020
Unit 3 Proposed Roof Layout Drawing 19146 P0303 Rev C dated as received on 18-12-2020
Unit 3 Proposes Building Section Drawing 19146 P0304 Rev C dated as received on 18-12-2020
Soft Landscaping Proposals 1 of 5 Drawing 20-108-01 Rev A dated as received on 18-12-2020
Soft Landscaping Proposals 2 of 5 Drawing 20-108-02 Rev A dated as received on 18-12-2020
Soft Landscaping Proposals 3 of 5 Drawing 20-108-03 Rev B dated as received on 18-12-2020
Soft Landscaping Proposals 4 of 5 Drawing 20-108-04 Rev A dated as received on 18-12-2020
Soft Landscaping Proposals 5 of 5 Drawing 20-108-05 Rev B dated as received on 18-12-2020
External Lighting Layout Drawing 19-067-EX-001 PL3 dated as received on 18-12-2020
Proposed Fencing Details Drawing 19146 P0004 Rev C dated as received on 18-12-2020
Proposed Cycle Shelter Details Drawing 19146 P0005 Rev D dated as received on 18-12-2020

Proposed External Surfacing Drawing 19146 P0003 Rev C dated as received on 18-12-2020
Proposed Refuse Enclosure Details Drawing 19146 P0006 Rev C dated as received on 18-12-2020
Proposed Gatehouse Details Drawing 19146 P0009 Rev C dated as received on 15-01-2021
Proposed M and E Compound Details Drawing 19146 P0007 Rev B dated as received on 18-12-2020
Design and Access Statement by umc Architects dated as received on 18-12-2020
Heritage Compliance Statement by JLL dated as received on 18-12-2020
Planning Supporting Statement by JLL dated as received on 18-12-2020
Archaeology Evaluation Report by AOC Archaeology Group dated as received on 18-03-2021
External LED Lighting Assessment Report by mba Consulting Engineers dated as received on 18-12-2020
Environmental Noise Report by Sharps Redmore (Project No 2019634) dated as received on 18-01-2021

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 and 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 the entry to the site shall be extra heavy gauge.

4. **Noise**

The cumulative rated noise from mechanical service plant (measured in line with BS4142) at the nearest receptors shall not exceed the background noise values identified in the Environmental Noise Report undertaken by Sharps Redmore, dated 18th January 2021.

5. **No Working or Storage in the Open**

No working or storage shall take place in the open areas at any of the three units hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Informatives

1. **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 environment 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 the permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

3. Informative regarding sensitive lighting and litter bins in the car park.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor B Ashcroft		
Councillor E 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 McKiernan		
Councillor C Sylvester		
Councillor Mrs B Toon		

2. **P/2020/01418 – Conversion of existing farm house and piano barn from a holiday let to a Class C2 home for children in care and conversion of existing barn including alterations to the front elevation from storage to office and gym for staff – Poplars Farm, Yoxall Road, Newborough, Burton upon Trent, Staffordshire DE13 8SU (Ward: Newborough)**

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. McKiernan, C. Sylvester and Mrs B. Toon.

Mrs B. Waite, Parish Councillor, spoke on the application.

Mrs C. Gethin, a member of the public, spoke on the application.

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

A motion was put forward by Councillor K. Builth (seconded by Councillor G. Hall) to approve 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 the permission:

Drawing No.s:

A101 Barn Building Existing and Proposed Elevations and Proposed Layout dated as received 09 December 2020

A102 Poplars Farmhouse Layout dated as received 09 December 2020

A103 Piano Barn Layout dated as received 09 December 2020

A104 Site Plan dated as received 09 December 2020

A105 Location Plan dated as received 13 January 2021

Planning Supporting Statement dated as received 03 March 2021

Application Forms dated as received 09 December 2020

3. Materials

All external materials used in the development shall be as set out on the plans and documents listed under Condition 2 unless otherwise first agreed in writing with the Local Planning Authority.

4. Use Restriction – Numbers and Ages

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any order revoking and re-enacting that Order, the permission shall relate to the use of the premises as a children's home, for a maximum of 6 children aged between 7 and 12, as described in the Planning Supporting Statement dated as received 3rd March 2021 and for no other purpose.

5. Use of Storage Shed Building to be Ancillary

The gym/office use in the existing shed hereby approved shall not be occupied or used at any time other than for purposes of ancillary to the care home use hereby approved in respect of Poplars Farmhouse or the Piano Barn.

Informative

1. Standard Engagement

That 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 Ms A Legg	
Councillor E W Barker	Councillor S McKiernan	
Councillor B Brady	Councillor Mrs Beryl Toon	
Councillor K Builth		
Councillor Mrs V Gould		
Councillor G Hall		
Councillor G Lamb		
Councillor S McGarry		
Councillor C Sylvester		

* Councillor R. Faulkner declared as his computer crashed and was not present for all of the presentation for this application, and so did not vote thereupon.

3. **P/2020/01418 – Construction of raised plateau and compensatory floodplain storage including a swale – Land adjacent to 97 Station Road, Rolleston on Dove, Burton upon Trent, Staffordshire DE13 9AB (Ward: Rolleston on Dove)**

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. McKiernan, C. Sylvester and Mrs B. Toon.

Mrs C. Stewart, on behalf of Rolleston Parish Council, spoke on the application.

Mr P. Jablonski and Mr W. Peacock, members of the public, spoke on the application.

Mr C. Timothy, agent for the applicant, spoke on the application.

Discussions followed.

A motion was put forward by Councillor G. Hall (seconded by Councillor K. Builth) to approve the application.

Resolved:

To **GRANT** permission 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. 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:

Location Plan Drawing 1380/12 dated as received on 20-03-2020

Site and Watercourse Location Plan Drawing 5209/03 Rev A dated as received on 07-04-2021

Raised Plateau Levels Drawing 5209-01 dated as received on 14-04-2020

Raised Plateau and Swale Levels Plan Drawing 5209/02 Rev G dated as received on 07-04-2021

Construction Management Plan Drawing 501_CMP dated as received on 20-03-2020

Planning Statement by CT Planning dated as received on 20-03-2020

Floodplain Management System 5209 by RJK projects Ltd dated as received on 20-03-2020

Ecological Appraisal by ecolocation dated as received on 20-03-2020

Land Raising at Station Road Rolleston – Flood Risk Impact Assessment by JBA Consulting dated May 2019 dated as received on 20-03-2020

Technical Note by JBA Consulting dated as received on 14-07-2020

Environmental Risk Assessment dated as received on 20-03-2020

3. Details of Landscaping

No development shall take place until a scheme of landscaping 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.

4. Implementation of Flood Mitigation Works

The development shall be carried out in accordance with the Flood Risk Assessment approved under Condition 2 (Land raising at Station Road, Rolleston – Flood Risk Impact Assessment Final Report, Revision V2.0, Dated May 2019) and the Floodplain compensation shall be carried out in accordance with Appendix C of the Flood Risk Impact Assessment.

These mitigation measures shall be fully implemented prior to occupation of the land and subsequently in accordance with the scheme's timing/phasing arrangement.

These measures shall be retained and maintained thereafter throughout the lifetime of the development.

5. Future Maintenance

Within 6 months of the completion of works hereby approved a scheme for the future maintenance (including timescales and frequency) of the flood mitigations works and swale shall be submitted to and approved in writing by the Local Planning Authority.

The maintenance of the works shall be implemented in accordance with the approved scheme for the lifetime of the development.

Informatives

1. 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.

2. Pre-commencement Conditions

The conditions identified below require details to be approved before Condition No.(s) 3.

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

As from 6th April 2008 requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request (or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house). The fee must be paid when the request is made. Any number of conditions can be included for each request.

Payment can be made by cheque or card only. Please telephone 01283 508606.

Although we 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.

3. Ecological Responsibilities

The applicant/developer is advised that the 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. Severn Trent Responsibilities

The applicant/ developer is advised that the appropriate consents for the alignment of the swale as detailed on drawing no 5209/02 Rev G should be obtained from Severn Trent Water prior to any development taking place. If the consents require alterations to the scheme as approved, then a revised planning application may be required. In the event of alterations being necessary the applicant should contact the Local Planning Authority for further advice at the earliest opportunity.

5. Third Party Land Responsibilities

The applicant/developer is advised that the planning consent does not override civil responsibilities in terms of the discharge of the swale onto adjoining third party land. All necessary permissions from adjacent land owners should be obtained prior to the development taking place.

Voting concerning the above decision was as follows:

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

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

186/186/21

APPEALS RECEIVED AND DETERMINED

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

187/187/21

PLANNING PERMISSIONS

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 15th March 2021 and 9th April 2021 was received and noted.

188/188/21

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

