

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 21st December 2021.

Present:

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

Officers Present:

S. Grant (Solicitor), N. Perry (Planning Manager), L. Bird (Planning Officer), A. Harvey (Principal Planning Officer) and A. Mellor (Senior Environmental Officer).

Apologies for absence were received from Councillors E. Barker, Mrs B. Brady, G. Hall, G. Lamb, S. McKiernan and Mrs B. Toon.

238/21 **DECLARATIONS OF INTEREST**

Councillor Ms A. Legg declared an interest in application no. P/2021/01011 and P/2021/01017, in that she had sat on the Licensing Act Sub-Committee hearing for the licence application on this premises. She had sought legal advice and advised Members that she had attended this meeting with an open mind.

239/21 **MINUTES**

The Minutes of the meeting held on 26th October 2021 were approved and signed as a correct record with the following amendment:

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor Mrs B Ashcroft		Councillor C Sylvester
Councillor K J Builth		
Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor H Hall		
Councillor Ms A Legg		
Councillor M Metcalfe		
Councillor Mrs L Walker		

240/21 **URGENT BUSINESS**

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

1. **P/2021/01011 – Change of Use Café (Class E) to a Drinking Establishment (Sui Generis) with staff facilities at first floor level, and installation of air conditioning unit on the north-west elevation, and**

P/2021/01017 – Listed Building Consent for alterations to include the repainting of woodwork and cills on front elevation, installation of air conditioning unit on north west elevation, formation of ground floor wc, formation of an opening in cellar for python pipe to barb, cooling to cellar and a non-illuminated sign to front elevation to facilitate the change of use from café (Class E) to Drinking Establishment including staff facilities at first floor level – 6A High Street, Tutbury, Burton upon Trent, Staffordshire DE13 9LP (Ward: Tutbury and Outwoods)

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, G. Lamb, Ms A. Legg, M. Metcalfe, C. Sylvester, Mrs B. Toon and Mrs L. Walker.

Mrs Emmett, Mr W. Crossley and Mrs M. Whitty, members of the public, spoke on the application.

Mrs K. Langdridge, the applicant, spoke on the application.

Discussions took place.

The Senior Environmental Health Officer, spoke on the application.

Councillor Ms A. Legg, seconded by Councillor K. J. Builth, put forward a motion for an informative regarding the removal of the python pipe when the property is no longer in use.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor Mrs B Ashcroft		Councillor C Sylvester
Councillor K J Builth		Councillor Mrs L Walker
Councillor R Faulkner		
Councillor V Gould		
Councillor H Hall		
Councillor Ms A Legg		
Councillor M Metcalfe		

Further discussions took place.

Councillor R. Faulkner (seconded by Councillor Mrs A. Legg) put forward a motion to permit the application.

Resolved:

- a. **Application P/2021/01011** – **GRANT PLANNING PERMISSION** subject to the following conditions:

1. **Time Limit – 3 Year Standard**

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:

Drawing No's:

E001, 1:1250 Location Plan and 1:500 Block Plan dated as received on 26th July 2021

E002, 1:50 Existing Floor Plans dated as received on 26th July 2021

E003, 1:50 Existing South East Elevation dated as received on 26th July 2021

P002, 1:50 Proposed Floor Plans dated as received on 26th July 2021

P003, 1:50 Proposed South East and north West Elevations dated as received on 6th December 2021

JCC2 Cellar and Product Cooler Technical Manual, J& E Hall International, dated as received on 19th August 2021

Noise Management Plan dated as received on 3rd December 2021.

3. **Noise Management Plan**

The approved Noise Management Plan (as listed at condition 2 above) shall be implemented upon the first bringing into use of the premises as a drinking establishment. The premises shall be operated in line with the approved Noise Management Plan at all times during the life of the development unless any changes are first agreed in writing by the Local Planning Authority.

4. **Carpeting of Staircase**

Prior to the first bringing into use of the development hereby granted permission all steps, treads and risers on the staircase shall be carpeted including the provision of underlay. The carpet and underlay shall be retained in situ for the lifetime of the development.

5. **Hours of Opening (Commercial Use)**

The use hereby permitted shall not be open to customers outside the following times 08.00 until 23.00 Monday to Saturday and 10.00 until 22.00 Sundays and Bank Holidays.

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. Architectural Liaison Officer

The applicant's attention is drawn to the comments of the Architectural Liaison Officer, although it also pointed out that any works suggested would not override any need to secure planning permission for any development.

3. Sanitary Guidelines for New Premises

Provision of Sanitary Accommodation in premises – Staffordshire Standard

Number of Customers	Male Provision (Staffs Standard)	Female Provision (Staffs Standard)
Over 100	BS6465 2006 applies	
51 - 100	1 WC + 1 urinal + 1 WHB Separate provision for staff.	2 WC + 2 WHB Separate provision for staff
26 – 50	1 WC + 1 WHB Can be used by staff and customers.	1 WC + 1 WHB Can be used by staff and customers.
25 or less	Shared use of 1 WC + 1 WHB Can be used by staff and customers	

As applicants are unlikely to regularly have over 50 customers during the winter months discussions have been had around the toilet provision and it was agreed that the upstairs toilets (x2) will be used for the ladies and the external toilet will be used for gentlemen. This toilet may also be used by customers who are unable to access the first floor. Should the number of customers start to exceed 50 then you would need to provide additional facilities as detailed above.

4. Food Informative

Food Registration

The business will need to be registered with the Environmental Health Team 28 days prior to trading. The business can register through the following link: <https://register.food.gov/new/east-staffordshire>. If the applicant has any queries please direct them to the Environmental Health Team on 01283 508 578 or EHSupport@eaststaffsbc.gov.uk.

5. **Kitchen Layout**

The layout, design, construction and size of the kitchen must comply with Chapters 1 and 11 of Annex 11 to Regulation (ED) 852/2004, including the provision of a separate washbasin for cleaning hands, and adequate ventilation as detailed below. For further details the applicant should contact Environmental Health.

6. **Grease Traps**

Provision should be made to include the installation of one or more grease traps or oil interceptors within the drainage system to prevent waste from entering directly or indirectly into a public sewer.

7. **Ventilation**

The kitchen must be provided with suitable and sufficient means of natural or mechanical ventilation to all cooking equipment other than microwave ovens, in order to comply with Chapters 1 and 11 of Annex 11 to Regulation (EC) 852/2004. The ventilation system must be easy to clean.

8. **Wash-Hand Basis**

There should be the provision of a separate wash-basin for cleaning hands as required by Chapter 1 of Annex 11 to Regulation (EC) 852/2004.

In addition, following the Food Standards Agency’s guidance on E.coli, wash-hand basins in commercial kitchen where raw and ready to eat foods are handled should be provided with non-hand operated taps such as sensor, elbow or good operated taps as they reduce the risk of cross-contamination.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor Mrs B Ashcroft		Councillor C Sylvester
Councillor K J Builth		Councillor Mrs L Walker
Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor H Hall		
Councillor Ms A Legg		
Councillor M Metcalfe		

b. **Application P/2021/01017 – GRANT LISTED BUILDING CONSENT** subject to the following conditions:

1. **Time Limit – Standard for Listed Building Consent/Conservation Area**

The works to which this permission relates shall be begun before the expiration of three years from the date of the consent.

2. **Approved Plans/Documents Listed Buildings**

The works hereby granted consent shall be carried out in accordance with the following approved plans subject to compliance with other conditions of the consent:

E001, 1:1250 Location Plan and 1:500 Block Plan dated as received on 26th July 2021

E002, 1:50 Existing Floor Plans dated as received on 26th July 2021

E003, 1:50 Existing South East Elevation dated as received on 26th July 2021

P002, 1:50 Proposed Floor Plans dated as received on 26th July 2021

P002, 1:50 Proposed Floor Plans detailing position of Python pipe opening dated as received on 2nd November 2021.

P003, 1:50 Proposed South East and north West Elevations dated as received on 6th December 2021

3. **Details of Paint, Fixings and Signage**

No works shall take place until precise details of the colour of paint to be applied to woodwork and cills on the front elevation, precise details signage and the way in which the signage and air conditioning unit will be affixed to the listed building, including details of the fixing to be used, 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. **Alterations to Match Existing**

All works of alteration and making good of the existing fabric of the building shall be carried out in materials to match the existing building.

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. **Pre-commencement Conditions**

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

Condition No. 3

This means that a development may not be lawful until the particular requirements of these conditions have been met.

The 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.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor Mrs B Ashcroft		Councillor C Sylvester
Councillor K J Builth		Councillor Mrs L Walker
Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor H Hall		
Councillor Ms A Legg		
Councillor M Metcalfe		

2. **P/2021/01116 – Change of use of farm house building and piano barn from dwelling to Class C2 home for children in care (with no age restriction) and conversion of existing barn including alterations to the front elevation to form classrooms (Revised Scheme) – Poplars Farm, Yoxall**

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, G. Lamb, Ms A. Legg, M. Metcalfe, C. Sylvester, Mrs B. Toon and Mrs L. Walker.

Mr N. Clarke, representing Newborough Parish Council, spoke on the application.

Mr D. Jeffries and Mrs B. Waite, members of the public, spoke on the application.

Mrs Teodora Golemdzhiysha, agent for applicant, spoke on the application.

The Chairman read out a statement from Councillor L. Beech, Ward Councillor for Yoxall.

Discussions took place.

Councillor K. J. Builth (seconded by Councillor R. Faulkner) put forward a motion for an amendment to condition 4 regarding the development to house 6 children 7 years to 16 years and for no other purpose, with the wording being delegated to the planning officers.

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 K J Builth		

Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor H Hall		
Councillor Ms A Legg		
Councillor C Sylvester		
Councillor Mrs L Walker		

Further discussions took place.

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

Resolved:

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**

Drawing No. A101 Barn Building Existing and Proposed Elevations and Proposed Layout dated as received 24 August 2021
 Drawing No. A102 Poplars Farmhouse Layout dated as received 24 August 2021
 Drawing No. A103 Piano Barn Layout dated as received 24 August 2021
 Drawing No. A104 Site Plan dated as received 24 August 2021
 Drawing No. A105 Location Plan dated as received 24 August 2021
 Planning Supporting Statement dated as received 24 August 2021
 Application Forms dated as received 24 August 2021

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 six children, between the ages of 7 to 16 and for no other purpose.

5. **Use of Storage Shed Building to be Ancillary**

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

6. **Temporary Permission**

Upon the commencement of the use hereby approved the use of the dwelling as a Class C2 home for children in care (with no age restriction) with its associated classroom shall only operate for a period of 12 months unless a further application for planning permission is first granted by the Local Planning Authority. The

operators of the care home shall give the Local Planning Authority notification in writing of the proposed commencement of the use prior to the dwelling being first used as a home for children in care.

Informative

Standard 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.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor Mrs B Ashcroft		Councillor Ms A Legg
Councillor K J Builth		Councillor M Metcalfe
Councillor R Faulkner		Councillor Mrs L Walker
Councillor Mrs V Gould		
Councillor H Hall		
Councillor C Sylvester		

248/21 **APPEALS RECEIVED AND DETERMINED**

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

249/21 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 11th October 2021 and 3rd December 2021 was received and noted.

250/21 **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