

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 22nd February 2022.

Present:

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

Officers Present:

S. Grant (Solicitor), S. Khan (Head of Service) A. Harvey (Principal Planning Officer) and J. Mattley (Planning Officer).

An apology for absence was received from Councillor M. Metcalfe.

253/22 **DECLARATIONS OF INTEREST**

Councillor K. J. Builth declared a private interest in application no. P/2021/01053 in that he lives across the road of the development and had spoken to residents about the application. Councillor Builth left the meeting so did not take part in the discussions or vote thereupon.

254/22 **MINUTES**

The Minutes of the meeting held on 21st December 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 E Barker
Councillor R Faulkner		Councillor Mrs B Brady
Councillor Mrs V Gould		Councillor G Hall
Councillor H Hall		Councillor G Lamb
Councillor Ms A Legg		Councillor S McKiernan
Councillor C Sylvester		
Councillor Mrs B Toon		
Councillor Mrs L Walker		

255/22 **URGENT BUSINESS**

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

256/22 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2021/01053 – Reserved Matters application relating to P/2013/00429 for the erection of 288 dwellings including details of access, appearance, landscaping, layout and scale – Upper Outwoods Farm, Beamhill Road, Burton upon Trent, Staffordshire DE13 9QW (Ward: Tutbury and Outwoods)**

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

Mrs T. O'Rourke, a member of the public, spoke on the application.

Mrs G. Doyle, agent for the applicant, spoke on the application.

The Chairman read out a statement from Mr S. Falder, a member of the public.

Discussions took place.

At this juncture, with the invitation of the Chairman, the Agent answered a question from Members to clarify issues regarding the landscaping.

A motion was proposed by Councillor by S. McKiernan (seconded by Councillor E. Barker) for an informative for the installation of bee bricks, owl boxes and details to avoid the disruption of the existing habitat (in terms of the removal of sections of hedgerow), with the wording delegated to the local authority's 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 E Barker		
Councillor Mrs B Brady		
Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor G Hall		
Councillor H Hall		
Councillor G Lamb		
Councillor Ms A Legg		
Councillor S McKiernan		
Councillor C Sylvester		
Councillor Mrs B Toon		
Councillor Mrs L Walker		

Further discussions took place.

A motion was proposed by Councillor by Ms A. Legg (seconded by Councillor S. McKiernan) for an informative for the installation of extra parking space (to serve a flat), with the wording delegated to the local authority 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 E Barker		
Councillor Mrs B Brady		
Councillor R Faulkner		
Councillor Mrs V Gould		
Councillor G Hall		
Councillor H Hall		
Councillor G Lamb		
Councillor Ms A Legg		
Councillor S McKiernan		
Councillor C Sylvester		
Councillor Mrs B Toon		
Councillor Mrs L Walker		

Further discussions took place.

At this juncture, with the invitation of the Chairman, the Agent answered questions from the Committee to clarify issues regarding the trees to be removed and numbers and types of replacements.

A motion was put forward by Councillor G. Hall (seconded by Councillor Mrs B Ashcroft) to permit the application, with the above amendments.

Resolved:

To **GRANT** permission subject to the following conditions:

1. **Approved Plans**

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

- Site location plan - P21-1812-001 Rev F dated as received by the Local Planning Authority on 27 January 2022;
- Planning layout (composite) - P21-1812-005-01 Rev G dated as received by the Local Planning Authority on 27 January 2022;
- Planning layout (sheet 1) - P21-1812-005-02 Rev G dated as received by the Local Planning Authority on 27 January 2022;
- Planning layout (sheet 2) - P21-1812-005-03 Rev G dated as received by the Local Planning Authority on 27 January 2022;

Planning layout (sheet 3) - P21-1812-005-04 Rev G dated as received by the Local Planning Authority on 27 January 2022;
Strategic landscape plan general arrangement – 3457-P-101L dated as received by the Local Planning Authority on 27 January 2022;
Strategic landscape plan– 3457-P-102L dated as received by the Local Planning Authority on 27 January 2022;
Strategic landscape plan– 3457-P-103L dated as received by the Local Planning Authority on 27 January 2022;
Strategic landscape plan– 3457-P-104L dated as received by the Local Planning Authority on 27 January 2022;
Strategic landscape plan– 3457-P-105L dated as received by the Local Planning Authority on 27 January 2022;
Strategic landscape plan– 3457-P-106L dated as received by the Local Planning Authority on 27 January 2022;
Strategic landscape plan– 3457-P-107L dated as received by the Local Planning Authority on 27 January 2022;
Strategic landscape plan– 3457-P-108L dated as received by the Local Planning Authority on 27 January 2022;
Strategic landscape plan– 3457-P-109L dated as received by the Local Planning Authority on 27 January 2022;
House type pack – Persimmon drawing pack Rev A dated as received by the Local Planning Authority on 8 December 2021;
Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0110-P03 dated as received by the Local Planning Authority on 8 December 2021;
Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0111-P03 dated as received by the Local Planning Authority on 8 December 2021;
Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0112-P03 dated as received by the Local Planning Authority on 8 December 2021;
Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0113-P03 dated as received by the Local Planning Authority on 8 December 2021;
Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0114-P03 dated as received by the Local Planning Authority on 8 December 2021;
Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0115-P03 dated as received by the Local Planning Authority on 8 December 2021;
Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0116-P03 dated as received by the Local Planning Authority on 8 December 2021;
Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0117-P03 dated as received by the Local Planning Authority on 8 December 2021;
Detail On Plot Planting Plan 03457-FPCR-XX-XX-DR-L-0118-P03 dated as received by the Local Planning Authority on 8 December 2021.

2. **Highway Condition**

No dwelling shall be occupied until vehicular access constructed to at least base course level, has been provided between the dwelling and a highway maintainable at public expense and the parking and turning spaces associated with the dwelling have been provided and hard surfaced.

3. **Retention of Garage/Parking Space**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the approved garage accommodation/parking space provided in connection with the development 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.

4. **Implementation of Landscaping**

All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding following the first occupation of the building(s) or the completion of the development, whichever is sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

5. **Play Equipment**

None of the dwellings hereby permitted shall be occupied until such time as precise details of the type and location of play equipment has been submitted to and agreed in writing with the Local Planning Authority. No dwelling shall be occupied in this phase of development until such time as the play equipment has been implemented in full. Once implemented the play equipment shall be retained in perpetuity.

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/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.

3. **Environmental Health Comments**

The applicant/developer is advised that the Environmental Health Manager has pointed out that since the initial grant of outline permission P/2013/00429, advice and standards have been updated. Any application to discharge conditions as recommended by Environmental Health will be assessed using current standards and any reports/statements submitted by the applicant will need to refer to these standards accordingly.

4. **Highway Informative**

This estate road and drainage will require approval under Section 7 of the Staffordshire Act 1983 and will require an agreement under Section 38 of the Highways Act 1980 if it is to be adopted as 'highway maintainable at public expense'. There are detailed issues that need to be approved in order to achieve

technical approval under that process and the developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. The obtaining of planning permission for this design layout/ will not be considered as a reason to relax the required technical standards for the adoption of the road and drainage and any changes may necessitate the submission of further planning applications. If the road is to be private then the residents should be advised that they take on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc. and advised to take out public liability insurance against claims associated with those responsibilities.

5. **Pre-Commencement Conditions**

In addition to the pre-commencement condition referred to in Condition 4 above, the applicant/developer is reminded that the conditions on the original outline approval P/2013/00429 and the terms of the associated S106 Legal Agreement also apply to this approval of Reserved Matters application and need to be satisfied/complied with accordingly.

This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these condition/legal agreement 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. 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 their written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming the development.

6. **Biodiversity Enhancements**

The applicant/developer is advised that when details are submitted for biodiversity enhancements, swift bricks and sparrow terraces should be included across the development to provide a suitable habitat for nesting birds as well as hedgehog highways.

7. **Energy Saving Measures**

The applicant/developer is advised that when details are submitted in relation to energy saving measures, the use of electric charging points and solar panels should be considered.

8. **Use of Emergency Access**

The applicant/developer is advised that suitable measures should be provided at all times to ensure that the proposed emergency access is not accessible to general vehicular traffic.

9. **Crime**

The applicant/developer is/are 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.

10. **PROW**

It is important that users of the path are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development. We would ask that trees are not planted within 3 metres of the footpaths unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

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

257/22 **APPEALS RECEIVED AND DETERMINED**

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

258/22 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 3rd January 2022 and 4th February 2022 was received and noted.

259/22 **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