

# 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 25<sup>th</sup> July 2023.

### **Present:**

Councillors A. Asfar (Chairman), L. Bullock, M. Huckerby, S. Hussain, Mrs J. Jones, M. Slater, C. Smedley and C. Whittaker

### **Officers Present:**

J. Teasdale (Head of Service & Borough Solicitor), N. Perry (Planning Manager), L. Bird (Planning Officer) and B. Toy (Principal Planning Officer).

Apologies for absence were received from Councillors Mrs B. Ashcroft, M. Holton and Ms A. Legg.

### 11/23 **DECLARATIONS OF INTEREST**

Councillor Mrs J Jones declared that she had attended a meeting regarding application no. P/2022/00705, but had not made any representations or comment, and attended the meeting with an open mind.

### 12/23 **MINUTES**

The Minutes of the meeting held on 27<sup>th</sup> June 2023 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 A Asfar		Councillor L Bullock
Councillor S Hussain		Councillor M Huckerby
Councillor Mrs J Jones		Councillor M Slater
Councillor C Smedley		
Councillor C Whittaker		

### 13/23 **URGENT BUSINESS**

There was no urgent business submitted to the meeting pursuant to Rule 1.

### 14/23 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2022/00705 - Erection of 9 dwellings and associated garaging and parking (including local needs housing and first homes) and construction of vehicular access - Field North Of Chapel Lane, Rangemore, Burton-Upon Trent, DE13 9RR (Ward: Tatenhill and Rangemore)**

The site visit was attended by Councillors A Asfar, L Bullock, M Huckerby, S Hussain, Mrs J Jones, M Slater, C Smedley and C Whittaker.

Councillor M Milner, Parish Councillor for Rangemore and Tatenhill, spoke on the application.

Mr P Chamberlain and Mr D Walton, members of the public, spoke on the application.

Mr D Parker, the agent for the applicant, spoke on the application.

Discussions took place.

At this juncture, the Chairman requested that the agent for the application, approached the public speaking chair to clarify a question asked by Members.

A motion was put forward by Councillor S Hussain, seconded by Councillor M Huckerby, to **PERMIT** the application.

**Resolved:**

To **GRANT PERMISSION** subject to conditions and a S106 Agreement securing Construction Traffic Routeing Plan and Affordable Local Needs Housing.

1. **Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this 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 this permission:

Location Plan Amended 27/09/22 dated as received on 21/10/22;  
Topographical Survey 7450/04 dated as received on 21/10/22;  
Site Layout Plan as Proposed 6463\_03 Rev K dated as received on 28/06/23;  
Site Block Plan 6464\_15 Rev I dated as received on 28/06/23; Plots 1-4 Floor Plans and Elevations as Proposed 6464\_04 Rev D dated as received on 02/08/22;  
Plots 5 and 6 – Floor Plans and Elevations as Proposed 6464\_06 Rev E dated as received on 23/03/23;  
Plot 7 Floor Plans and Elevations as Proposed 6464\_05 Rev G dated as received on 21/10/22;  
(Plots 8 and 9) Plot 8 – Floor Plans and Elevations as Proposed 6464\_07 Rev F dated as received on 02/08/22;  
Preliminary Ecological Appraisal and Outline Mitigation Strategy - Griffin Ecology, 11 August 2021 GE0191 Rev A;  
Reasonable Avoidance Measures Griffin Ecology, 24th July 2022;  
Heritage Impact Statement – Mercian Heritage Series 1799 October 2021;  
Planning/Design and Access Statement May 2022; and  
Tree Condition Report Arboricultural Impact Assessment Root Protection Plan Method Statement - Forester and Arborist Services Ltd Revised Layout 12.10.22

3. **Archaeology**

- (a) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide

details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.

- (b) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).
- (c) The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

#### 4. **Materials**

No development shall commence on site until details and/or samples of all external materials, ensuring the product name and manufacturer 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.

#### 5. **Levels**

No development shall commence on site until such time as precise details of the finished ground levels on the site and the finished floor levels of the dwellings in relation to existing datum points had been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

#### 6. **Details of Landscaping**

Notwithstanding the submitted details no development shall commence on site until a scheme of hard and soft landscaping and boundary treatments (i.e. hedgerows, fencing and walling), has been submitted to and approved in writing by the Local Planning Authority.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings 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.

Any scheme of walling and fencing shall be completed prior to the development first being brought into use.

#### 7. **Tree Protection and Site Specific Method Statement**

No development shall commence on site until a site specific method statement outlining the method of working, including details of a 'no dig' / hand dug method to the rear of the garage for Plot 8 to protect the Root Protection Area of Tree T3, tree protection plan(s) to include protective vertical barriers and ground protection to form a construction exclusion zone in accordance with British Standard 5837 'Trees in relation to construction' has first been submitted to and approved in writing by the local planning authority. All works thereafter, be implemented in accordance with the approved method statement.

## 8. **Visibility Splay**

No development shall commence on site until details of the visibility splay available at the junction of Chapel Lane with Tatenhill Lane shall be submitted to and approved by the Local Planning Authority. The visibility splays once approved shall be provided and kept clear of all obstructions to visibility greater than 0.9m above the level of the carriageway level thereafter.

## 9. **Estate Road Design**

No development shall commence on site until details of the estate road design which shall be to adoptable standards shall be submitted to and approved by the Local Planning Authority and once approved shall be completed to that standard immediately following the occupation of the final dwelling.

## 10. **Parking and Surfacing**

No development shall commence on site until details of the estate road design which shall be to adoptable standards shall be submitted to and approved by the Local Planning Authority and once approved shall be completed to that standard immediately following the occupation of the final dwelling.

## 11. **Surfacing and Drainage**

Prior to the first occupation of any residential unit hereby approved the access and turning areas will be laid out, constructed, hard surfaced and drained to ensure no surface water runs onto the highway and once occupied shall be maintained as such thereafter.

## 12. **Highways**

Prior to the first occupation of any residential unit hereby approved the estate road, turning and footway leading to that respective property shall be constructed to at least base course level to adoptable standard in accordance with the approved details and properly drained and maintained in a safe and usable condition until the site is completed.

## 13. **Recycling/Bin receptacles**

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.

## 14. **Compliance with Ecological Reports**

The development hereby approved shall be implemented strictly in accordance with the reasonable avoidance measures stated in section 5.2. of the supporting document: Reasonable avoidance measures (RAMS)- Great Crested Newt; Land at chapel lane, Rangemore, Burton on Trent, Staffordshire; Griffin Ecology, 24th July 2022.

## **15. Lighting**

No external artificial lighting shall be installed within the site unless planning permission has first been obtained from the Local Planning Authority.

## **16. Land Contamination**

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by a competent person in accordance with 'Land Contamination Risk Assessment ('LCRM') which was published in 2020'. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historic environment, which is subject to the approval in writing of the Local Planning Authority. The scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to bringing the development into first use.

## **17. Removal of PD Rights (Gate, Walls)**

Notwithstanding the provisions of Part 2 (Class A) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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 dwellings unless planning permission has first been granted by the Local Planning Authority.

## **18. Removal of PD Rights (Extensions, Alterations etc.)**

Notwithstanding the provisions of Part 1 (Classes A-H) of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) the dwellings hereby permitted shall not be enlarged, improved or altered, nor shall any building, enclosure, swimming or other pool, hard surface, plant or structure required for a purpose incidental to the enjoyment of the dwelling house be erected or installed unless planning permission has first been granted by the Local Planning Authority.

## **19. Ecological/Biodiversity Enhancement**

Prior to the first occupation of any dwelling hereby approved, a scheme of on-site ecological/biodiversity enhancement shall be completed, the exact details and specification of which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and thereafter retained in the approved form.

## **20. Surface Water Drainage Design and Foul Water Drainage**

No development shall commence until a scheme for foul and surface drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and thereafter retained in the approved form.

## **21. Energy Efficient and Renewable Energy Details**

Prior to any development above the damp proof course, details of energy efficient measures to be incorporated into the development (such as solar panels, ground source heat pumps etc.) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained and maintained for the lifetime of the development.

## **22. M4 (2) Compliance**

The bungalows hereby approved shall be completed to the Building Regulation 2010 Standard M4 (2) before their first occupation.

## **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's. 3,4 5, 6, 7, 8, 9 and 20

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

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 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. During Development Conditions**

The condition identified below require details to be approved during the development/works.

Condition No's 10, 11, 12, 13 (16 if applicable) and 19

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

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 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.

#### 4. **Details of Proposed Materials**

The applicant is advised that in complying with 4 above regarding the submission of samples and details of all external materials, ensuring the product name and manufacturer is provided and must be submitted in writing to the Local Planning Authority as part of the relevant Discharge of Condition application along with correspondence confirming that date on which samples will be made available on-site and where they will be located.

#### 5. **Landscaping and Trees**

The applicant is advised that in complying with Condition 6 above regarding the submission of a landscaping scheme, the scheme should include plant species of known wildlife value and address the comments provided by the National Forest Company.

#### 6. **Highways**

This estate road and drainage layout 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 may be taking on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc. and advised to take advice on public liability insurance against claims associated with those responsibilities.

#### 7. **Party Wall Act and Ownership**

The applicant's attention is drawn to the provisions of The Party Wall etc. Act 1996, which may have implications for this development.

You are advised that any grant of planning permission does not override private legal matters such as rights of access onto lands outside the applicant's ownership for the purposes of construction or maintenance.

## 8. Footpaths

The applicant's attention is drawn to the Public Right of Way (PROW). The use of the PROW, and the safety of users must not be affected by the development, nor during the work taking place. The applicant must be made aware of the need to safeguard people using public rights of way and that no public rights of way are damaged, widths altered, gates erected across their width (unless authorised by the Highway Authority) or obstructed by any other means either during or as a result of development. If a temporary obstruction of public rights of way is unavoidable, no development must take place until a temporary closure order has been made and a suitable temporary alternative route(s) made available.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor A Asfar		Councillor L Bullock
Councillor M Huckerby		Councillor Mrs J Jones
Councillor S Hussain		Councillor M Slater
Councillor C Whittaker		Councillor C Smedley

\*As the number of votes were equal for and against the motion, the Chairman used his casting vote and declared the motion was carried.

## 2. P/2023/00247- Change of use from 2 x Class C4 Houses in Multiple Occupation to 5 No. Class C3 (a) apartments with ancillary care accommodation including demolition of existing conservatories and erection of two single storey rear extensions - 137 Victoria Crescent, Burton upon Trent DE14 2QQ (Ward: Burton & Eton)

The site visit was attended by Councillors A Asfar, L Bullock, M Huckerby, S Hussain, Mrs J Jones, M Slater, C Smedley and C Whittaker.

Mr B Behrouzi, a member of the public, spoke on the application.

Discussions took place.

A motion was put forward by Councillor M Huckerby, seconded by Councillor S Hussain, regarding the fire procedure at the development. It was agreed that the wording would be delegated to the Planning officers.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor A Asfar		
Councillor L Bullock		
Councillor M Huckerby		
Councillor S Hussain		
Councillor Mrs J Jones		
Councillor M Slater		
Councillor C Smedley		
Councillor C Whittaker		



A motion was put forward by Councillor S Hussain, seconded by Councillor M Huckerby, regarding the installation of renewable energy. It was agreed that the wording would be delegated to the Planning officers.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor A Asfar		
Councillor L Bullock		
Councillor M Huckerby		
Councillor S Hussain		
Councillor Mrs J Jones		
Councillor M Slater		
Councillor C Smedley		
Councillor C Whittaker		

A motion was put forward by Councillor S Hussain, seconded by Councillor M Huckerby, to **PERMIT** the application.

To **PERMIT** with the following conditions:

1. **Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this 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 this permission:

Drawing Nos:

50706-2022-BG-01, 1:1250 Location Plan dated as received on 27<sup>th</sup> February 2023

50706-2022-BG-02A, 1:500 Existing Site Layout and 1:100 Existing Elevations, Floor Plans and Roof Plan dated as received on 10<sup>th</sup> March 2023

50706-2022-BG-03A, 1:500 and 1:250 Proposed Site Layout and 1:100 Proposed Elevations, Floor Plans and Roof Plan dated as received on 27<sup>th</sup> February 2023

Floor Risk Assessment by RAB Consultants Limited Ref: February 2023 Version 1.0 3096, dated as received on 27<sup>th</sup> February 2023.

3. **Noise Assessment**

Prior to the first occupation of any of the residential units hereby granted permission noise mitigation measures shall be installed in accordance with a scheme that shall have first have been submitted to and approved in writing by the Local Planning Authority. The measures shall ensure compliance with the

recommended indoor noise limit of BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. Once provided the approved measures shall thereafter be retained for the life of the development.

4. **Contaminated Land (During Construction)**

If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

5. **Provision of Cycle Storage Facilities**

Prior to the first occupation of any of the residential units hereby granted permission, details of covered and secure cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided within the site prior to the first occupation of the residential units and thereafter retained and maintained as available for the life of the development.

6. **Use Restricted to that Applied For**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any order revoking and re-enacting that Order, this permission shall relate to the use of the premises as Class C3(a) dwellinghouses with care for a maximum of 5 occupiers, as described in the application and for no other purpose (including any other use within Class C3).

7. **Parking Spaces**

Prior to the first use of the premises for the use hereby approved the four car parking spaces shown on the approved plans listed under Condition 2 above, shall be provided and retained as available for their designated purposes at all times for the life of the development.

8. **Ecological Enhancement Measures**

Prior to the first occupation of the development hereby approved two bat and two bird boxes shall be provided within the site and shall be retained and maintained for the life of the development.

**Informatives**

1. **During Development Conditions**

The conditions identified below require details to be approved during the development.

Condition Nos. 3 and 5

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

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 online card payment only.

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.

## 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.

## 3. **Environment Agency**

The applicant is advised to sign up to the floor warning service operated by the Environment Agency. For further details please visit <https://check-for-flooding.service.gov.uk/alerts-and-warnings>.

## 4. **Engagement (Proactive)**

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 A Asfar		
Councillor L Bullock		
Councillor M Huckerby		
Councillor S Hussain		
Councillor Mrs J Jones		
Councillor M Slater		
Councillor C Smedley		
Councillor C Whittaker		

## 15/23 **APPEALS RECEIVED AND DETERMINED**

The Report of Tom Deery, Interim Head of Service regarding appeals received, withdrawn and determined was received and noted.

16/23 **PLANNING PERMISSIONS**

The Report of Tom Deery, Interim Head of Service regarding planning applications determined under delegated authority between 12<sup>th</sup> June 2023 and 7<sup>th</sup> July 2023 was received and noted.

17/23 **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**