

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 27th June 2023.

Present:

Councillors A. Asfar (Chairman), Mrs B. Ashcroft, M. Holton, S. Hussain, Mrs J. Jones, Ms A. Legg, M. Slater, C. Smedley and C. Whittaker

Officers Present:

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

Apologies for absence were received from Councillors L. Bullock and M. Huckerby.

01/23 **DECLARATIONS OF INTEREST**

Councillor S. Hussain declared an interest in Application No. P/2022/01334, in that he had made representations in previous meetings regarding the Brewery Centre closure and so left the meeting when this application was discussed and took no part in the debate and did not vote thereupon.

Councillor M. Slater declared an interest in Application No. P/2022/01334, in that he had taken part in a protest about the closure of the Brewery Centre so he left the meeting, so did not take part in the discussions and did not vote thereupon.

Councillor Ms A. Legg declared that she had answered questions to residents regarding Application No. P/2023/01334 and that she had attended the meeting with an open mind so took part in the debate and voted thereupon.

02/03 **APPOINTMENT OF VICE CHAIRMAN**

Resolved:

That Councillor S. Hussain was appointed vice-chairman for the ensuing year.

03/23 **MINUTES**

The Minutes of the meeting held on 25th April 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 Mrs B Ashcroft		Councillor A Asfar
Councillor Ms A Legg		Councillor M Holton
Councillor C Whittaker		Councillor S Hussain
		Councillor Mrs J Jones
		Councillor M Slater

		Councillor C Smedley
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04/23 **URGENT BUSINESS**

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

05/23 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2022/01334 – Conversion of museum and archive facility to form new Head Office Quarters, including external works, partial demolition, internal reordering and a two storey extension with double height atrium on the north east elevation – The National Brewery Centre, Horninglow Street, Burton upon Trent, Staffordshire DE14 1NG (Ward: Burton and Eton)**

The site visit was attended by Councillors A. Asfar, Mrs B. Ashcroft, M. Holton, S. Hussain, Mrs J. Jones, Ms A. Legg, M. Slater, C. Smedley and C. Whittaker.

Mr J. Burrows, a member of the public, spoke on the application.

Mr F. Thompson, the applicant, spoke on the application.

Discussions took place.

A motion was put forward by Councillor Ms A. Legg, seconded by Councillor M. Holton, regarding an informative that the S106 money for the trees should be spent at High Street, Burton upon Trent, 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 A Asfar		
Councillor Mrs B Ashcroft		
Councillor M Holton		
Councillor S Hussain		
Councillor Mrs J Jones		
Councillor Ms A Legg		
Councillor M Slater		
Councillor C Smedley		
Councillor C Whittaker		

A motion was put forward by Councillor Ms A. Legg, seconded by Councillor Mrs B Ashcroft, regarding a condition for the applicant to provide a smoking shelter, 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 A Asfar		
Councillor Mrs B Ashcroft		

Councillor M Holton		
Councillor S Hussain		
Councillor Mrs J Jones		
Councillor Ms A Legg		
Councillor M Slater		
Councillor C Smedley		
Councillor C Whittaker		

A motion was put forward by Councillor Mrs J. Jones, seconded by Councillor C. Whittaker, regarding a condition for a traffic control management during construction, 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 A Asfar		
Councillor Mrs B Ashcroft		
Councillor M Holton		
Councillor S Hussain		
Councillor Mrs J Jones		
Councillor Ms A Legg		
Councillor M Slater		
Councillor C Smedley		
Councillor C Whittaker		

Further discussions took place.

A motion was put forward by Councillor Ms A. Legg, seconded by Councillor M. Holton for the amendment of Condition 12, to read 'any trees or plants which within a period of 10 years from the completion of the development die, are removed, or become seriously damaged or diseased 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'.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor A Asfar		
Councillor Mrs B Ashcroft		
Councillor M Holton		
Councillor S Hussain		
Councillor Mrs J Jones		
Councillor Ms A Legg		
Councillor M Slater		

Councillor C Smedley		
Councillor C Whittaker		

A motion was put forward by Councillor C. Whittaker, seconded by Councillor Mrs J. Jones, regarding the retention of the Union Line on the development site.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor A Afsar		
Councillor Mrs B Ashcroft		
Councillor M Holton		
Councillor S Hussain		
Councillor Mrs J Jones		
Councillor Ms A Legg		
Councillor M Slater		
Councillor C Smedley		
Councillor C Whittaker		

A motion was put forward by Councillor Ms A. Legg, seconded by Councillor Mrs J. Jones, regarding the retention and maintenance of the Copper vessel situated on the development site.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor A Afsar		
Councillor Mrs B Ashcroft		
Councillor M Holton		
Councillor S Hussain		
Councillor Mrs J Jones		
Councillor Ms A Legg		
Councillor M Slater		
Councillor C Smedley		
Councillor C Whittaker		

At this juncture the applicant confirmed that the Union Line and the Copper Vessel would be retained and maintained on the site for the lifetime of the development.

A motion was put forward by Councillor C. Whittaker, seconded by Councillor Mrs B. Ashcroft, to **PERMIT** the application.

Resolved:

To **GRANT PERMISSION SUBJECT TO CONDITIONS** and the securing of a National Forest Sum of £8,500 via a direct payment of the monies to the Council on or before a Planning Permission is issued or through a legal agreement.

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 this permission:

Drawing number '3744 - 45 - Location and Block Plans' – dated as received on 06/12/2022;

Drawing number '3744 - 46 - Existing Site Plan' – dated as received on 06/12/2022;

Drawing number '3744 - 50 - Existing Ground Floor - 1 of 2' – dated as received on 06/12/2022;

Drawing number '3744 - 51 - Existing Ground Floor - 2 of 2' – dated as received on 06/12/2022;

Drawing number '3744 - 52 - Existing First Floor - 1 of 2' – dated as received on 06/12/2022;

Drawing number '3744 - 53 - Existing First Floor - 2 of 2' – dated as received on 06/12/2022;

Drawing number '3744 - 57 - Existing Toilet Block Works' – dated as received on 06/12/2022;

Drawing number '3744 - 60 - Proposed Ground Floor - 1 of 2' – dated as received on 06/12/2022;

Drawing number '3744 - 62 - Proposed First Floor - 1 of 2' – dated as received on 06/12/2022;

Drawing number '3744 - 70D - Landscaping Plan' – dated as received on 06/12/2022;

Drawing number '3744 - 75 - Gross Internal Area Plans' – dated as received on 06/12/2022;

Drawing number 'AEL-18571-A-TCP-Tree Constraints Plan' – dated as received on 06/12/2022;

Drawing number 'AEL-18571-A-TIP-Tree Impact Plan' – dated as received on 06/12/2022;

Drawing number 'AEL-18571-A-TPP-Tree Protection Plan' – dated as received on 06/12/2022;

Drawing number 'AEL-18571-A-TSP-Tree Shadow Plan' – dated as received on 06/12/2022;

Drawing number 'AEL-18571-A-TWP-Tree Work Plan' – dated as received on 06/12/2022;

Report 'AEL-18571-A-AIA-Arbicultural Impact Assessment' – dated as received on 06/12/2022;

Drawing number 'AEL-18571-A-TCNLP-Tree Constraints New Layout Plan' – dated as received on 06/12/2022;

Report '3744 - Design and Access Statement - 2 of 3' – dated as received on 06/12/2022;

Report '3744 - Design and Access Statement - 3 of 3' – dated as received on 06/12/2022;

Report '3744 - Design and Access Statement - 1 of 3' – dated as received on 06/12/2022;

Drawing number '8101-210-P1_Building Private Drainage Strategy' – dated as received on 06/12/2022;

Drawing number '8101-211-P0_Car Park Private Drainage Strategy' – dated as received on 06/12/2022;

Report 'Preliminary Ecological Appraisal - National Brewery Museum' – dated as received on 06/12/2022;
Report 'Bat Presence Absence - National Brewery Museum' – dated as received on 06/12/2022;
Report 'RAB3000_National_Brewery_Museum_Burton 2 of 2' (Flood Risk Assessment) – dated as received on 06/12/2022;
Report 'RAB3000_National_Brewery_Museum_Burton 1 of 2' (Flood Risk Assessment) – dated as received on 06/12/2022;
Report '3744 - 20220922 - Heritage Impact Assessment-R' – dated as received on 06/12/2022;
Report '1730 - Planning Statement Final' – dated as received on 06/12/2022;
Report 'T22560 TS' (Transport Statement) – dated as received on 06/12/2022;
Drawing number '3744 - 56B - Existing Elevations' – dated as received on 23/02/2022;
Drawing number '3744 - 61A - Proposed Ground Floor - 2 of 2' – dated as received on 23/02/2023;
Drawing number '3744 - 63A - Proposed First Floor - 2 of 2' – dated as received on 23/02/2023;
Drawing number '3744 - 66B - Proposed Elevations' – dated as received on 23/02/2023;

3. **Details of Materials**

No development shall take place above damp proof course level until samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of brickwork and roof tiles) 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. **Conservation**

Before the windows, doors and roof lights hereby approved are installed, details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed window and door details. Trickle vents shall not be inserted into the windows/doors.

5. **Conservation**

Any new materials required for the purposes of repairs shall match as closely as possible the size, colour, form and texture of the existing. Where second-hand or salvaged bricks are to be used, these are to be entirely cleaned of paint, soot and any other coatings before reuse.

6. **Conservation**

Before the rainwater goods hereby granted consent are installed, samples or detailed specifications of all rainwater goods (including the method of fixing) shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed rainwater goods details.

7. **Conservation**

The raking out of loose mortar for the purpose of re-pointing shall be carried out by tools held in the hand and not by power-driven tools.

8. **Conservation**

Before they are installed, full details of the siting, appearance and materials to be used in the construction of all extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, rainwater goods or any other external accretion shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.

9. **Conservation**

No development shall commence above damp proof course level until the position, type and method of installation of all new and relocated external services and related fixtures (for the avoidance of doubt this includes communications and information technology servicing), shall be specified and agreed in writing with the Local Planning Authority wherever these installations are to be visible, or where ducts or other methods of concealment are proposed. The works shall be implemented only in accordance with such approval.

10. **Conservation**

Before the commencement of building fabric demolition works, details shall be submitted and approved with the Local Planning Authority showing the areas of masonry to be demolished and setting out the method of ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction. Such details to include structural engineering drawings and/or a method statement. The work shall be carried out fully in accordance with the method statement approved.

11. **Details of Landscaping**

Prior to the first occupation of the building for the use hereby approved a scheme of landscaping, including planting and paving and new trees shall be submitted to and approved in writing by the Local Planning Authority.

12. **Implementation of Landscaping**

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 building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 10 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.

13. **Protection of Trees During Development**

All existing trees and hedges shown as being retained on the plans hereby approved shall be protected in accordance with the Tree Protection details identified in the Arboricultural Impact Assessment approved under Condition 2. Such fencing shall be erected before development commences and shall be retained at all times whilst construction work is taking place.

14. **Ecological Enhancement Measures**

The ecological enhancement measures identified in the Preliminary Ecological Appraisal approved under Condition 2 shall be installed prior to the first occupation/use of any of part of the development and thereafter made available at all times for their designated purposes.

15. Highways

The car parking areas identified on the plans approved under Condition 2 shall be made available for use at all times for the occupiers of the development and maintained as such thereafter.

16. Contaminated Land

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.

17. Flood Authority

The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the reports below have been implemented:

- National Brewery Museum Flood Risk Assessment (27/07/2022)
- Drawing No. 210 - Rev P1 – Building Private Drainage Strategy (dated 16/08/2022)
- Drawing No. 211 – Rev P0 – Car Park Private Drainage Strategy (dated 16/08/2022)
- Drawing No. 200 – Rev P0 – Building External Works Layout (dated 02/03/2023)

Thereafter, the drainage scheme shall be retained and maintained in accordance with the SUDS Management and Maintenance Plan contained within the Drainage Maintenance Management Plan prepared by Couch Consulting Engineers (Rev P01, 19/01/2023).

18. Flood Authority

The developer must ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy.

19. Flood Risk – EA

The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref RAB 3000FRD version 1.0 dated 27 July 2022 undertaken by RAB Consultants Limited) and the following mitigation measures it details: - Finished floor levels shall be set no lower than 45.06 metres above Ordnance Datum (AOD) - Flood resilience measures shall be incorporated into the design of the building as outlined in paragraph 4.1.3 of the Flood Risk Assessment. 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.

Informatives

1. Details of Proposed Materials

The applicant is advised that in complying with Condition 3 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.

2. During Development Conditions

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

Condition No(s) 3, 4, 6, 8, 9, 10 and 11

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.

3. 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.

4. 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.

5. Police Architectural Liaison Officer

The applicant(s) 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.

6. **Cadent Gas**

Cadent have advised that there are gas pipelines and associated equipment within the vicinity of the application site. The applicants are advised to contact the plan protection team prior to any works commencing on site.
Email: plantprotection@cadentgas.com Tel: 0800 688588

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor A Afsar		
Councillor Mrs B Ashcroft		
Councillor M Holton		
Councillor S Hussain		
Councillor Mrs J Jones		
Councillor Ms A Legg		
Councillor M Slater		
Councillor C Smedley		
Councillor C Whittaker		

06/23 **APPEALS RECEIVED AND DETERMINED**

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

07/23 **PLANNING PERMISSIONS**

The Report of Tom Deery, Interim Head of Service regarding planning applications determined under delegated authority between 10th April 2023 and 9th June 2023 was received and noted.

08/23 **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