

EAST STAFFORDSHIRE BOROUGH COUNCIL

PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in the Dove Room, Town Hall, Burton upon Trent on Tuesday 14th November 2017.

Present:

Councillors E. Barker (Chairman), M. J. Bowering, R. J. Clarke, R. Faulkner, S. Gaskin, G. Hall, S. Hussain, Mrs J. Jessel, R. Johnston, S. Smith, Mrs B. Toon and C. Whittaker.

Officers Present:

J. Kirkham (Senior Solicitor), Sal Khan (Head of Service), J. Upton (Planning Manager) C. El Hakiem (Principal Planning Officer), A. Harvey (Principal Planning Officer), N. Perry (Senior Planning Policy Officer) and E. Summers (Planning Officer).

Apologies for absence were received from Councillors K. J. Builth, Ms A. Legg and C. Smith.

220/17 **DECLARATIONS OF INTEREST**

Councillor Mrs J. Jessel declared that as she did not attend any of the site visits, she would take part in the debate but was unable to vote upon the applications.

221/17 **MINUTES**

The Minutes of the meeting held on 17th October 2017 were approved and signed as a correct record.

222/17 **URGENT BUSINESS**

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

223/17 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2017/Erection of four detached buildings to form foodstore (Class A1), drive through coffee shop/restaurant (Class A1/A3/A5), retail and service units (four units within Class A1/A3/A5 on the ground floor) and leisure unit as a gymnasium on the first floor (Class D2), builders merchants with outside storage – Units 5/6/7 (Sui Generis), extension of two existing buildings to form five employment units – Units 3/4/8/9/10 (Class B1c, B2 and B8) including associated access, car parking, balancing pond and landscaping – Land Adjacent to Pirelli Factory, Derby Road, Stretton, Burton upon Trent DE13 0DW (Ward: Eton Park)**

The site visit was attended by Councillors E. Barker, M. J. Bowering, R. J. Clarke, R. Faulkner, S. Gaskin, G. Hall, S. Hussain, R. Johnston, S. Smith, Mrs B. Toon and C. Whittaker.

Mr C. Grimsdell and Mr G. Lamb, members of the public, spoke on the application.

Mr R. Barnes, agent for the applicant, spoke on the application.

Members expressed the view that although there were benefits resulting from the application proposals there was an overriding concern that the application failed the sequential test and that, having taken this concern into account, the application should be refused contrary to the recommendation of approval set out in the published report.

Resolved:

The application be **REFUSED** as Local Plan Policy SP21 states that sequentially the Council will expect proposals for town centre uses to be sited within defined town centres. Applications for such uses on sites outside town centres will be subject to the sequential test. The National Planning Policy Framework Paragraph 27 states that were an application fails to satisfy the sequential test or is like to have significant adverse impact on one or more of the factors stated in paragraph 26 of the NPPF, it should be refused. The application site fails to satisfy the sequential rest and therefore is contrary to Local Plan Policy SP21 and Paragraph 27 of the NPPF.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker	Councillor C Whittaker	
Councillor M Bowering		
Councillor R J Clarke		
Councillor R Faulkner		
Councillor S Gaskin		
Councillor G Hall		
Councillor S Hussain		
Councillor R Johnston		
Councillor S Smith		
Councillor Mrs B Toon		

(Councillor Mrs J. Jessel did not vote as she had not attended the site visit).

2. **P/2017/00590 – Reserved Matters application for the erection of 77 dwellings with associated garaging, roads, landscaping and substation (amended description and amended plans received) – Model Dairy Farm, Grafton Road, Stapenhill, Burton upon Trent, Staffordshire DE15 9BZ (Ward: Brizlincote)**

The site visit was attended by Councillors E. Barker, M. J. Bowering, R. J. Clarke, R. Faulkner, S. Gaskin, G. Hall, S. Hussain, R. Johnston, S. Smith, Mrs B. Toon and C. Whittaker.

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

Resolved:

PERMIT subject to the following conditions:

1. Compliance with the approved plans.
2. Parking and turning facilities to be provided before each dwelling is first occupied.
3. Garages to be retained as being available for parking at all times.
4. Provision of waterproof cycle shelters to those dwellings without garaging.
5. Provision of surface water interceptor where private drive falls towards the public highway.
6. Precise details of bin stores/bin collection points which are required to be provided before the dwelling(s) they serve are first occupied.
7. Prior to first occupation of plots with double garages a scheme showing electric charging points shall be provided and submitted to the Local Planning Authority for prior approval.

Informatives

1. Standard engagement informative.
2. Notification of outline permission conditions addressed by the reserved matters submission and which remain outstanding.
3. Standard pre-commencement condition informative.
4. Contact East Staffordshire Borough Council Waste Management in relation to provision of bins/communal bins.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker		
Councillor M J Bowering		
Councillor R J Clarke		
Councillor R Faulkner		
Councillor S Gaskin		
Councillor G Hall		
Councillor S Hussain		
Councillor R Johnston		
Councillor S Smith		
Councillor Mrs B Toon		
Councillor C Whittaker		

(Councillor Mrs J. Jessel did not vote as she had not attended the site visit).

3. **P/2017/00572 – Reserved Matters application relating to outline planning permission ref: P/2013/00882 for the erection of 44 no. dwellings including 7 no. affordable units, together with drainage and highways infrastructure, and details of access, appearance, landscaping, layout and scale (Phase 1D) (Revised and Additional Plans and Information Received) – Land to the west of Uttoxeter, A50 Bypass, Uttoxeter, Staffordshire (Ward: Abbey)**

The site visit was attended by Councillors E. Barker, M. J. Bowering, R. J. Clarke, R. Faulkner, S. Gaskin, G. Hall, S. Hussain, R. Johnston, S. Smith, Mrs B. Toon and C. Whittaker.

Resolved:

PERMIT subject to the following conditions:

1. Compliance with the approved plans.
2. Details of surface water drainage interceptors to be provided.
3. Parking and turning facilities to be provided before each dwelling is first occupied.
4. Garages to be retained as being available for parking at all times.
5. Provision of approved cycle shelters to those dwellings without garaging prior to first occupation and thereafter retained.
6. Any soakaways to be sited a minimum distance of 5.0 metres back from the edge of the highway.
7. All landscaping works to be undertaken in first season post completion.
8. Security fencing to be provided to pumping station and electricity substation compounds before pumping station and electricity substation are first brought into use.
9. Precise details of bin stores/bin collection points which are required to be provided before the dwelling(s) they serve are first occupied.
10. Details of mitigation measures to be put in place to ensure the construction phase of the development does not impact negatively on the biodiversity works being provided to the south of the site (on the phase 1b development).
11. Notwithstanding the submitted plans precise details of turning area to the link road to allow a bus to turn shall be agreed with the Local Planning Authority and provided in accordance with the approved details.
12. Prior to first occupation of plots with double garages a scheme showing electric charging points shall be provided and submitted to the Local Planning Authority for prior approval.
13. Prior to commencement of construction works on any of the dwellings hereby approved a scheme for the provision of chimney stacks to 25 per cent of the detached dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved plans.

Informatives

1. Standard engagement informative.
2. Notification of outline permission addressed by the reserved matters submission and which remain outstanding.
3. Standard pre-commencement conditions informative.
4. Contact East Staffordshire Borough Council Waste Management in relation to provision of bins.
5. Recommendation that 10% of the dwellings shall have ground floor accommodation that meets Building Regulations 2010 Standard M4(2).
6. The developer is reminded to ensure there is safe access at all times for users of the public right of way which runs to the north of the application site.
7. The applicant is advised that the Construction Management Plan for Phase 1D required to be submitted and approved by the Local Planning Authority under condition 23 of the outline planning permission ref: P/2012/00882 should provide for the route(s) of public rights of way to be kept free of vehicles associated with construction works at the site.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker		
Councillor M J Bowering		
Councillor R J Clarke		
Councillor R Faulkner		
Councillor S Gaskin		
Councillor G Hall		
Councillor S Hussain		
Councillor R Johnston		
Councillor S Smith		
Councillor Mrs B Toon		
Councillor C Whittaker		

(Councillor Mrs J. Jessel did not vote as she had not attended the site visit).

216/17 **APPEALS RECEIVED AND DETERMINED**

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

217/17 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 3rd October 2017 and 30th October 2017 was received and noted.

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:

ENFORCEMENT SCHEDULE

219/17 **ENFORCEMENT SCHEDULE**

The Report of Sal Khan, Head of Service regarding the enforcement schedule was received and noted.

Chairman