

## CLERKS REPORT DEC 18<sup>th</sup>

### **CLERK TRAINING**

GDPR General Data Protection Regulation May 2018

The clerk attended training regarding the new legislation that will update the data protection act 1998 and bringing it into the digital world and reflect the Brexit requirements. All data will need to be stored in the UK and any personal data will need to be protected and traced. Permission to hold the data must be explicitly requested and an individual has the right to erasure, so all personal data can be deleted from all sources.

The new regulation requires a qualified data officer who is responsible for how data is handled. However, we are waiting to hear if an employer with 5 employees or less may be exempt. A training presentation has been emailed to councillors which the clerk has advised that they read. The 12 steps of guidance issued by the Information Commission Office should be followed. An audit of information stored by the council will be required.

### **Correspondence ANNUAL AUDIT**

The Annual Return will now be known as the "Annual Governance and Accountability Return" and will need to be completed in accordance "proper practices" as set out in '*Governance and Accountability for Smaller Authorities in England, a Practitioners' Guide*', and then be published in accordance with the applicable Transparency Codes.

The new, Annual Governance and Accountability Return forms will be sent out by your appointed auditor electronically at the end of the financial year. It is assumed that your authority is willing and able to accept documents electronically by e-mail unless you specifically advise SAAA to the contrary no later than 31 December 2017. The return can either be completed electronically or printed off and completed manually.

Advice and assistance is available from the various sector membership organisations, namely:

National Association of Local Councils and County Associations - [www.nalc.gov.uk](http://www.nalc.gov.uk)

Society of Local Council Clerks - [www.slcc.co.uk](http://www.slcc.co.uk)

Association of Drainage Authorities - [www.ada.org.uk](http://www.ada.org.uk)

**PLANNING APPS**

P/2017/01418

**Application under Section 73 of the Town & Country Planning Act 1990 for a Minor Material Amendment for the erection of 212 dwellings and associated garages, erection of 14 commercial units and a community building and the provision of public open space, allotments and a sports pitch, including the formation of two vehicular access without complying with Condition 2 of planning permission P/2013/00424 dated 06/03/2014 relating to amendments to approved plans by way of relocation of LEAP play area from north of the south access road to south of that road**

**Land off Burton Road, Staffordshire, Tutbury, DE13 9PR**

**P/2017/01058**

**Erection of 21 dwellings with associated garages**

**P/2017/01437**

**Removal of two existing chimneys and single attached garage to to facilitate the erection of a two storey side extension**

**The Mount, 2 Belmont Road, Tutbury, Staffordshire, DE13 9NL**

P/2017/01395

**Proposal: Erection of a two storey side and single storey rear extension**

Location: 33 Wakefield Avenue, Tutbury , DE13 9JU

P/2017/01549

**Proposal: Change of use of part of agricultural to an industrial use (Class B2).**

Location: Rolleston Park Farm, Lodge Hill, Tutbury, DE13 9HQ

**P/2017/01548**

**Proposal: Conversion and alterations to existing agricultural building to form an office (Class B1), including porch and ramp on front elevation and provision of car parking**

Location: Rolleston Park Farm, Lodge Hill, Tutbury, DE13 9HQ

## **DECISIONS**

**Erection of five dwellings with associated garaging  
Land off Burton Road, Tutbury, Staffordshire, DE13 9NF PERMITTED**

**Installation of decentralised gas peak power facility generating approximately 10 MW, including generator barn, housing 3 containerised generators and a customer substation/electrical cabinet, transformer, sub-station, gas kiosk, oil tanks and radiators**

New Farm, Rolleston Lane, Tutbury, DE13 9HE

## **REFUSED**

in accordance with the submitted documents and plans, for the reason(s) specified hereunder:

1

Policy SP1 of the East Staffordshire Local Plan 2012 - 2031 lists principles in determining whether proposals constitute sustainable development.. Strategic Policy 8 of East Staffordshire Local Plan 2012 - 2031 states that outside settlement boundaries new development will not be permitted unless it is essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside, providing facilities for the general public or local community which are reasonably accessible on foot or by public transport, in

accordance with a 'Made' Neighbourhood Plan, is development under the Rural Exceptions Sites policy, is appropriate reuse of Rural Buildings, is infrastructure development where an overriding need for the development to be located in countryside can be demonstrated, provides renewable energy generation of a scale and design appropriate to its location and is otherwise appropriate in the countryside.

The construction of a peak power gas generator for the National Grid is not a form of development which falls within any of the types of development permitted outside settlement boundaries as set out in of the East Staffordshire Local Plan 2012-2031. While information has been provided seeking to justify why this proposal needs to be constructed in this location it is considered that this is not sufficient to meet the policy requirements in that there is no site specific overriding need in this case. Consequently, the proposal would not be essential to support the viability of an existing lawful business, nor is it close to an existing settlement and intended to provide facilities for the general public, nor is it infrastructure development where an overriding need for the development to be located in countryside can be demonstrated. it would not provide renewable energy generation of a scale and design appropriate to its location and would not qualify as development otherwise appropriate in the countryside. The proposed development is thus directly contrary to policy SP8 of the Local Plan 2012 - 2031 and would result in development in the open countryside for which there is no substantive justification for it being constructed in the proposed location.

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Decision Notice Com – PA Refuse

2

Strategic Policies 1 and 24 of the East Staffordshire Local Plan 2012 - 2031 indicate that development proposals must contribute positively to the area in which they are proposed. Policy SP24 lists a number of criteria which developments are expected to achieve in order that development proposals must contribute positively to the area in which they are proposed. Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.

It is considered that by reason of their scale and height the proposed new generator barn building and the proposed acoustic fence surrounding the peak generator plant complex at New Farm would detract from the visual amenities of the locality at the eastern approach to Tutbury in views from Rolleston Lane and Cornmill Lane. As such it is considered that the scheme would

be contrary to Policies SP1, SP24 and DP1 of the adopted East Staffordshire Local Plan 2012 - 2031.

3

The application submissions have failed to demonstrate that the proposed development would result in an acceptable level of noise pollution which would impact on the amenity of residents of properties on Cornmill Lane. As such the proposed development would be contrary to Policy DP7 of the East Staffordshire Local Plan and the National Planning Policy Guidance (in particular paragraph 17).

Informative(s)

The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable and unacceptable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although it has not been possible to approve this application, possible solutions were proactively considered in an attempt to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraphs 186 and 187 of the National Planning Policy Framework

Dated 13.12.17

#### **ACTION PLAN**

Any council plans such as village events and highway matters or project proposals need to be considered before agreeing the budget.

#### **CLERKS PAY AND OVERTIME FOR TRAINING,**

The clerk has written a summary of hours worked and proposed lieu hours that can be taken over Christmas. However there are 75 hours of work undertaken in completing the CiLCA qualification. The pay due would be approx. £1000. There is money in the contingency budget that would allow this payment to be made all information has been submitted to the chairperson.

#### **Proposed Council Structure**

Due to the workload of the clerk and the long agendas and meeting a proposed structure of working parties and committees has been proposed by the clerk.

Based on responses and clerk nominations for a proposed structure has been produced for further discussion.

Terms of references will need to be agreed in terms of what delegated powers planning and community building steering committee will have and any budget restrictions that are in place to operate. Once these are in place then chairs of these committees can provide written reports to the clerk for proposals and feedback and full council meetings.

	<b>Lead Councillor</b>	<b>Councillor 2</b>	<b>Councillor 3</b>	
Churchyard and burial ground	MG	CS	KE	
Cornmill Lane Playing fields	DM	GR	LB	
Planning application review Delegated powers to make decisions	KE	MP	FC	WC
Strategy and formulating a parish plan/ Neighbourhood plan	LB	GR	PS	
Employment committee	CS	MG		
IT and website committee	TS	PS		
Finance- budget setting and grants	WC	TS	KE	
Open space and contract management/ Best Kept Village	FC	DM	GR	
Community Building Delegated powers to make decisions	CS	FC	KE	MP
Community events/ community engagement	PS	MG	TS	
Highways fault reporting/ parking review	MP	FC	CS	

## Website

Following an advisory committee meeting the IT committee would like to proposed that a new website is developed by Russell Lock from Loughborough University using a package called Wordpress. He will build the site and then it will be hosted by a provider. If this provider hosts the webserver within the new data protection regulations in Europe and preferably the UK, the following costs would apply

**GoDaddy** (Wordpress deluxe package). Three year contract with bundled domain registration £143. Note, this only has free email for the first year, then £3.95 per month. After initial contract site hosting is currently £7.99 per month. Plug ins for additional features would make the build and running costs for the first three years at approximately £200. A suggested contingency of £100 should be put aside for acquiring high quality images.

The clerk would need to put together a definitive structure of the site and provide all documentation to be loaded and written. Russell is available in January to do this work if the clerk can provide the information promptly. Then it would potentially be in place by March when the council are next audited.

For the website to look current and inviting many photos and images would be required.

## Community Building

A steering group meeting for the community building was arranged with the Borough Council and a presentative from PeverilPaul Stone a list of questions were raised. Some of which were answered some would need further consultation with Peveril. A further meeting is proposed for the steering committee to compile a wish list for the building and the layout. The shell would be a functional building which adhered to building regulations and would include lighting, kitchen toilets and utilities.

## QUESTIONS TO BE ADDRESSED

- ARE ESBC GOING TO INSIST THAT THE COMMUNITY BUILDING IS BUILT (ENFORCING 106)?  
➤ YES
- ARE ESBC GOING TO INSIST THAT THE COMMUNITY BUILDING IS CONSTRUCTED TO THE ORIGINAL DRAWINGS? There is no requirement in the section 106 for s specified plan. It stipulates an approved scheme. Internal alterations can be made any changes at this stage will have cost implications. If the changing rooms and sports pitch are not required this will require a deed of variation in the section 106.
- ARE THE STEERING GROUP STILL ABLE TO ALTER INTERNAL WALLS BEFORE CONSTRUCTION TO SUIT POSSIBLE USERS? YES



- THE ORIGINAL DRAWINGS INCLUDED FINISHES SUCH AS KITCHEN UNITS, SANITARYWARE /SHOWERS ETC /LIGHTING ARE ESBC GOING TO ASSIST THAT ALL FINISHES ARE INCLUDED AS THE ORIGINAL DRAWINGS INDICATE
- **FACILITIES WILL BE INCLUDED**
- WILL ESBC ENSURE THAT FIRE ESCAPES, ALARMS AND DISABLED ACCESS COMPLY TO CURRENT BUILDING REGULATIONS **YES**
- HOW MANY PARKING SPACES WILL THERE BE – ORIGINALLY 15? **PEVERIL DID NOT CONFIRM THIS**
- POS ADJACENT TO COMMUNITY BUILDING – IS IT TO REMAIN OPEN SPACE AND MAINTAINED BY ESBC/ WILL IT BE FENCED/BARRIERS TO STOP ILLICIT VEHICLES ENTERING

**THIS NEEDS TO GO TO OPEN SPACE MANAGEMNT THERE ARE NO CURRENT PLANS TO FENCE IT. MICHAEL HOVIS. THE COROUGH WILL ASSES HOW THE SPVE WILL BE USED. THE ELAP IS RENCED.**

- WHAT WOULD BE THE LIKELIHOOD OF BEING ABLE TO HAVE EXTERNAL LIGHTS FITTED AROUND THE BUILDING – CAR PARK – COSTS INVOLVED? **PEVERIL WILL BE ASKED**
- WILL THE WINDOWS HAVE EXTERNAL SECURITY SHUTTERS **NO**
- LENGTH OF LEASE AND WARRANTY GIVEN **PEVERIL WILL BE ASKED**
- LEGAL FEES – ESBC’S ARE TO BE PAID – ASSISTANCE WITH TPC LEGAL FEES – CAN ESBC APPOINT THEIR SOLICITOR TO TRANSFER THE LEASE TO TPC- CONFIRMATION OF WHO ACTUALLY WILL THE BUILDING BE TRANSFERRED TO **ESBC WILL CONSULT WITH THEIR SOLICITOR**
- COULD TPC TALK WITH PEVERIL ARCHITECTS FOR THE BEST SUITABLE CHANGES – WHAT WOULD COSTS BE – COULD WE APPOINT OUR OWN **NO TPC CAN APPOINT THEIR OWN**
- EXTERNAL POWER POINTS/WATER TAP – REALLY WANT A FULL SPECIFICATION LIST OF WHAT IS PROPOSED TO BE FITTED **PEVERIL WILL BE ASKED HOWEVER TP NEED TO COMPILE A FURTHER LIST OF REQUIEMENTS TO ASSES ON AN ADD OR OMIT BASIS**
- WHAT SORT OF FLOORING WILL BE FITTED **CONCRETE HOWEVER IT WAS AGREED THAT THIS WOULD NOT BE FIR FOR PUROOSE PEVERIL WILL BE ASKED,**
- 
- ANY SOLAR PANELS / WATER RECYCLING **NO**
- FIRE ALARMS/ EMERGENCY LIGHTING/ EXTINGUISHERS – **YES**

- UTILITY COMPANIES APPOINTED **PEVERIL WILL BE ASKED**
- WHEN WILL THE BUILDING BE BUILT **PEVERIL WILL BE ASKED VERY NEAR FUTURE**
- VILLAGE HALL ADVISOR HAS CONFIRMED THAT BASED ON THE PLAN PROVIDED THE LARGE HALL WOULD HAVE A CAPACITY OF 120 PEOPLE – AS ONLY 40 CAN BE EVACUATED FROM ONE EXIT IN ONE MINUTE DISCOUNTING THE MAIN FIRE EXIT IF BLOCKED BY FIRE. THE HALL HAS POTENTIAL FOR 240 PEOPLE BUT THERE IS NOT SUFFICIENT FIRE EXITS TO ALLOW THIS. FURTHERMORE, IF THE LAYOUT OF THE CHANGING ROOMS WERE CHANGED FOR SMALLER ROOMS – MORE FIRE EXITS WILL NEED ADDING – CAN EXISTING WINDOWS BE CHANGED TO FIRE EXITS **LAYOUT TO BE REVIEWED BY TPC AND REQUIREMENTS COLLATED ON AN ADD OR OMIT BASIS. MATERIAL AMENDMENTS COULD BE APPLIED FOR HOWEVER THERE IS A COST IMPLICATION. THE PROCESS WOULD BE A 28 DAY PROCESS.**

#### **HERITAGE PARK GENERAL**

**We need an up to date site plan for the whole development ESBC WOULD CONFIRM THE CURRENT SITE PLAN**

**Can the proposed land for allotments area be utilised as extra burial space? NO FOR COMMERCIAL REASONS OF SELLING HOUSE NEAR A CEMETERY.**

**NOTE- IT SEEMS A LOT OF THE QUESTIONS ARE RELATED TO FITMENTS ETC – WHAT WE NEED FROM PEVERIL IS A SPECIFICATION LIST FOR THE BUILDING TPC DRAW UP A LIST FOR PEVERIL TO CONFIRM.**

**What is happening to the travel plan? PEVERIL ARE WAITING FOR A BUS COMPANY TO TAKE ON THE ROUTES A COUNTY COUNCIL ISSUE TO ENFORCE THIS.**

**What is happening about the pavements that are not wide enough for pushchairs and therefore children are required to walk on the road. A COUNTY COUNCIL ISSUE THEY APPROVED THE PLANS BUT ROADS HAVE NOT YET BEEN ADOPTED.**

**WASTE BINS? PLANNING WOULD INVESTIGATE**

**PAUL STONE RECOMMENDED AN ASSET MANAGEMENT REVIEW BE CARRIED OUT TO ASSESS IF THIS PROPOSED BUILDING WAS A REQUIREMENT AND IF AN EXISTING COMMUNITY BUILDING COULD BE EXTENDED/ IMPROVED INSTEAD?**

**TUTBUTY PARISH COUNCIL STEERING COMMITTEE WILL MEET AGAIN AT 6pm 18<sup>th</sup> DEC**