

EAST STAFFORDSHIRE BOROUGH COUNCIL

PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in the Coltman VC Room, Town Hall on Tuesday 23rd April 2024 at 2.00pm.

Present:

Councillors A. Afsar (Chairman), B. Ashcroft, L. Bullock, M. Huckerby, S. Hussain, J. Jones, A. Legg, C. Smedley, C. Whittaker

Officers Present:

Penelope James (Principal Solicitor and Deputy Monitoring Officer), Lea As (Trainee Solicitor), Naomi Perry (Planning Manager), Barbara Toy (Principal Planning Officer), Lisa Bird (Planning Officer) and Daniel Caulkett (Democratic Services Officer)

Apologies for absence were received from: Councillor M. Holton and M. Slater

82/24 **DECLARATIONS OF INTEREST**

There were no declarations of interest at the commencement of the meeting.

83/24 **PUBLIC MINUTES**

Resolved:

That the Public Minutes of the Meeting held on the 26th March 2024 be approved by the Committee and signed as a correct record.

Voting concerning the above decision was as follows.

Those voting for the motion	Those voting against	Those abstaining
Councillor A. Afsar Councillor B. Ashcroft Councillor M. Huckerby Councillor S. Hussain Councillor J. Jones Councillor A. Legg Councillor C. Smedley Councillor C. Whittaker		Councillor L. Bullock

84/24 **URGENT BUSINESS**

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

85/24 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2023/00634 Change of use of allotment land to form extension to existing cemetery burial ground with associated car parking and changes to land levels Land adjacent to, Stapenhill Cemetery, 38 Stapenhill Road, Burton upon Trent, Staffordshire, DE15 9AE**

The site visit was attended by Councillors A. Afsar, B. Ashcroft, L. Bullock, M. Huckerby, S. Hussain, J. Jones, A. Legg, C. Smedley and C. Whittaker

An officer presentation of the application was made to members of the Committee, which included reference to the Update Report.

Clive Ward, member of the public, spoke on the application.

Christopher Timothy, the agent for application, spoke on the application.

Discussions took place.

A motion was put forward by Councillor J. Jones, which had been duly seconded by C. Whittaker for a condition to be included prior to commencement of the development hereby approved details of the boundary treatment, including security fencing and gates, and landscaping along the Northern boundary of the application site (including the access to Claverhouse Road) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Voting concerning the above decision was as follows.

Those voting for the motion	Those voting against	Those abstaining
Councillor A. Afsar Councillor B. Ashcroft Councillor L. Bullock Councillor M. Huckerby Councillor S. Hussain Councillor J. Jones Councillor A. Legg Councillor C. Smedley Councillor C. Whittaker		

A motion was put forward by Councillor J. Jones, which had been duly seconded by Councillor A. Legg for a condition to be included requiring Prior to the commencement of the development hereby approved details of a scheme of maintenance of the land beyond the Northern boundary, adjacent to the rear boundaries of properties on Scalpcliffe Road, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Voting concerning the above decision was as follows.

Those voting for the motion	Those voting against	Those abstaining
Councillor A. Afsar Councillor B. Ashcroft Councillor L. Bullock Councillor M. Huckerby Councillor S. Hussain Councillor J. Jones Councillor A. Legg Councillor C. Smedley Councillor C. Whittaker		

A motion was put forward by Councillor C. Whittaker, which had been duly seconded by Councillor S. Hussain to **APPROVE** the application subject to conditions as per the main report, update sheet and requested additional conditions in relation to security fencing and gates, and maintenance of the land adjacent to the northern boundary of the site.

Resolved:

Grant planning permission subject to conditions (as amended).

Conditions

1: Time Limit - 3Yr Standard

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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 No.s:

1:1250 Location Plan dated as received on 4th October 2023

TGMS1163.2-5 Rev 3, 1:500 Block Plan and Existing and Proposed Land Levels dated as received on 30th May 2023

TGMS1163.2-6 Rev 1, 1:500 Earthworks Isopachytes Plan dated as received on 30th May 2023

TGMS1163.2-7 Rev 3, 1:500 Drainage Design Plan dated as received on 30th May 2023

TGMS1163.2-8 Rev 1, 1:500 Proposed Cross Sections dated as received on 8th March 2024

24-030-01, 1:250 Existing Land Levels dated as received on 16th April 2024

24-030-02, 1:250 Proposed Land Levels dated as received on 15th April 2024

24-030-03, 1:250 Existing Land Levels Overlaid with Proposed Land Levels dated as received on 15th April 2024

24-030-04, 1:500 Cross Sections dated as received on 16th April 2024

1 Rev 0, 1:200 Proposed Landscape and Ecological Enhancement Scheme dated as received on 21st November 2023

Badger Survey by Dr Stefan Bodnar (MCIEEM), dated as received on 31st July 2023

Preliminary Ecological Appraisal by Richard Billingsley BSc (Hons) Ecology Revision One 27th October 2023 and Revision Two 2nd December 2023, dated as received on 21st November 2023

Tier 1 Hydrological Risk Assessment by TGMS dated as received on 19th September 2023

Tier 2 Hydrological Risk Assessment by TGMS dated as received on 19th September 2023

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, including the setting of heritage assets, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highways in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP9, SP22, SP23, SP24, SP25, SP27, SP29, SP35, DP1, DP5, DP7 and DP8, the East Staffordshire Design Guide, the Separation Distances and Amenity Supplementary

Planning Document, the Parking Standards Supplementary Planning Document, the Open Space and Playing Pitch Supplementary Planning Document, the Separation Distances and Amenity Supplementary Planning Document and the National Planning Policy Framework.

3: Surfacing of Parking Area

Prior to the first use of the car parking area hereby granted permission the surfacing of the car park shall be provided in self-binding Cotswold gravel unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure suitable materials are used as recommended by the ESBC Conservation Officer (National Trust guidance) to allow for permeable surfaces in sensitive locations, in accordance with East Staffordshire Local Plan Policies SP25, SP27 and DP5 and the National Planning Policy Framework.

4: Construction Management Plan

Prior to the commencement of the development hereby approved an Access Routing/Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall specify and provide for:

- i) an appropriate routing agreement using the most appropriate access route
- ii) the routing of vehicles to and from the site
- iii) the type, size and number of vehicles for delivery/removal of materials
- iv) duration of works
- v) size and type of plant to be used
- vi) parking of vehicles of site personnel, operatives and visitors
- vii) loading and unloading of plant and materials, storage area of plant and materials and temporary buildings/compounds used during the construction of the development
- viii) appropriate wheel wash facilities and measures to prevent the deposition of deleterious material on the public highway
- ix) noise, vibration and dust mitigation measures
- x) details of days/hours of construction, including the timings of HGV deliveries

Reason: As recommended by the Highway Authority in the interests of the safe and efficient use of the highway network and in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

5: Imported Soil

No soils are to be imported to the site until information on their source, the results of any soil analysis and an assessment of their suitability for use has been submitted to and agreed in writing by the Local Planning Authority.

Prior to their import onto site, a suitable methodology for testing soils following their import and placement on the site should be submitted to and agreed in writing by the Local Planning Authority. The methodology should include:

- the sampling frequency
- testing schedules
- criteria against which the analytical results will be assessed (as determined by the risk assessment)

The agreed methodology shall then be carried out and validatory evidence submitted to and approved in writing to the Local Planning Authority.

Reason: In order to safeguard human health and the water environment in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

6: LLFA

Prior to commencement of the development hereby approved, a final detailed surface water drainage design shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage design shall be implemented prior to the first use of the development.

Reason: To reduce the risk of surface water flooding to the development and surrounding properties in accordance with Policies SP1 and SP27 of the East Staffordshire Local Plan and the National Planning Policy Framework.

7: SCC Ecology 1

Prior to commencement of the development hereby approved details of the supervising ecologist shall be submitted to the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

8: Regrading Works/Retaining Wall to the Car Park

Prior to any works to the car park area hereby granted permission, details of finished land levels along with any regrading works or retaining structures or walls as required shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first use of the development.

Reason: To safeguard the character and appearance of the site and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1 and DP5, the East Staffordshire Design Guide and the National Planning Policy Framework.

9: SCC Ecology 2

All site clearance and construction works must comply with precautionary measures set out in Sections 5.2 of the Preliminary Ecological Appraisal (DJOGS Ltd, Revision

Two 2nd December 2023), and in Section 5 of the Badger Survey (Dr S Bodnar, March 2023).

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

10: Environment Agency

All burials in the cemetery shall:

- be at least 250 metres from a well, borehole or spring used to supply water that is used for human consumption, or for use in dairy farms
- have a minimum of 30 metres from a water course or spring and a minimum of 10 metres distance from field drains
- have at least one metre of subsoil below the bottom of the burial pit, allowing a hole deep enough for at least one metre of soil to cover the remains
- have at least one metre of unsaturated zone (the depth to the water table) below the base of any grave. Allowance should also be made to any potential rise in the water table (at least one metre should be maintained)

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991) in accordance with Policies SP1, SP27 and DP7 of the East Staffordshire Local Plan and the National Planning Policy Framework.

Informatives:

1: Pre-commencement Conditions/During Development Conditions

The conditions identified below require details to be approved before commencement of the development.

Condition Nos. 4, 6, 7

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

Condition Nos. 3, 5, 8

This means that a lawful commencement of the approved development cannot be made until the particular requirements of these conditions 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 £145 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.

2: Human Remains

The applicant is advised that should any human remains be found as part of the excavation works permission would be required from the Ministry of Justice should they need to be moved to another part of the site.

3: Environment Agency

The applicant is advised of the comments of the Environment Agency as set out below:

Please note that whilst the proposed burial rate of 30 per annum does not automatically put these proposals in to a high risk category, as per Position Statement L3 of the Environment Agency's 'Approach to Groundwater Protection' document (February 2018), operators of cemeteries should however take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality.

It is recommended that reference should be made to cemetery section in 'The Environment Agency's approach to groundwater protection' and information on the Natural Death Centre website.

CL:AIRE: With regards to the import or inert topsoil under the CL:AIRE ('Contaminated Land: Applications in Real Environments') Code of Practice materials should be re-used on site in a sustainable way. See information at <http://www.claire.co.uk>.

If contaminated/waste material needs to be removed from the site it should be deposited at a Permitted waste management facility. Records of any transfer/deposit of waste should be included in the Validation Report.

Pollution – Operators of cemeteries should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. The Environment Agency has powers under the Environmental Permitting Regulations 2010 to take action where groundwater pollution occurs, or is likely to occur.

If pollution was to occur, Section 161, Water Resources Act 1991 empowers us to recover all costs reasonably incurred in:

- carrying out works, operations or investigations to prevent pollution of surface waters or groundwater;
- undertaking remedial action following a pollution of surface waters or groundwater.

Should the Environment Agency be required to undertake such work they would be able to recover these from the company of person responsible.

4: Environmental Health

For material certified under BS3882:2015, a copy of the analysis certificate (comprising of the specified requirements, plus an appropriate list of contaminants, including hydrocarbons, should be submitted to the Local Authority for approval before material is imported. After approval and placement of material, the chemical quality should be analysed, with the frequency of analysis being one sample per 100 cubic metres. The depth of placement shall also be recorded in order to ensure remedial targets are met. The post-placement details shall be submitted as part of the validation report.

For materials that has not been certified under BS3882:2015, fill details of the location of materials source(s), accompanied by representative chemical analysis (including a comprehensive set of parameters, for example: pH, particle composition, and contaminants – including hydrocarbons), at a frequency not less than one sample per 5000 cubic metres (with a minimum of at least one sample per source site) should be submitted to the Local Authority for approval before material is imported. After approval and placement of material, the chemical quality should be analysed, with the frequency of analysis being one sample per 50 cubic metres. The depth of placement shall also be recorded in order to ensure remedial targets are met. The post-placement details shall be submitted as part of the validation report.

5: Ecological Responsibilities

The applicant 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.

6: Police Architectural Liaison Officer

The applicant is 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.

7: 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.

8: Car Park Land Levels

The applicant is advised that the land levels to the car park, as required under Condition 8 shall be level with the adjoining road at approx. 76.30 AOD, and any

regrading works or retaining wall required for the land adjoining the car park is required to be submitted for approval to satisfy Condition 8.

1.1 Council's equality duty as contained within the Equalities Act 2010.

Voting concerning the above decision was as follows.

Those voting for the motion	Those voting against	Those abstaining
Councillor A. Afsar Councillor B. Ashcroft Councillor L. Bullock Councillor M. Huckerby Councillor S. Hussain Councillor J. Jones Councillor A. Legg Councillor C. Smedley Councillor C. Whittaker		

2. **P/202300217 Installation of a 49.9MW solar photovoltaic array/solar farm with associated infrastructure (Cross boundary site with Staffordshire Moorlands District Council) Proposed Solar Farm, North of Bramble Cottage, Greensmiths Lane, Upper Leigh, Staffordshire, ST10 4NY**

The site visit was attended by Councillors A. Afsar, B. Ashcroft, L. Bullock, M. Huckerby, J. Jones, A. Legg, C. Smedley and C. Whittaker

An officer presentation of the application was made to members of the Committee, which included reference to the Update Report.

Councillor Toby Collins, Parish Councillor for Leigh Parish Council, spoke on the application.

Neil Warburton and Ryszard Kawak, members of the public, spoke on the application.

Chris Sowerutts, the applicant, spoke on the application.

Discussions took place.

A motion was put forward by C. Whittaker, which had been duly seconded by Councillor J. Jones that the application be **REFUSED** for the following reason:

- 1) The proposed development by virtue of the scale, form, materials and siting, would significantly harm the character of the landscape individually and cumulatively and

it is not considered that the benefits of the proposals outweigh this harm. The proposal is therefore considered to conflict with Policies SP1, SP8, SP24 and SP30 of the East Staffordshire Local Plan, the East Staffordshire Design Guide and the NPPF.

Voting concerning the above decision was as follows.

Those voting for the motion	Those voting against	Those abstaining
Councillor A. Afsar Councillor B. Ashcroft Councillor L. Bullock Councillor J. Jones Councillor A. Legg Councillor C. Smedley Councillor C. Whittaker	Councillor M. Huckerby	

* Councillor S. Hussain was not present at the site visit so did not vote there upon.

A motion was put forward by C. Whittaker, which had been duly seconded by Councillor J. Jones that the application be **REFUSED** for the following reason:

- 2) The proposed development by virtue of the scale, form, materials and siting, would be within close proximity and therefore visually intrusive to the occupants of nearby residential properties and would harm their residential amenities. The proposal is therefore considered to conflict with Policies SP1, SP8, SP24 and DP1 of the East Staffordshire Local Plan, the East Staffordshire Design Guide and 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. Afsar Councillor B. Ashcroft Councillor L. Bullock Councillor J. Jones Councillor A. Legg Councillor C. Smedley Councillor C. Whittaker		Councillor M. Huckerby

* Councillor S. Hussain was not present at the site visit so did not vote there upon.

A motion was put forward by C. Whittaker, which had been duly seconded by Councillor J. Jones that the application be **REFUSED** for the following reason:

- 3) The size of vehicles and number of vehicle trips required to implement, operated and decommission the proposed development would result in excessive traffic within the rural highway network to the detriment of highway safety. The proposal is therefore considered to conflict with policies SP1 and SP25 of the East Staffordshire Local Plan and the National Planning Policy Framework.

Voting concerning the above decision was as follows.

Those voting for the motion	Those voting against	Those abstaining
Councillor B. Ashcroft Councillor L. Bullock Councillor J. Jones Councillor A. Legg Councillor C. Smedley Councillor C. Whittaker	Councillor A. Afsar Councillor M. Huckerby	

* Councillor S. Hussain was not present at the site visit so did not vote there upon.

Resolved:

That the application be **REFUSED** for the following reasons:

- 1) The proposed development by virtue of the scale, form, materials and siting, would significantly harm the character of the landscape individually and cumulatively and it is not considered that the benefits of the proposals outweigh this harm. The proposal is therefore considered to conflict with Policies SP1, SP8, SP24 and SP30 of the East Staffordshire Local Plan, the East Staffordshire Design Guide and the NPPF.
- 2) The proposed development by virtue of the scale, form, materials and siting, would be within close proximity and therefore visually intrusive to the occupants of nearby residential properties and would harm their residential amenities. The proposal is therefore considered to conflict with Policies SP1, SP8, SP24 and DP1 of the East Staffordshire Local Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.
- 3) The size of vehicles and number of vehicle trips required to implement, operated and decommission the proposed development would result in excessive traffic within the rural highway network to the detriment of highway safety. The proposal is therefore considered to conflict with policies SP1 and SP25 of the East Staffordshire Local Plan and 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. Afsar Councillor B. Ashcroft Councillor L. Bullock Councillor J. Jones Councillor A. Legg Councillor C. Smedley Councillor C. Whittaker	Councillor M. Huckerby	

* Councillor S. Hussain was not present at the site visit so did not vote there upon.

3. **P/2023/00496 Demolition of existing buildings to facilitate the erection of eight dwellings (four detached dwellings and two pairs of semi-detached dwellings) Land at Manor Farm, Main Street, Branston, Staffordshire, DE14 3EY**

The site visit was attended by Councillors A. Afsar, B. Ashcroft, L. Bullock, M. Huckerby, S. Hussain, J. Jones, A. Legg, C. Smedley and C. Whittaker

An officer presentation of the application was made to members of the Committee, which included reference to the Update Report.

Ian Bridges, member of the public, spoke on the application.

Discussions took place.

A motion was put forward by Councillor A. Legg, which had been duly seconded by Councillor S. Hussain for an informative to be included regarding hedgehogs

Voting concerning the above decision was as follows.

Those voting for the motion	Those voting against	Those abstaining
Councillor A. Afsar Councillor B. Ashcroft Councillor L. Bullock Councillor M. Huckerby Councillor S. Hussain Councillor J. Jones Councillor A. Legg		

Councillor C. Smedley		
Councillor C. Whittaker		

A motion was put forward by Councillor A. Legg, which had been duly seconded by Councillor M. Huckerby to **APPROVE** the application subject to conditions as per the main report, update sheet and requested hedgehog informative.

Resolved:

Grant planning permission subject to conditions (as amended).

1. Time Limit

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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 1a dated as received on 04.05.2023;
Topographical Survey dated as received on 27.04.2023;
Block Plan 1b Showing Buildings to be Demolished dated as received on 04.05.2023;
Amended Block Plan Sheet 15 dated as received on 10.01.2024;
Amended Landscaping Plan Sheet 10 dated as received on 10.01.2024;
Plots 2 and 3 Plans & Elevations Sheet 4a dated as received on 10.01.2024;
Plots 2 and 3 Plans & Elevations Sheet 4a(2) dated as received on 10.01.2024;
Plots 7 and 8 Rear Elevation Sheet 5a(2) dated as received on 10.01.2024;
Plots 7 and 8 Plans & Elevations Sheet 5a dated as received on 10.01.2024;
Plots 1, 4 and 5 Plans & Elevations Sheet 6a dated as received on 10.01.2024;
Plot 6 Plans & Elevations Sheet 17 dated as received on 10.01.2024;
Plot 8 Garage Plan & Elevations Sheet 8 dated as received on 10-01-2024
Flood Risk Assessment by Evans Rivers and Coastal dated October 2023 Ref 3310/RE/10-23/01 dated as received on 18.10.2023;
Bat Activity Report dated as received on 28.07.2023;
Bat Scoping and Bird Nesting dated as received on 27.04.2023; and
Geo Environmental Report and Appendices by Geoinvestigations Ltd dated June 2023 dated as received on 18.10.2023.

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, the safe and efficient use of the adjoining highway, ecology and flood risk in accordance with East Staffordshire Local Plan Policies Principle 1, SP1, SP2, SP3, SP4, SP6, SP24, SP25, SP26, SP27, SP29, SP34, SP35, DP1, DP2, DP3, DP5, DP7 and Branton Neighbourhood Plan Policies B1, B2, B3, B10 and B11 East Staffordshire Design Guide, Separation Distances and Amenity Supplementary Planning

Document, the Car Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

3. Materials

No development (except for demolition) shall take place until details and/or samples of all the materials to be used externally on the dwellings and hereby approved, 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.

Reason: To safeguard the character and appearance of the buildings and their surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, Branston Neighbourhood Plan Policies B1 and B2, the East Staffordshire Design Guide and the National Planning Policy Framework.

4. Levels

Notwithstanding the submitted details, no development (except for demolition) shall take place until details of existing and finished ground levels and the proposed floor levels of the units in relation to an existing datum point off the site has first been submitted to and approved in writing by the Local Planning Authority. Finished Floor Levels are to be set at least 48.30m in accordance with Condition 15 of this permission. The development shall then be carried out in accordance with the approved details.

Reason: To ensure the development takes the form envisaged by the Local Planning Authority and to reduce the risk of creating or exacerbating a flooding problem in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP27, DP1 and DP3, Branston Neighbourhood Plan Policies B1 and B2, the East Staffordshire Design Guide and the National Planning Policy Framework.

5. Details of Landscaping and Boundary Treatments

Notwithstanding the submitted details including the Garden Wall Detail, no development (except for demolition) shall take place until a scheme of detailed landscaping and boundary treatments (i.e. hedgerows, fencing and walling) including any proposed making good of boundary treatments following demolition of the buildings, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with East Staffordshire Local Plan Policy SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

6. 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 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.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and occupiers of adjacent buildings, and in accordance with East Staffordshire Local Plan Policies SP24 and SP29, the East Staffordshire Design Guide and the National Planning Policy Framework.

7. Implementation of Walling and Fencing

Any scheme of walling and fencing approved as part of the landscaping scheme required by Condition 5 above shall be completed prior to the development first being brought into use.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP24 and DP3 and the National Planning Policy Framework.

8. Ecology

No development (except for demolition) shall commence on site until such time as:-

- a) details of type and location of biodiversity enhancement measures including 3 no swallow cups on north or east elevations of the existing or new buildings with a sheltered overhang; and
- b) details of type and location of biodiversity enhancement measures including at least 3 no bat bricks to be incorporated into south or west elevations of the new buildings.
- c) Details of the separate roof space and bat access to the double garage bat loft at plot 8.
- d) The roof of the bat loft or any roof spaces available to bats must be lined internally with 1F traditional hessian-backed bitumen felt which complies with BS8747:2007 and BS 5250:2011.

shall first be submitted to and approved in writing by the Local Planning Authority

The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

9. Lighting Scheme

No development (except for demolition) shall commence until an external lighting scheme, designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as trees, bat access points, and bat boxes. The approved measures shall be incorporated into the scheme and be fully

constructed prior to occupation of the approved dwellings and retained as such thereafter.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

10. Refuse Collection Points

Notwithstanding the submitted details, prior to the first occupation of any dwelling hereby approved, a scheme for bin and waste collection area(s) shall first be submitted to and be approved by the Local Planning Authority. The approved scheme shall be implemented and retained as such thereafter.

Reason: To ensure the provision of appropriate waste storage facilities in accordance with East Staffordshire Local Plan Policy SP34, the East Staffordshire Waste Storage and Collection Guidance for New Developments and the National Planning Policy Framework.

11. Highways - Parking

Prior to the first occupation of any dwelling hereby approved, the respective dwelling shall be provided with car parking as laid out in Layout Block Plan 3d and Layout Block Plan 3e dated as received on 14.12.2023 and approved under Condition 2 above. The parking shall be laid out, hard surfaced and drained and once the dwelling is occupied, maintained as such thereafter.

Reason: As recommended by the Highway Authority In the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35, Branston Neighbourhood Plan Policy B11 and the Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

12. Highways - Access for each plot

Prior to the first occupation of any dwelling hereby approved, each dwelling shall be provided with a clean, hard surfaced access to at least base course level.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

13. Noise Mitigation

Prior to the first occupation of any dwelling hereby approved, a scheme of noise mitigation measures shall first be submitted to and agreed by the Local Planning Authority. The Scheme shall ensure that internal noise levels comply with BS8233 Guidance on sound insulation and noise reduction for buildings 2014 (or latest edition). A noise assessment will need to be undertaken to demonstrate that the proposed level of mitigation is sufficient. The approved mitigation measures shall be installed prior to the first occupation of each dwelling.

Reason: To safeguard the amenity of occupiers of residential properties in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

14. Land Contamination

- a) Where an unacceptable risk as identified in the Phase 1 Risk Assessment Report (Ref: 662-R-01) a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to any work being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
- b) Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
- c) Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- d) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
- e) Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
- f) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

15. Compliance with Flood Risk Assessment

The development shall be carried out in accordance with the Flood Risk Assessment by Evans Rivers and Coastal Ltd dated as received on 18.10.2023 and approved under Condition 2 above .

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem in accordance with East Staffordshire Local Plan Policy SP27 and the National Planning Policy Framework.

16. Compliance with Bat Activity Survey

All site demolition and clearance works must comply with the method statements set out on pages 9 (swallows) and pages 10-11 (bats) of the Bat Activity Survey (Leigh Ecology, July 2023) approved under Condition 2 above.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

17. Removal of PD Rights (Gates, 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.

Reason: To safeguard the character and appearance of the buildings and their surroundings and the amenities of occupiers of the adjoining dwellings in accordance with East Staffordshire Local Plan Policies SP24 and DP3, the East Staffordshire Design Guidance and the National Planning Policy Framework.

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 dwellinghouse be erected or installed unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and their surroundings and the amenities of occupiers of the adjoining dwellings in accordance with East Staffordshire Local Plan Policies SP24 and DP3, the East Staffordshire Design Guidance and the National Planning Policy Framework.

19. Construction Management Plan

No development shall take place (including demolition) until a Construction Management Plan, which shall specify the routing of demolition and construction vehicles to and from the site, parking of vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials, storage area of plant and materials and temporary buildings/compounds used during the construction of the

development, appropriate wheel wash facilities and measures to prevent the deposition of deleterious material on the public highway, along with noise, vibration and dust mitigation measures and details of days/hours of construction (including the timing(s) of HGV deliveries), has been submitted and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be implemented and adhered to throughout the construction period unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of occupiers of residential properties in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

20. M4(2)

Each of the four x 3 bed houses within the development hereby approved shall be constructed to meet Building Regulation M4(2) standard unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that homes are appropriate to meet the needs of the occupiers in accordance with Local Plan Policy SP16.

Informatives

1: 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.

2: Pre-commencement Conditions

The conditions identified below require details to be approved before commencement of the development.

Condition No's. 3, 4, 5, 8, 9, 14 and 19

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 £145 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 conditions identified below require details to be approved during the development/works.

Condition No's 10 & 13.

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 £145 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: Highways

The applicant is reminded of their legal obligations in relation to private nature of Thorntree Lane and that the new road is to be private and the future 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.

5: Ecology

The applicant is reminded that, A European Protected Species Low Impact Licence will be required from Natural England and under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stage of the development works, then all works should cease, and Natural England should be contacted for advice.

Voting concerning the above decision was as follows.

Those voting for the motion	Those voting against	Those abstaining
Councillor A. Afsar Councillor B. Ashcroft Councillor L. Bullock Councillor M. Huckerby Councillor S. Hussain		

Councillor J. Jones		
Councillor A. Legg		
Councillor C. Smedley		
Councillor C. Whittaker		

86/24 **APPEALS RECEIVED AND DETERMINED**

The Report of the Head of Regeneration and Development on appeals received, withdrawn and determined was received and noted.

NOTED.

87/24 **DELEGATED PLANNING PERMISSIONS**

The Report of the Head of Regeneration and Development on applications determined under delegated authority between 11/03/2024 and 05/04/2024 was received and noted.

NOTED.

88/24 **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 as it would 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

Voting concerning the above decision was as follows.

Those voting for the motion	Those voting against	Those abstaining
Councillor A. Afsar		
Councillor B. Ashcroft		
Councillor L. Bullock		
Councillor M. Huckerby		
Councillor S. Hussain		
Councillor J. Jones		
Councillor A. Legg		
Councillor C. Smedley		
Councillor C. Whittaker		