

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 30th August 2022.

Present:

Councillors E. Barker (Vice-Chairman), Mrs B. Brady, R. Faulkner, G. Hall, Ms A. Legg and C. Whittaker.

Officers Present:

S. Grant (Solicitor), N. Perry (Planning Manager) and G. Shilton (Planning Officer).

Also Present:

Councillor G. Lamb (as Ward Councillor).

Apologies for absence were received from Councillors Mrs B. Ashcroft, Mrs V. Gould, S. McKiernan and Mrs L. Walker.

290/22 **DECLARATIONS OF INTEREST**

Councillor G. Lamb declared a private interest, in that some of his friends had objected to the application, so he did not take part in the debate and did not vote thereupon.

291/22 **MINUTES**

The Minutes of the meeting held on 26th July 2022 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 E Barker		Councillor Mrs B Brady
Councillor R Faulkner		Councillor G Hall
Councillor G Lamb		
Councillor Ms A Legg		
Councillor E V Whittaker		

292/22 **URGENT BUSINESS**

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

293/22 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2021/01593 – Erection of 3 dormer bungalows – Land to the Rear of 5 Beech Drive, Stretton Burton upon Trent, Staffordshire (Ward: Stretton)**

The site visit was attended by Councillors E. Barker, Mrs B. Brady, R. Faulkner, G. Hall, G. Lamb, Ms A. Legg and C. Whittaker.

The Chairman read out a statement from a member of the public, S. Woodward.

Mr J Malkin, agent for the application, spoke on the application.

Discussions took place.

A motion was put forward by Councillor R. Faulkner (seconded by Councillor Ms A. Legg) for a new condition to include the hours of operation for the development.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker		
Councillor B Brady		
Councillor R Faulkner		
Councillor G Hall		
Councillor Ms A Legg		
Councillor E V Whittaker		

A further motion was put forward by Councillor Ms A. Legg (seconded by Councillor R. Faulkner) to remove the permitted development rights and for condition 12 to include the provisions for bee bricks and wild and bee friendly flowers.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker		
Councillor B Brady		
Councillor R Faulkner		
Councillor G Hall		
Councillor Ms A Legg		
Councillor E V Whittaker		

Further discussions took place.

A motion was put forward by Councillor G Hall (seconded by Councillor C Whittaker) to permit the application.

Resolved:

To **PERMIT** with the following conditions:

1. **Time limit**

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

J3169-10 Revision B, Location Plan scaled at 1:1250 dated as received on 3 August 2022

J3169-11, Revision A, Existing & Proposed Block Plan scaled at 1:100 dated as received on 7 December 2021

J3169-12, Existing Site Plan scaled at 1:200 dated as received on 7 December 2021

J3169-13 Revision C, Proposed Site Plan scaled at 1:200 dated as received on 15 August 2022

J3169-14, Revision A, Proposed Floor Plan & Elevations scaled at 1:50 & 1:100 dated as received on 7 December 2021

Preliminary Ecological Appraisal by Elite Ecology dated as received on 7 December 2021

Planning Statement dated as received on 7 December 2021

Project Number 046 Version 1 Preliminary Roost Assessment dated as received on 7 December 2021

Supporting Letter from The Bat Surveyor dated as received 7 December 2021

AEL-18505-AIA, Arboricultural Impact Assessment by Apex Environmental dated as received on 17 February 2022

AEL-18505-TSP Revision A, Tree Shadow Plan scaled at 1:200 dated as received on 17 February 2022

AEL-18505-TIP Revision A, Tree Impact Plan scaled at 1:200 dated as received on 17 February 2022

AEL-18505-TCP Revision A, Tree Constraints Plan scaled at 1:200 dated as received on 17 February 2022

AEL-18505-TCNLP Revision A, New Layout Plan scaled at 1:200 dated as received on 17 February 2022

AEL-18505-TPP Revision A, Tree Protection Plan scaled at 1:200 dated as received on 17 February 2022

3. **Right of Highway Access and Access Road Works**

Prior to the commencement of any development or works on the site evidence of a legal right of access from the site to the public highway for construction works and for any and all occupiers of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority.

4. **Materials**

No development shall take place until details and/or samples of all the materials to be used externally ensuring the product name and manufacturer have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

5. **Details of Landscaping**

No development shall take place until a scheme of landscaping and boundary treatments (i.e. hedgerows, fencing and walling), including replacement trees has been submitted to and approved in writing by the Local Planning Authority.

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.

7. **Implementation of Walling and Fencing**

Any scheme of walling and fencing approved as part of the landscaping scheme required by Condition 4 above shall be completed prior to the development first being brought into use.

8. **Hedgerow Retention**

The hedgerows around the perimeter of the site shall be retained for the lifetime of the development as indicated on the approved plan, J3169-13 Revision C.

9. **Land Contamination**

No development shall take place until a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically in writing:

- a. A desktop study/Phase 1 Contamination Report shall be prepared and submitted for approval. This should document the previous history of the site and surroundings, identifying the potential sources of contamination and the impacts on land and/or controlled waters relevant to the site. A Conceptual Site Model should be produced for the site which should identify all plausible pollutant linkages.
- b. Where the phase 1 report has identified potential contamination, an intrusive site investigation shall be carried out to establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, water and chemical analysis, identified as being appropriate by the desktop

study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. The details of this investigation (including all technical data) shall be submitted to the Council, as a phase 2 report, for approval prior to any site demolition, remediation or construction works.

- c. In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted to this Department (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The Statement should also include details of validation testing that will be carried out once works have been completed.
- d. If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to this Department for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement.
- e. The development shall not be occupied until a validation report has been submitted to and approved in writing by this Department. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement if required as above.

10. **Archaeology**

- a) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.
- b) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).
- c) The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

11. **Noise Mitigation**

Prior to the commencement of the development a noise impact assessment including a scheme of noise mitigation shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme prior to the first occupation of the development and maintained as such for the lifetime of the development.

The scheme shall ensure compliance with both the recommend internal and external noise levels, highlighted in BS 8233:2014 *Guidance on sound insulation and noise reduction for buildings*. The noise assessment will need to demonstrate that the proposed mitigation will be sufficient to comply with the British guidance.

12. **Ecological Enhancement Measures**

No development shall take place until details of the ecological enhancement measures as detailed within the approved Ecology report and Bat Survey (including bird nesting, bat roosting facilities and hedgehog nest boxes) to be installed on the site have been submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancement measures shall be installed prior to the first occupation of any of part of the development and thereafter made available at all times for their designated purposes.

13. **Compliance with Preliminary Ecological Appraisal**

The development hereby approved shall be carried out in accordance with the recommendations contained in the Preliminary Ecological Appraisal, listed at Condition 2 above. Should any protected species be found during construction work must stop and the advice of a qualified Ecologist must be sought.

14. **Tree Protection Method Statement**

No development shall take place until an Arboricultural method statement as detailed within the approved Arboricultural report listed at condition 2 above has been submitted and approved in writing with the Local Planning Authority. The development shall then be carried out in accordance with the approved method statement.

15. **Protection of Trees During Development**

All existing trees and hedges shown as being retained on the plans hereby approved shall be protected by 2m high fencing in line with the Tree Protection Barrier recommendations contained within British Standard 5837 (2012) 'Trees in Relation to Construction' as shown on the approved Tree Protection Plan under condition 2 above. Such fencing shall be erected before development commences and shall be retained at all times whilst construction work is taking place.

16. **Bin Receptacles**

Prior to the first occupation of the dwellings hereby approved the applicant/developer shall provide each property with waste collection bins/receptacles in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

17. **Construction Management Plan**

No development shall take place until a Construction Management Plan, which shall specify the parking of vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials, storage area of plant and materials used during the construction of the development, appropriate wheel wash facilities and measures to prevent the deposition of deleterious material on the public highway and private access road, 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.

18. **Alterations of Access**

Prior to the occupation of the development the access from the private road onto the highway shall be laid out with a minimum width of 4.5m for a distance of 5.0m from the public highway, constructed to the appropriate Highway Authority Standard, hard surfaced and drained to ensure no surface water runs onto the highway and shall be maintained as such thereafter.

19. **Surfacing of Parking and Turning Areas**

Prior to the development being brought into use, car parking spaces and turning space shall be provided as shown on the approved plans under condition 2 and shall be provided in a bound porous material to ensure no surface water runs onto the highway. Once constructed the turning and parking areas shall thereafter be made available at all times for their designated purposes.

20. **Removal of Permitted Development Rights (Gates, Walls)**

Notwithstanding the provisions of Class A Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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.

21. **Sustainable Drainage Systems (SUDS)**

Prior to the first occupation of the development hereby approved, Sustainable drainage Systems shall be incorporated into the development and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

22. **Gated Access**

Any entrance gates to the site as indicated on the approved plans listed at condition 2 shall open inwards away from the public footpath and private shared access road turning head.

23. **Lighting**

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

Informative

1. **Details of Proposed Materials**

The applicant is advised that in complying with 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. Pre-commencement Conditions

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

Condition No's. 3, 4, 5, 9, 10, 11, 12, 14 and 17

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

The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request. Payment can be made by cheque or card only. Please telephone 01283 508606.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

3. During development conditions

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

Condition No. 16

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

Confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request.

Payment can be made by cheque or card only. Please telephone 01283 508606.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

4. 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.

5. **Landscaping and Trees**

The applicant is advised that in complying with Condition 4 above regarding the submission of a landscaping scheme, the scheme should include plant species of known wildlife value, and additional tree within the site to compensate for the loss of trees.

6. **Ecological Enhancement Measures**

The applicant is advised that in complying with Condition 10 above the bat and bird boxes should be incorporated into the fabric of the dwellings.

7. **Ecological Responsibilities**

The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of protected species are found during the development all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

8. **Vehicle Access Crossings**

Please note that prior to the access being constructed, a Section 184 Notice of Approval from Staffordshire County Council is required. The applicant is advised that a Section 184 Notice of Approval from Staffordshire County Council is required prior to the new access being constructed. Please email nmu@staffordshire.gov.uk for further details. The link below provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway: <https://www.staffordshire.gov.uk/Highways/licences/Overview.aspx>

The application form can be completed online or downloaded, completed and sent to Network Management Unit, Staffordshire County Council, Staffordshire Place 1, Wedgewood Building, Tipping Street, Stafford, ST16 2DH or emailed to nmu@staffordshire.gov.uk.

9. **Public Right of Way**

The applicant is advised that Public Footpath No.1 Stretton crosses the access road to the site and should not be obstructed or extinguished as a result of this development either during or after construction.

The applicant is further advised that users of the footpath are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. Although the access route is private, the fact that the route is (crossed by) a public highway (footpath) takes precedence. The use by private vehicles is subordinate to the public's right and vehicles need to give way to pedestrians.

10. **Party Wall Act and Ownership**

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

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

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor E Barker		
Councillor B Brady		
Councillor R Faulkner		
Councillor G Hall		
Councillor Ms A Legg		
Councillor E V Whittaker		

294/22 **APPEALS RECEIVED AND DETERMINED**

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

295/22 **PLANNING PERMISSIONS**

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 11th July 2022 and 12th August 2022 was received and noted.

296/22 **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

297/22 **PRIVATE MINUTES**

The Private Minutes of the meeting held on 26th July 2022 were approved 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 E Barker		Councillor Mrs B Brady
Councillor R Faulkner		Councillor G Hall
Councillor Ms A Legg		
Councillor E V Whittaker		

298/22 **ENFORCEMENT SCHEDULE**

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

An opportunity for questions followed.

Noted.

Chairman