

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 29th November 2022.

Present:

Councillors Mrs V. Gould (Chairman), E. Barker, Ms A. Legg, S. McKiernan, Mrs L. Walker and C. Whittaker.

Officers Present:

G, McCusker (Solicitor) (via Zoom), N. Perry (Planning Manager) and B. Toy (Principal Planning Officer).

Also Present:

Apologies for absence were received from Councillor Mrs B. Ashcroft, Mrs B. Brady, R. Faulkner, G. Hall and G. Lamb.

316/22 **DECLARATIONS OF INTEREST**

Councillor Mrs B. Ashcroft declared an interest in the application in that she had spoken to residents, and so did not attend the meeting.

317/22 **MINUTES**

The Minutes of the meeting held on 25th October 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 V Gould		Councillor E Barker
Councillor Ms A Legg		
Councillor S McKiernan		
Councillor Mrs L Walker		
Councillor C V Whittaker		

318/22 **URGENT BUSINESS**

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

319/22 APPLICATIONS FOR PLANNING PERMISSION

1. **P/2021/01658 – Erection of a Children’s Respite Village to include 10 lodges, staff accommodation, central building, roadway, associated infrastructure, landscaping and creation of new access road to link Dogshead Lane and Wychnor Lane – Children’s Respite Village, Wychnor Lane, Wychnor, Staffordshire (Ward: Wychnor Parish)**

The site visit was attended by Councillors E. Barker, Mrs V. Gould, Ms A. Legg, S McKiernan, Mrs L. Walker and C. Whittaker.

Mrs S. Beaumont, on behalf of the parish councillor, spoke on the application.

Mrs Lucy Talbot Clegg, Mr R. Palmer, Mr T. Taylor, members of the public, spoke on the application.

Mrs S. Fletcher, the applicant, spoke on the application.

Discussions took place.

A motion was put forward by Councillor Mrs V Gould (seconded by Councillor C Whittaker) to permit the application, with the following conditions and S106 agreement and to secure a Travel Plan Monitoring and Operational Management Plan for the use of the new access road:

1. **Time Limit**

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

2. **The 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 the permission:

Site Location Plan dated as received on 16-02-2022

Existing Site Plan Drawing KVES-HMA-XX-ZZ-DR-A-00005 Rev 02 dated as received on 16-02-2022

Proposed Site Plan Drawing KVES-HMA-ZZ-XX-DR-A-00006 Rev P02 dated as received on 16-02-2022

Proposed Landscaping Drawing KVES-HMA-ZZ-XX-DR-A-00007 Rev P03 dated as received on 17-11-2022

Site Sections Drawing KVES-HMA-ZZ-XX-DR-A-00004 Rev P02 dated as received on 16-02-2022

Redline Boundary Plan (Road) Drawing SK03 dated as received on 16-02-2022

Transport General Arrangement Plan Drawing SK01 Rev 2 dated as received on 17-12-2021

Standard Lodge Drawing KVES-HMA-SL-ZZ-DR-A-00001 Rev P1 dated as received on 17-12-2021

Accessible Lodge Drawing KVES-HMA-AL-ZZ-DR-A-00001 Rev P03 dated as received on 17-12-2021

Proposed Staff Lodge Drawing KVES-HMA-SL-ZZ-DR-A-00001 Rev P1 dated as received on 17-12-2021

Central Facilities – Ground Floor Drawing KVES-HMA-CF-00-DR-A-00001 Rev P1 dated as received on 17-12-2021

Central Facilities – First Floor and Roof Plan Drawing KVES-HMA-CF-ZZ-DR-A-00002 Rev P1 dated as received on 17-12-2021

Central Facilities – Sections and elevations Drawing KVES-HMA-CF-XX-DR-A-00003 Rev P1 dated as received on 17-12-2021

Technical Services Facilities Drawing KVES-HMA-FB-ZZ-DR-A-00001 Rev P1 dated as received on 17-12-2021

Transport Statement and Framework Travel Plan by SLR Ref 406.10073.00001 dated December 2021 dated as received on 17-12-2021

Preliminary Landscape and Visual Appraisal by SLR ref 406.10073.00001.07 dated 29-07-2021 dated as received on 17-12-2021

Landscape and Visual Appraisal for Potential Residential Development by SLR ref 403.10073.00001 dated October 2021 dated as received on 17-12-2021

Biodiversity Net Gain Report by Elite Ecology dated December 2021 dated as received on 17-12-2021

Great Crested Newt eDNA Survey Report by Elite Ecology dated May 2022 dated as received on 30-09-2022

Preliminary Ecological Appraisal (Village Site) by Elite Ecology dated November 2021 dated as received on 17-12-2021

Preliminary Ecological Appraisal (Road Site) by Elite Ecology dated November 2021 dated as received on 17-12-2021

Bat Activity Survey Report by Elite Ecology dated November 2021 dated as received on 17-12-2021

Invertebrate Survey Report by Elite Ecology dated November 2021 dated as received on 17-12-2021

Breeding Bird Survey by Elite Ecology dated November 2021 dated as received on 17-12-2021

Arboricultural Survey Report and Method Statement by John Booth dated March 2020 dated as received on 17-12-2021

Flood Risk assessment and Drainage Strategy by RAB Consultants Ref RAB:2734L V 3.0 dated 17-11-2021 dated as received on 17-12-2021

Historic Environment Desk-based Assessment by SLR ref 406.10073.00001 v 2 dated October 2021 dated as received on 17-12-2021

Letter from SLR dated 25-04-2022 update to Historic Environment Desk-based Assessment dated as received on 25-04-2022

Written Scheme of Investigation for Mitigation: Archaeological Monitoring by SLR Ref 406.10073.00001 V 1 dated October 2021 dated as received on 17-12-2021

Written Scheme of Investigation for Mitigation: Metal Detecting by SLR Ref 406.10073.00001 V 1 dated October 2021 dated as received on 17-12-2021

Geophysical Survey Report by Magnitude Surveys ref MSSK956 dated June 2021 dated as received on 17-12-2021

Re-assessment of cropmarks dated as received on 17-12-2021

Biodisc BD-BN Sewage Treatment Details – Klargester Waste Management Solutions dated as received on 16-02-2022

Planning Statement by JMI Planning dated as received on 17-12-2021

Design and Access Statement dated as received on 16-02-2022

3. **Materials**

The development shall only be carried out in accordance with the external materials that are stated within the application and on the approved plans and documents (as defined in Condition 2) unless otherwise first agreed in writing by the Local Planning Authority.

4. **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."

5. **Surface Water Drainage**

No development shall begin until the following elements of a surface water drainage design have been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must demonstrate:

a. Detailed proposals

Final detailed design (plans, network details and calculations where necessary) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Design to be based upon the outline proposals included in the Flood

Risk Assessment of 17th November 2021 (including the use of swale(s), filter drains, permeable paving, and attenuation basin). The design should include storage to attenuate flows up to and including the 1 in 100-year rainfall event + an allowance of 40% for climate change. Discharges to the Swanbourne River are to be limited back to the greenfield runoff rate of to 4.4 l/s.

b. Drainage System Performance

Calculations showing the performance of the drainage system at the 2-year, 30-year, and 100-year + 40% rainfall events and for all storm durations.

c. Confirmation of Discharge

The applicant should supply evidence of permission to discharge to the River Swarbour (EA Main River) at an agreed location and rate.

d. Management and Maintenance

The applicant should submit a plan for the management and maintenance of the finalised drainage system. The applicant should provide a named individual or management company responsible for managing and mainlining the drainage system over the intended design life.

e. Flood Plan

A flood plan should be developed for the site, under the care of the facility manager and staff. This should identify the areas of site at risk of flooding (those below 56.3mAOD) and actions to be taken when flooding is likely to occur. The

site manager (or Flood Warden) should register to receive Flood Alerts from the Environment Agency to act as a trigger.

6. **Travel Plan**

Before any part of the development hereby approved is brought into beneficial use and irrespective of any document currently submitted a Travel Plan will be submitted to and approved by the Local Planning Authority which will include a monitoring methodology which will include a survey methodology for assessing the travel mode choices of residents, an initial series of targets for modal shifts for residents and a secondary series of targets should the initial targets not be achieved. These secondary targets could include contributions to improving infrastructure to support sustainable travel modes as well as or instead of other measures to drive change.

The Travel Plan once approved will be monitored and managed including an agreed surveying system to identify travel choices of (residents/customers and staff), changes in those travel choices and submission of annual reports from the Travel Plan Co-ordinator to the Local Authority for a least five years from the occupation of the final part of the development or until the targets in the Travel Plan are met.

7. **Access Road**

Prior to the commencement of any development to implement the new private access road the details of the methodology and construction details shall be submitted to and approved in writing by the Local Planning Authority following consultation with Historic England. The access road shall be implemented in accordance with the approved details and thereafter retained and maintained for the lifetime of the development. When the Kids Village is no longer required the access road shall be removed and the ground reinstated to its former natural state in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

8. **Flooding**

The lodges hereby approved shall be located upon ground at or above 56.30m AOD and the finished floor level shall be set at or above 56.9m AOD.

9. **Protection of Trees During Development**

Prior to the commencement of any development on site a method statement and tree protection plan to protect all the existing trees and hedgerows within the woodlands immediately adjoining the site and within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before development commences and shall be retained at all times whilst construction work is taking place.

10. **National Forest/Landscaping**

Prior to the commencement of any work in site the following landscaping details shall be submitted to and approved in writing by the Local Planning Authority:

- Plan/s which quantifies and qualifies the National Forest planting (4.14ha) and includes:

Woodland mix – precise location, species mix, density of planting
Specimen trees – size, species and location
Biodiversity enhancement measures
Pond profile and design to ensure biodiversity enhancements

Areas of retained hedgerows and areas of new hedgerow planting to include standard trees

Full details of the proposed lodge and Hive planting zones

Planting that collectively achieve the proportions of habitats and numbers of features (such as hibernacula and bat boxes) set in the Biodiversity Net Gain Report (page 41) (Elite Ecology, December 2021)

Details of specific mitigation for skylark and lapwing.

- A landscape management plan to include details of the management of the above features which needs to include replacement planting in the event of failures.
- Details of the maintenance, enhancement and treatment of the National Forest Way.
- Details of features, including boardwalk and play equipment.

11. Landscape Implementation

All planting, seeding and turfing compromised in the approved details of landscaping required under Condition 1 shall be carried out in the first planting and seeding season following the completion of the development, and any trees or plants which within a period of 5 years from the completion of the landscaping scheme installation die, or 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. Trees within the public realm shall be heavy gauge and those flanking the entry to the site shall be extra gauge.

12. Ecology

Prior to the commencement of any works on site a Construction Environmental Management Plan to include species and habitat protection measures shall be submitted to and approved in writing with the Local Planning Authority. This should specifically include reference to skylark and batwing mitigation, reference to brown hare, precautionary measures and pre-commencement site checks for badgers and all the findings and recommendation of the approved Ecological reports listed in Condition 2.

13. Ecology

Prior to the commencement of any works on site an Ecological Mitigation and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should specifically include reference to skylark and lapwing mitigation, reference to brown hare, and all the findings and recommendations of the approved Ecological reports listed in Condition 2. This shall include the establishment of the site and the first five years of aftercare.

14. Lighting

Prior to the first occupation of any part of the site, a lighting design strategy for biodiversity for the lodges, Hive and access routes shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a. Identify those areas/features on site that are particularly sensitive for bats and are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and

- b. Show how and where external and internal lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances shall any other external lighting be installed without prior consent from the Local Planning Authority.

15. Use Restricted to that Applied For

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order) the buildings hereby permitted shall not be used for any purposes other than in association with the approved children's respite village and when the buildings hereby permitted are no longer required for the purposes of the children's respite village, they shall be dismantled, removed from the site and the land restored to its former condition.

16. Building shall be Removed when no longer Required

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order) the buildings hereby permitted shall not be used for any purposes other than in association with the approved children's respite village and when the buildings hereby permitted are no longer required for the purposes of the children's respite village, they shall be dismantled, removed from the site and the land restored to its former condition.

17. Electric Vehicle Charging Points

Prior to first occupation of the development hereby permitted details of electric vehicle charging points, shall be submitted in writing by the Local Planning Authority. The approved electric charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

18. Provision of Cycle Storage Facilities

Prior to the first occupation of any of the buildings hereby approved secure cycle storage facilities shall be provided and thereafter retained for the life of the development.

19. Dogs on Site

All dogs on site shall be kept on a lead at all times.

Informative

1. Pre-commencement Conditions

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

Condition No(s) 4, 5, 7, 9, 10, 12, 13 and 14.

This means that a lawful commencement of the approved development/works 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 £116 per request (or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house). 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. **During Development Conditions**

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

Condition No(s) 6

This means the 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 the Council endeavour to discharge all conditions within 21 days of receipt of the written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be.

3. **Engagement**

During the course of consideration of the proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

4. **Highways**

If they are to progressed the proposed site access works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form of email to road.adoptions@staffordshire.gov.uk. The applicant is advised to begin

this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>

5. **Cadent Gas**

Cadent have advised that there are gas pipelines and associated equipment within the vicinity of the application site. The applicants are advised to contact the plan protection team prior to any excavations/works commencing on site and that easements and BPD distances must be adhered to as must any pipeline plant protection measures deemed necessary by Cadent, to protect the integrity of the High Pressure gas pipelines must be adopted.

Email: plantprotection@cadentgas.com Tel: 0800 688588

6. **Environmental Health**

The business will need to be registered with the Environmental Health Team 28 days prior to trading. The business can register through the following link: <https://register.food.gov.uk/new/east-staffordshire>. If the applicant has any queries please direct them to the Environmental Health Team on 01283 508 578 or EHSupport@eaststaffsbc.gov.uk.

KITCHEN LAYOUT

The layout, design, construction and size of the kitchen must comply with Chapters I and II of Annex II to Regulation (EC) 852/2004, including the provision of a separate washbasin for cleaning hands, and adequate ventilation as detailed below. For further details the applicant should contact Environmental Health.

GREASE TRAPS

Provision should be made to include the installation of one or more grease traps or oil interceptors within the drainage system to prevent waste from entering directly or indirectly into a public sewer.

VENTILATION

The kitchen must be provided with suitable and sufficient means of natural or mechanical ventilation to all cooking equipment other than microwave ovens, in order to comply with Chapters I and II of Annex II to Regulation (EC) 852/2004. The ventilation system used must be easy to clean.

WASH-HAND BASINS

There should be the provision of a separate washbasin for cleaning hands as required by Chapter I of Annex II to Regulation (EC) 852/2004.

In addition, following the Food Standards Agency's guidance on E.coli, wash-hand basins in commercial kitchens where raw and ready to eat foods are handled should be provided with non-hand operated taps such as sensor, elbow or foot operated taps as they reduce the risk of cross-contamination.

ANITARY GUIDELINES FOR NEW PREMISES

Provision of Sanitary Accommodation in premises – Staffordshire standard

Number of Customers Male Provision (Staffs Standard) Female Provision (Staffs Standard)

Over 100 BS6465 2006 applies

51 - 100 1 WC + 1 urinal + 1 WHB

Separate provision for staff. 2 WC + 2 WHB

Separate provision for staff

26 – 50 1 WC + 1 WHB Can be used by staff and customers. 1 WC + 1 WHB

Can be used by staff and customers.

25 or less Shared use of 1 WC + 1 WHB

Can be used by staff and customers

Advisory Comment

It would be considered 'good practice' if provision was made for a separate toilet for staff use only.

7. **Newts**

The applicant is reminded that, 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 and 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 stages of the development works, then all works should cease, and Natural England should be contacted for advice.

8. **Public Rights of Way**

The attention of the developer should be drawn to the existence and location of the paths and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network. If the paths do need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpaths to allow the development to commence. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the paths are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpaths must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor Mrs V Gould		Councillor Ms A Legg
Councillor E Barker		Councillor S McKiernan
Councillor Mrs L Walker		
Councillor C V Whittaker		

320/22 APPEALS RECEIVED AND DETERMINED

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

321/22 PLANNING PERMISSIONS

The Report of Sal Khan, Head of Service regarding planning applications determined under delegated authority between 10th October 2022 and 11th November 2022 was received and noted.

322/22 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

Chairman