

# EAST STAFFORDSHIRE BOROUGH COUNCIL

## PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in the Coltman VC Room, Town Hall on Tuesday 27<sup>th</sup> February 2024 at 2.00pm.

### **Present:**

Councillors A. Afsar (Chairman), Mrs B Ashcroft, L. Bullock, M. Holton, M. Huckerby, Mrs J Jones, Ms A. Legg, M. Slater, C. Smedley and C. Whittaker

### **Officers Present:**

John Teasdale (Head of Legal and Regulatory Services and Monitoring Officer), Naomi Perry (Planning Manager), Alan Harvey (Principal Planning Officer), Lisa Bird (Planning Officer), Gary Shilton (Planning Officer) and Daniel Caulkett (Democratic Services Officer)

An apology for absence was received from Councillor S. Hussain

### 65/24 **DECLARATIONS OF INTEREST**

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

### 66/24 **PUBLIC MINUTES**

#### **Resolved:**

That the Public Minutes of the Meeting held on the 19<sup>th</sup> December 2023 be approved by the Committee and signed as a correct record, subject to the following amendment at minute number 50/23 1. P/2022/01349 Demolition of existing buildings to facilitate the erection of 44 No. dwellings together with associated access road, external works, car parking and landscaping Former Uttoxeter Household Waste Site, Pennycroft Lane, Uttoxeter, ST14 7BW, Councillor A. Afsar was not present for this item and did not vote thereon.

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. Holton Councillor M. Huckerby Councillor J. Jones		

Councillor A. Legg		
Councillor M. Slater		
Councillor C. Smedley		
Councillor C. Whittaker		

67/24 **URGENT BUSINESS**

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

68/24 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2023/00217 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, Mrs B Ashcroft, L. Bullock, M. Holton, M. Huckerby, Mrs J Jones, Ms A. Legg, M. Slater, 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 Charlotte Warburton, 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 Councillor C. Whittaker, which had been duly seconded by Councillor J. Jones to **DEFER** the application.

**Resolved:**

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

- 1) To allow for further consultation with the applicant surrounding the use of alternative field arrangements.
- 2) To allow for further consultation with the applicant surrounding the safety of the battery storage unit.

Members also requested that the applicants undertake further consultations with local residents.

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. Holton Councillor M. Huckerby Councillor J. Jones Councillor A. Legg Councillor M. Slater Councillor C. Smedley Councillor C. Whittaker		

At this juncture, Planning Officer, Gary Shilton joined the meeting.

2. **P/2022/00947 Change of use from agricultural land to use as an extension to Uttoxeter Cemetery Uttoxeter Cemetery, Stafford Road, Uttoxeter, Staffordshire**

The site visit was attended by Councillors A. Afsar, Mrs B Ashcroft, L. Bullock, M. Holton, M. Huckerby, Mrs J Jones, Ms A. Legg, M. Slater, 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 Penny Krupski, Ward Councillor for Town and Councillor Helen Headech, Parish Councillor for Uttoxeter Town Council, spoke on the application.

Jim Malkin, member of the public, spoke on the application.

Discussions took place.

A motion was put forward by Councillor J. Jones, which had been duly seconded by Councillor A. Legg for the hedgerow to be maintained.

**RESOLVED:**

Voting concerning the above decision was as follows.

Those voting for the motion	Those voting against	Those abstaining
Councillor B. Ashcroft	Councillor A. Afsar	

Councillor J. Jones	Councillor L. Bullock	
Councillor A. Legg	Councillor M. Holton	
Councillor M. Slater	Councillor M. Huckerby	
Councillor C. Smedley	Councillor C. Whittaker	

\*In accordance with rule 17.8, the Chairman used his casting vote and declared the amendment defeated.

A motion was put forward by Councillor M. Slater, which had been duly seconded by Councillor A. Legg to include permeable surfacing of the car park.

**RESOLVED:**

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. Holton		
Councillor M. Huckerby		
Councillor J. Jones		
Councillor A. Legg		
Councillor M. Slater		
Councillor C. Smedley		
Councillor C. Whittaker		

A motion was put forward by Councillor M. Holton, which had been duly seconded by Councillor C. Whittaker to **APPROVE** the application subject to conditions as per the main report, update sheet and permeable surfacing to be incorporated in condition 11.

**Resolved:**

Grant planning permission subject to conditions (as amended)

**1: Time Limit – 3 Year Standard Commencement**

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/documents subject to compliance with the other conditions of this permission:

Drawing No 2022-5024-001 Revision P8 Site & Location Plan scaled at 1:1250 and 1:500 dated as received on 23 February 2024

HSP2022-C4224-G-GPI-1198 Phase 1 Geo-Environmental Desk Study Report by HSP Consulting dated as received on 23 January 2023

Preliminary Ecology Appraisal by Fauna Forest Ecology dated as received on 1 November 2022

Written Scheme of Investigation for Geophysical and Earthwork Survey by University of Leicester Archaeological Services dated as received on 4 August 2023

Method Statement for removal of Hedgerow including Reasonable Avoidance Measures (RAMS) for Newts by SJL Landscapes Limited dated as received on 4 August 2023

Cross section of Road dated as received on 4 August 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, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP2, NP1, SP8, SP9, SP22, SP23, SP24, SP25, SP27, SP29, SP30, SP32, SP35, DP1, DP5, DP7 and DP8, Uttoxeter Neighbourhood Plan Policies D2, D4, T3, L2, E1, E2 and C1, the East Staffordshire Design Guide, Parking Standards Supplementary Planning Document, Open Space and Playing Pitch Supplementary Planning Document and the National Planning Policy Framework.

## **3: Levels conditions**

Prior to any groundworks commencing on the site a detailed scheme of land re-grading works in relation to the provision of the perimeter pathway and/or ground level changes (including existing and proposed cross-sections to a metric scale) shall be submitted to and approved in writing by the Local Planning Authority.

The pathway/re-grading/levelling works shall be carried out in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenities and biodiversity and to safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29, Uttoxeter Neighbourhood Plan Policy E1 and the National Planning Policy Framework.

## **4: Mitigation/ Enhancement Measures**

The development hereby approved shall not be commenced until a detailed scheme of landscaping (including a timetable of implementation) has been submitted to and approved in writing by the Local Planning Authority which demonstrates a 3:1 mitigation for loss of grassland and hedge habitat including details of bird nesting boxes and location of as stated in the Preliminary Ecological Appraisal (paragraph 4.8 of the Fauna Forest Ecology, October 2022).

The approved ecological enhancement measures shall be carried out in accordance with the approved timetable of implementation and thereafter retained/made available at all times for their designated purposes otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29, Uttoxeter Neighbourhood Plan Policy E1 and the National Planning Policy Framework.

#### **5: Management and Maintenance Plan (Landscaping and Ecology)**

The landscaping and ecological management plans shall be carried out in the first planting and seeding season following the development being brought into use or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 10 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 biodiversity and their habitats and in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

#### **6: Retention of timber for Habitat**

Prior to the removal of the Ash Tree details of the strategy for the retention on site of any deadwood/felled large timber from the tree concerned which shall be retained in large intact trunks (to form a wildlife habitat/ habitat pole) shall be submitted to and approved in writing by the Local Planning Authority.

The felled timber shall be retained on the site in accordance with the approved strategy unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29, Uttoxeter Neighbourhood Plan Policy E1 and the National Planning Policy Framework.

#### **7: Assessment/ Surveys**

Prior to any tree/hedgerow works a ground level tree assessment (GLTA) should be carried out by a suitably qualified ecologist in accordance with the recommendations in the Preliminary Ecological Appraisal (paragraph 4.5 of the Fauna Forest Ecology, October 2022) and any further surveys as recommended by the GLTA shall be submitted to and approved in writing by the Local Planning Authority.

Any works to the tree/hedgerow shall be undertaken strictly in accordance with the recommendations within the approved surveys unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29, Uttoxeter Neighbourhood Plan Policy E1 and the National Planning Policy Framework.

### **8: Ecology Reasonable Avoidance Measures (RAMS)**

All site clearance and construction operations shall comply with recommendations set out in section 5 'Reasonable Avoidance Measures' of the Preliminary Ecological Appraisal (Fauna Forest Ecology, October 2022) and in the Method Statement for The Removal Of Hedgerow Including Reasonable Avoidance Measures (RAMS) for Newts (SJL Landscapes). Should any protected species be found during construction, work must stop and the advice of a qualified Ecologist must be sought in terms of any mitigation.

Any mitigation measures shall in turn be implemented in strict accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the impacts of development on biodiversity, in accordance with Policy SP29 of the East Staffordshire Borough Council Local Plan and the National Planning Policy Framework.

### **9: Programme of Archaeological Work**

The archaeological site work shall be implemented on the site in full in accordance with the written scheme of archaeological investigation as approved under condition 2 above and the development shall not be first brought into use until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition 2 and provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To ensure that no development takes place which may adversely affect any items of archaeological interest without adequate investigation and recording in accordance with East Staffordshire Local Plan Policies SP25 and DP5, Policy D4 of the Uttoxeter Neighbourhood Plan and the National Planning Policy Framework.

### **10: Burial Condition**

All burials in the cemetery extension hereby approved shall comply with the following criteria:

- Be a minimum of 50 metres from a potable groundwater supply source
- Be a minimum of 30 metres from a water course or spring
- Be a minimum of 10 metres distance from field drains
- Be a minimum of 1 metre above the highest anticipated annual groundwater level

Reason: To protect the quality of controlled waters in the local area as requested by the Environment Agency and in accordance with Policy SP27 of the East Staffordshire Local Plan and the National Planning Policy Framework

### **11: Parking and Pathway**

Prior to the development being brought into use the pathway/roadway and parking area shall be hard surfaced to match the existing surfacing of the cemetery and drained accordingly.

Reason: To ensure adequate parking and access throughout the site and in the interests of visual amenities in accordance with East Staffordshire Local plan Policies SP1, SP24 and SP35 and the National Planning Policy Framework

## **12: Lighting Restriction**

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

## **Informatives**

### **1: During Development Conditions**

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

Condition No's: 3, 4, 5 and 7

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

Requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee must be paid when the request is made. Any number of conditions can be included for each request.

### **2: 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.

### **3: Environment Agency**

The applicant is advised to note and act upon as necessary the comments of the Environment Agency as follows:

*“We recommend that reference should be made to cemetery section in the ‘The Environment Agency’s approach to groundwater protection’ and information on the Natural Death Centre website.*

*Reference should be made to the Environment Agency document ‘Assessing the Groundwater Pollution Potential of Cemetery Developments’. Relevant best practice guidance must be followed and the design should be appropriate for the local circumstances, and should be based on-site investigation.”*



#### **4: Environment Agency Permit**

The Environment Agency advises that they require permits for new/extensions to cemeteries that present a high risk to the environment or require active mitigation measures or burial controls to protect groundwater.

#### **5: Police Architectural Liaison Officer**

The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer in regards to the Secured by Design Website ([www.securedbydesign.com](http://www.securedbydesign.com)) and in accordance with the recognised principles of Crime Prevention Through Environmental Design.

Further relevant help and information may be gained from the following web sites:

- [www.securedbydesign.com](http://www.securedbydesign.com)  
(The official Police Security Initiative and Police Preferred Specified security product scheme).
- [www.gov.uk/data-protection](http://www.gov.uk/data-protection)  
(Online notification of CCTV schemes, Data Protection Principles and relevant Codes Of Practice).
- [www.bsi-global.com](http://www.bsi-global.com)  
(Standards, Training, Testing, Assessment and Certification).
- [www.bregroup.com](http://www.bregroup.com)  
(Offer quality of performance and protection certification for fire, security and environmental products and services).
- [www.nsi.org.uk](http://www.nsi.org.uk)  
(Independent UKAS-accredited certification body in the security and fire sector).
- [www.ico.gov.uk](http://www.ico.gov.uk)  
(Independent authority upholding information rights in the public interest and data privacy for individuals).

Where there is any conflict between the comments of the Police Architectural Liaison Officer and the terms of the planning permission, the latter takes precedence.

#### **6: Hedgerow laying**

The County Ecologists advises that any work to the retained hedges should be remedially dealt with by an expert hedgelayer, who would thin (remove) a proportion of stems and bring the remainder down at an angle as living stems (pleachers) into a hedge line. Along this line existing standard trees should also be kept, with the hedgelayer possibly also singling some of the best hedge pieces as future standard trees. Suitable contractors can be found at

<https://www.hedgelaying.org.uk/pg/contractors/main.aspx>

The correct regional hedge style is Midland for this locality.

#### **7: Great Crested 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; intentionally or recklessly obstruct access to a resting or sheltering place. Planning

permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

**8: Naturespace**

The applicant is reminded that they can contact Naturespace at any time in order to enquire about joining the District Licensing Scheme to remove any risk of needing to stop the development should Great Crested Newts be found.

Naturespace contact details can be found at: <https://naturespaceuk.com/>

**1. Background papers**

1.1 The following papers were used in the preparation of this report:

- Local and National Policies as outlined in section 7 above

**2. Human Rights Act 1998**

2.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person’s private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

**3. Crime and Disorder Implications**

3.1 It is considered that the proposal does not raise any crime and disorder implications.

**4. Equalities Act 2010**

4.1 Due regard, where relevant, has been had to the East Staffordshire Borough 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. Holton Councillor M. Huckerby Councillor J. Jones		

Councillor A. Legg Councillor M. Slater Councillor C. Smedley Councillor C. Whittaker		
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69/24 **APPEALS RECEIVED AND DETERMINED**

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

**NOTED.**

69/24 **DELEGATED PLANNING PERMISSIONS**

The Report of the Head of Regeneration and Development on applications determined under delegated authority between 15<sup>th</sup> January 2024 and 9<sup>th</sup> February 2024 was received and noted.

**NOTED.**

70/24 **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. Holton Councillor M. Huckerby Councillor J. Jones Councillor A. Legg Councillor M. Slater Councillor C. Smedley		

Councillor C. Whittaker		
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