

Planning Committee – Tuesday 23rd April 2024

Update Report of the Head of Service

This Update Report has been checked on behalf of Legal Services by Penelope James

Item 5.1

Application No: 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, 28 Stapenhill Road, Burton upon Trent, Staffordshire, DE15 9AE

Amended land level plans and cross sectional drawings were received on the 16th April 2024, which made minor amendments to the submitted details, including the existing land levels amended to include the access road from within the existing cemetery and the cross sections being amended to show boundary trees. Condition 2 which lists the approved plans has therefore been updated to reflect this.

The agent has also confirmed that the level of the proposed car park will be a similar level to the adjacent access road, at 76.30 AOD, and has agreed to a condition in relation to this. Condition 8 has therefore been updated in relation to this. An additional informative is also recommended in respect of the car park land level.

Updated Conditions:

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.

8: Regrading Works/Retaining Wall and Land Level 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.

Informative:

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.

Recommendation – Remains as per officer report – Grant Permission Subject to updated Conditions and additional informative as above

For further information contact: Lisa Bird
Email: lisa.bird@eaststaffsbc.gov.uk

Item 5.2

Application No: 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

One additional neighbour comment was received following the closure of the consultation period, which raised similar concerns to those set out in the main report.

Leigh Parish Council have copied the LPA into an email which was sent to the Highway Authority raising concerns in relation to the access route as set out below:

'I was hoping to have heard back from you by now, prior to the ESBC Planning Committee meeting on Tuesday 23rd April, as you can see from my original email below Leigh Parish Council is extremely concerned about the safety of the proposed transport access route for the above planning application and we wanted to arrange an "on site" meeting so somebody from the Highways Department could see the complete unsuitability of using Leigh Bank for the access to the site of the HGV's due to how narrow the road is in parts, the lack of passing places and the blind bends. We wanted this meeting to take place prior to Tuesday but obviously that is not going to be possible now.

As I have not heard anything back from you I thought it would be useful to send you the attached video that was filmed this week and clearly demonstrates that on many parts of this road it is completely impossible for an HGV and a car to pass without damage being done to one or both of the vehicles. As you can see from the attached photo a side tail light that was sticking out from the side of the HGV has scraped down the entire side of the car, even though it had put its wing mirrors in and couldn't be any closer to the hedgerow.

Regardless of the outcome of the meeting on Tuesday, the Parish Council would still like you to come to Leigh and meet and visit the route with them so they can understand the plans for mitigating the danger to its parishioners when using the route.

I look forward to hearing back from you in the very near future.'

The issue in relation to the width of the road is noted, however, the Highway Authority have raised no objections to the proposals, with passing places proposed as a grampian condition, which would improve the current situation and allow for an HGV and car to be able to safely pass. Additional traffic is expected during the construction and decommissioning phases, however, it is unlikely throughout the operation life of the solar farm, other than for maintenance purposes. The passing places are proposed to remain in perpetuity and would therefore give a long term improvement for the local community.

Leigh Parish Council have also submitted further comments as set out below:

'I have been asked by the Parish Council to contact you to ask what the implications are on ESBC of SMDC refusing the planning application for the proposed Solar Farm at Upper Leigh, due to the fact that some of the fields fall into their district and the proposed route for the access to and from the solar farm also sits within their district?'

Staffordshire Moorlands District Council recommended approval at their March Committee meeting, however, the application was refused on the grounds of cumulative visual impact including impact on the character of the open countryside and visual intrusion to occupiers of neighbouring dwellings. Whilst the application has been refused the applicant does have the right to appeal, and Members are advised that it would be possible for the solar farm to operate in the East Staffordshire area only, as all of the infrastructure is sited within this area, irrespective of the outcome of any potential appeal.

Recommendation – Remains as per officer report – Grant Permission Subject to Conditions

For further information contact: Lisa Bird
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Item 5.3

Application No: 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

Two further representations received from one neighbour, detailed as follows:

- Criticism on the lack of communication from the planning department on the proposals
- Link in the email/letter received by residents did not work

Comments on points made in Officer report to Committee:

- 11.1 The Highway Authority indicate that the road does not connect to a highway maintainable at public expense – this is incorrect, Thorntree Lane meets Main Street. Thorntree Lane does meet adoptable standards and will be pursuing this in the future.
- 11.4 – how can the road be reinstated to the same condition without a comprehensive road survey?
- 11.5 – re access rights, insufficient detail provided to ensure the legal rights of access will be transferred to the new dwellings
- 11.5 – re the service charge agreement, does this mean that any size and weight of vehicle can use Thorntree Lane and will future occupiers fall into the service charge arrangement?
- Residents contact with St Modwens regarding a Condition Schedule for the road before work starts

Local residents are not rejecting the properties being built but everyone is concerned regarding the condition of the road once all the work has been completed. A Schedule of Condition of the road needs to be done and the developer held responsible for the same condition on completion of works.

Councillor Andrew Riley, Chairman Barnston Parish Council – response to neighbour regarding their objections above advising that their concerns would be brought to the attention of the Ward Members.

Officer Response:

Local residents were consulted on the original submission and then re-consulted once amended plans had been negotiated, as is the normal procedure. Residents have also had letter to notify of the Planning Committee date and the public speaking procedure.

A further link to the Planning Committee report section of the website was sent to the Parish Council upon notification that the link in the letters sent out re public speaking at Committee was not working.

The Highway Authority identified that Thorntree Lane is a private road and therefore that the new development would link into a private road, there is no dispute that Thorntree Lane meets Main Street, which is an adopted highway. If residents wish to pursue the adoption of Thorntree Lane that is their right, but it should be noted that the road was built as a private road with the intention of it staying that way in the future.

St Modwens have confirmed that Thorntree Lane has now transferred to the Branston Leas Hollyhock Estate management Company. St Modwens have also advised that there is an agreement in place between the adjacent land owner and the Branston Leas Hollyhock Estate Management Company that, if Thorntree Lane is to be used for construction traffic, the adjacent landowner will need to provide a condition report to the Management Company ahead of using it for construction and carry out regular cleaning and maintenance of the road during construction. This is a private legal matter between the applicant/landowner and the Management Company and outside of the remit of the Planning Authority.

The applicant has provided evidence that access rights to the site were maintained when the land was sold to build St Modwens Branston Leas Phase 1 (Thorntree Lane) and this is evident on site by the formal nature of the access constructed. The question of access rights for the future occupiers is a legal matter outside of the remit of the Planning Authority.

There is currently no size or weight restriction within Thorntree Lane. The main report indicates that St Modwens/the Management Company are already in discussions with the applicant about the new houses becoming part of the service charge arrangement.

Recommendation – Remains as per officer report – Grant Permission Subject to Conditions

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