

# EAST STAFFORDSHIRE BOROUGH COUNCIL

## PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in the Coltman VC Room, Town Hall on Tuesday 26<sup>th</sup> November 2024 at 2.00pm.

### **Present:**

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

### **Officers Present:**

Naomi Perry (Planning Manager), Barbara Toy (Principal Planner), Lisa Bird (Principal Planning Officer), Penelope James (Principal Solicitor), Daniel Lucas (Legal Administrative Assistant), Daniel Caulkett (Democratic Services Officer) and Emily Thomas (Corporate Services Apprentice).

An apology for absence was received from Councillor M. Holton

At the commencement of the meeting, all present observed a minutes' silence in memory of former Chairman of the Committee Councillor David Brookes.

### 129/24 **DECLARATIONS OF INTEREST**

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

### 130/24 **PUBLIC MINUTES**

#### **Resolved:**

That the Public Minutes of the Meeting held on the 29<sup>th</sup> October 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 M. Huckerby Councillor L. Bullock Councillor Mrs B. George Councillor Mrs J. Jones Councillor Ms A. Legg Councillor M. Slater		Councillor S. Slater

Councillor C. Smedley		
Councillor C. Whittaker		

131/24 **URGENT BUSINESS**

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

132/24 **APPLICATIONS FOR PLANNING PERMISSION**

1. **P/2024/00632 Change of use of land to the rear of 1 Hollyhock Way to residential garden, erection of a 2 metre high boundary wall and retention of a 2 metre high fence and gate 1 Hollyhock Way, Branston, Staffordshire, DE14 3FE**

The site visit was attended by Councillors A. Afsar (Chairman), M. Huckerby (Vice Chairman) L. Bullock, B. George, Mrs J. Jones, Ms A. Legg, M. Slater, S Slater, C. Smedley and C. Whittaker.

An officer presentation of the application was made to members of the Committee.

Discussions took place.

**Resolved:**

A motion was put forward by Councillor Mrs J. Jones, which had been duly seconded by Councillor Ms A. Legg to **APPROVE** application P/2024/00632 subject to the following conditions:

**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 subject to compliance with other conditions of this permission:

Drawing No's:

Drawing No. 50779-2024-NH-11A – 1:1250 Location Plan – dated as received 14/11/2024

Drawing No. 50779-2024-NH-13E – 1:250 Existing and Proposed Site Layout and 1:200 Existing and Proposed West Elevations – dated as received 22/10/2024

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 SP24, SP35, DP1 and DP3, Branston Neighbourhood Plan Policies, the East Staffordshire Design Guide, Separation Distances and Amenity Supplementary Planning Document, Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

### **3. Matching Materials**

All external materials used for the boundary wall shall match those of the existing building including colour, size, coursing and texture unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the building(s) and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3 (delete as necessary), the East Staffordshire Design Guide and the National Planning Policy Framework.

### **4. PD Rights Outbuildings**

Notwithstanding the provisions of Class E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that order, no buildings or structures shall be erected within the land the subject of this permission unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with East Staffordshire Local Plan Policies SP24 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **5. Vehicular Access**

No vehicular access shall be constructed from Acacia Lane and no vehicles shall be stored on the site unless planning permission has first been granted from the Local Planning Authority

Reason: To safeguard the character and appearance of the area in accordance with East Staffordshire Local Plan Policies SP24 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **6. Contaminated Land Condition (Reporting of unexpected contamination)**

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by a competent person in accordance with 'Land Contamination Risk Assessment ('LCRM') which was published in 2020'. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historic environment, which is subject to the approval in writing of the Local Planning Authority. The scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to bringing the development into first use.

Reason: In order to safeguard human health and the water environmental and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan and the National Planning Policy.

### **Informative:**

#### **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. Land Contamination**

You are advised that in relation to land contamination mitigation that the responsibility for securing a safe development rests with the developer and/or landowner.

#### **3. Trees**

The applicant is advised that it is recommended that replacement trees are planted of a similar species and of at least a light standard (6-8cm) within the site in the next planting season

#### **4. 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): to 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 a suitably qualified and experience ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a license.

Voting concerning the above decision was as follows.

Those voting for the motion	Those voting against	Those abstaining
Councillor A. Afsar Councillor M. Huckerby Councillor L. Bullock Councillor Mrs B. George Councillor Mrs J. Jones Councillor Ms A. Legg Councillor M. Slater Councillor S. Slater Councillor C. Smedley Councillor C. Whittaker		

**7. P/2023/01290 Use of agricultural land as Outdoor Education Area, erection of a detached barn/ classroom and formation of a new vehicular access Sweetmore Meadow, Chebsey Bank, Church Leigh, Stoke on Trent**

The site visit was attended by Councillors A. Afsar (Chairman), M. Huckerby (Vice Chairman) L. Bullock, B. George, Mrs J. Jones, Ms A. Legg, M. Slater, S Slater, C. Smedley and C. Whittaker.

An officer presentation of the application was made to members of the Committee.

Glinys Johnson, Laura Tatham, and Jonathan Smith, members of the public, spoke on the application.

Dr Judith Darnell, the applicant for the application, spoke on the application.

Discussions took place.

A motion was put forward by Councillor C. Whittaker which had been duly seconded by Councillor Mrs J. Jones to include Condition 12 that in the event that the educational use hereby permitted ceases to operate for a period of 12 consecutive months the educational use shall cease permanently and the land shall return to its original agricultural use.

Voting concerning the above decision was as follows.

Those voting for the motion	Those voting against	Those abstaining
Councillor A. Afsar Councillor M. Huckerby Councillor L. Bullock Councillor Mrs B. George Councillor Mrs J. Jones Councillor Ms A. Legg Councillor M. Slater Councillor S. Slater Councillor C. Smedley Councillor C. Whittaker		

A motion was put forward by Councillor C. Whittaker which had been duly seconded by Councillor Mrs B. George to include Condition 13 that prior to any groundworks taking place in relation to the barn hereby approved details of the gabion wall including sections and scaled drawings, construction details and slab levels, shall be 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.

Voting concerning the above decision was as follows.

Those voting for the motion	Those voting against	Those abstaining
Councillor A. Afsar Councillor M. Huckerby Councillor L. Bullock Councillor Mrs B. George Councillor Mrs J. Jones Councillor Ms A. Legg Councillor M. Slater Councillor S. Slater		

Councillor C. Smedley		
Councillor C. Whittaker		

## **Resolved:**

A motion was put forward by Councillor C. Whittaker, which had been duly seconded by Councillor Mrs J. Jones to **APPROVE** the application subject to Conditions and Informatives.

## **Conditions**

### **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:

Drawing Nos:

1:1250 Location Plan dated as received on 23<sup>rd</sup> November 2023

JD\_DR\_EX\_120923 Rev X, 1:500 Existing Site Plan dated as received on 23<sup>rd</sup> November 2023

Sweetmore Meadow Final 2024\_v6 Rev H, 1:500 Proposed Site Plan dated as received on 18<sup>th</sup> November 2024

1:100 Proposed Barn Elevations dated as received on 23<sup>rd</sup> November 2023

1:100 Proposed Barn Floor Plans dated as received on 23<sup>rd</sup> November 2023

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the rural locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP8, SP14, SP24, SP27, SP29, SP34, SP35, DP1, DP7 and DP8, the East Staffordshire Design Guide, the Parking Standards SPD and the National Planning Policy Framework.

### **3 - Materials**

All external materials used in the development shall be as set out on the plans and documents listed under condition 2 above unless otherwise first agreed in writing with the Local Planning Authority.

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

### **4 - Details of landscaping**

Prior to the first use of the development hereby permitted a scheme of planting for the living gabion wall and to screen the Grade II\* listed church to the east shall be submitted to and approved in writing by the Local Planning Authority. The approved planting scheme shall be implemented prior to the first use of the site as an Outdoor Education Centre.

Reason: To ensure that a landscaping scheme to enhance the development and protect heritage assets is provided in accordance with East Staffordshire Local Plan Policies SP24, SP25, DP1 and DP5, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **5 - Implementation of Landscaping**

The approved tree planting to screen the approved barn shall be provided as an equal mix of rowan, cherry, oak, silver birch and field maple and all planting, seeding or turfing (including the living gabion wall) comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the site 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 SP1, SP24 and DP1, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **6 - Surfacing of Access, Parking and Turning Areas a**

Prior to the first use of the development hereby granted permission the access, parking and turning areas shall be provided in compacted limestone and thereafter shall be made available at all times for their designated purposes. No surface water shall run onto the highway from the access, parking and turning areas.



Reason: As recommended by the Highway Authority in the interests of highway safety, and to ensure porous materials are used where appropriate to reduce the risk of flooding in accordance with East Staffordshire Local Plan Policies SP1, SP27 and SP35, the Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

## **7 - Visibility splays**

Prior to the first use of the development the visibility splays shown on the approved plans shall be cleared of all obstructions to visibility greater than 0.6m above the level of the carriageway and once maintained as such thereafter.

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.

## **8 - Contaminated Land (During Construction)**

In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by a competent person in accordance with the new Land Contamination Risk Management (LCRM) guidance. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historic environment, which is subject to the approval in writing of the Local Planning Authority. The scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to bringing the development into first use.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

## **9 – Hours of Operation**

No operations authorised or required under this permission shall be carried on outside the following times:

08:30 until 17:00 Mondays to Fridays

nor at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of adjoining properties and the locality in general in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and DP7.

### **10 - Restrict Use**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any order revoking and re-enacting that Order, this permission shall relate to the use of the premises as an Outdoor Education Facility for a maximum of 35 children at any one time and for agricultural purposes, as described in the application and for no other purpose.

Reason: To ensure any future use of the premises does not adversely affect the amenities of occupiers of adjoining properties and locality in general in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework.

### **11 - Restrict Lighting**

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

Reason: To protect the amenities of occupiers of adjoining premises and protected species in accordance with East Staffordshire Local Plan Policies SP29 and DP1.

### **12 – Change in Land Usage**

In the event that the educational use hereby permitted ceases to operate for a period of 12 consecutive months the educational use shall cease permanently and the land shall return to its original agricultural use.

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

### **13 – Gabion Wall**

Prior to any groundworks taking place in relation to the barn hereby approved details of the gabion wall including sections and scaled drawings, construction details and slab levels, shall be 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 ensure that the development does not adversely affect the amenities of adjoining properties and the character and appearance of the rural area in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24 and DP1, the East Staffordshire Design Guide and the National Planning Policy Framework.

## **Informatives:**

### **1 - Pre-commencement Conditions/During Development Conditions**

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

Condition No. 4

This means that a lawful commencement of the approved development/works 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 online.

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 - Vehicle Access Crossings**

The applicant is advised that a Section 184 Notice of Approval from Staffordshire County Council is required prior to the new access being constructed. A vehicle access crossings information pack and an application form for a vehicle access crossing (dropped kerb) are available on the County Council's website at

[www.staffordshire.gov.uk/transport/staffshighways/licences/Vehicle-access/VehicleAccessCrossings](http://www.staffordshire.gov.uk/transport/staffshighways/licences/Vehicle-access/VehicleAccessCrossings). 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](mailto:nmu@staffordshire.gov.uk).

### **3 - 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.

### **4 - Nature Space**

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 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.

### **5 - Public Footpaths**

The applicant is advised that Public Footpath No. Leigh 28 which crosses the site should not be obstructed or extinguished as a result of this development either during or after construction.

### **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 - Biodiversity Net Gain**

Unless an exception or a transitional arrangement applies, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be East Staffordshire Borough Council.

Voting concerning the above decision was as follows.

Those voting for the motion	Those voting against	Those abstaining
Councillor A. Afsar Councillor M. Huckerby Councillor L. Bullock		

Councillor Mrs B. George Councillor Mrs J. Jones Councillor Ms A. Legg Councillor M. Slater Councillor S. Slater Councillor C. Smedley Councillor C. Whittaker		
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133/24 **APPEALS RECEIVED AND DETERMINED**

The Chairman Informed the Committee that the Report regarding appeals received, withdrawn and determined had been circulated and noted.

An opportunity for questions followed.

**NOTED.**

134/24 **DELEGATED PLANNING PERMISSIONS**

The Chairman Informed the Committee that the Report regarding and determined had applications determined under delegated authority between 9<sup>th</sup> September 2024 and 8<sup>th</sup> November 2024 been circulated had been circulated and noted.

**NOTED.**

135/24 **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 M. Huckerby		

Councillor L. Bullock Councillor Mrs B. George Councillor Mrs J. Jones Councillor Ms A. Legg Councillor M. Slater Councillor S. Slater Councillor C. Smedley Councillor C. Whittaker		
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