

EAST STAFFORDSHIRE BOROUGH COUNCIL

PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in the Coltman VC Room, Town Hall on Tuesday 28th November 2023 at 2.00pm.

Present:

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

Officers Present:

John Teasdale (Head of Legal and Regulatory Services (Monitoring Officer), Naomi Perry (Planning Manager), Barbara Toy (Principal Planning Officer), Alan Harvey (Principal Planning Officer), Daniel Caulkett (Democratic Services Officer)

47/23 **DECLARATIONS OF INTEREST**

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

48/23 **PUBLIC MINUTES**

Resolved:

That the Public Minutes of the Meeting held on the 24th October 2023 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 B. Ashcroft Councillor L. Bullock Councillor M. Huckerby Councillor S. Hussain Councillor J. Jones Councillor A. Legg Councillor M. Slater Councillor C. Smedley Councillor C. Whittaker		Councillor M. Holton

49/23 **URGENT BUSINESS**

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

50/23 **APPLICATIONS FOR PLANNING PERMISSION**

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**

The site visit was attended by Councillors.

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

Jim Malkin, the agent for the application, spoke on the application.

Discussions took place.

A motion was put forward by Councillor A. Legg, which was duly seconded by Councillor M. Huckerby to amend 'Condition 30 – Landscaping provision (upon completion)' that require maintenance provision for 10 years instead of the originally proposed 5 years.

Resolved:

Voting concerning the above motion was as follows.

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

The motion was carried for Condition 30 to be amended.

A motion was put forward by Councillor C. Whittaker, which was duly seconded by Councillor J. Jones to **APPROVE** the application subject to Section 106 Agreement and conditions.

Resolved:

Subject to the Section 106 Agreement and conditions (as amended).

Condition 1 - Standard Three Years 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.

Condition 2 - Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans/documents subject to compliance with other conditions of this permission:

- Drawing No 201936-02C - Location Plan dated as received 5.12.2022
- Drawing No 201936-30J - Site Plan date as received 27.10.2023
- Drawing No 201936-03A - Flat Floor Plans Plots 31-38 dated as received 22.11.2022
- Drawing No 201936-04 - Flat Elevations Plot 31-38 dated as received 22.11.2022
- Drawing No 201936-07A - 2B3P House Floor Plans dated as received 22.11.2022
- Drawing No 201936-08 - 2B3P House Elevations dated as received 22.11.2022
- Drawing No 201936-09A - 2B4P Wide House Floor and Roof Plans 22.11.2022
- Drawing No 201936-10 - 2B4P Wide House Elevations dated as received 22.11.2022
- Drawing No 201936-11A - 2B4P House Floor Plans dated as received 22.11.2022
- Drawing No 201936-12 - 2B4P House Elevations dated as received 22.11.2022
- Drawing No 201936-13A - 3B5P House Floor and Roof Plans dated as received 22.11.2022
- Drawing No 201936-14 - 3B5P House Elevations dated as received 22.11.2022
- Drawing No 201936-15A - 4B6P House Floor and Roof Plans dated as received 22.11.2022
- Drawing No 201936-16 - 4B6P House Elevations dated as received 22.11.2022
- Drawing No 17438B-T_ - Topographical Survey dated as received 22.11.2022
- Drawing No 22-083-PL-02 - Detailed Landscape Plan dated as received 5.12.2022
- Drawing No 22079 - PL-100S38 A- Section 38 Agreement Plan dated as received 22.11.2022
- Drawing No 22079 - PL-DS01 Rev C - Indicative Drainage Strategy Layout dated as received 30.3.2023.
- Drawing No 22079 - PL-SPA01 Rev D - Swept Path Analysis - Refuse dated as received 22.11.2022
- Drawing No 22079 - PL-SPA02 Rev C - Swept Path Analysis - Fire Tender dated as received 22.11.2022
- Drawing No 22079 - PL-SPA03 Rev C - Swept Path Analysis - Private Car dated as received 22.11.2022
- Drawing No 201936-34 - Roof Plans on Site with Indicative PV Panels dated as received 22.11.2022
- Drawing No 201936-35 - Street Elevations dated as received 22.11.2022

Drawing No 201936-36 - Buildings to be Demolished Plan dated as received 6.12.2022

Drawing No 22079 - PL-02 - REV Proposed Impermeable Area Plan dated as received 30.3.2023

Drawing No 22079 - PL-03 - REV Existing Impermeable Area Plan dated as received 30.3.2023

Drawing No 22079 - PL-04 - REV Flood Exceedance Routing Plan dated as received 30.3.2023

Drawing No 22079 - PL-101 Rev B - External Works (Sheet 1 of 2) dated as received 30.3.2023

Drawing No 22079 - PL-102 Rev B - External Works (Sheet 2 of 2) dated as received 30.3.2023

Drawing No 56306 - Location of Underground Drains and Sewers dated as received 22.11.2022

Banners Gate - Technical Note Response to LLFA request for further information (29th July 2023) dated as received 30.3.2023

Drawing No. 22079-PL-S38-01 B - Planning Section 38 Agreement Plan (1 of 2) dated as received 9.1.2023

Drawing No. 22079-PL-S38-02 - Planning Section 38 Agreement Plan (2 of 2) dated as received 9.1.2023

Banners Gate Flood Risk Assessment (November 2022) dated as received 22.11.2022

Ivy House Environmental Soakaway Testing Letter Report (17th June 2022) dated as received 22.11.2022

Ivy House Environmental Initial Letter Report to client - data review waste classification dated as received 22.11.2022

Ivy House Environmental Data review of previous remediation and validation works etc. (24th August 2022) dated as received 22.11.2022

Ivy House Environmental Phase II Geo-Environmental Report (June 2022) dated as received 22.11.2022

Ivy House Environmental Remediation Method Statement: Phase 2 Areas (August 2022) - dated as received 22.11.2022

XtraTech Ltd Test report of moisture content of soils (February 2022) dated as received 22.11.2022

Focus Environmental Consultants Preliminary Ecological Appraisal with Preliminary Roost Assessment (January 2021) dated as received 22.11.2022

Focus Environmental Consultants Reptile Survey Report (September 2021) dated as received 22.11.2022

Focus Environmental Consultants Bat Survey Update Site Visit Report (21st December 2022) dated as received on 21.12.2022

Focus Environmental Consultants Arboricultural Survey and Constraints Report dated as received 22.11.2022

Focus Environmental Consultants Arboricultural Method Statement (March 2023) dated as received on 16.3.2023

Focus Environmental Consultants Arboricultural Survey & Impact Assessment (AIA) (March 2023) dated as received on 16.3.2023

Focus Environmental Consultants Aerial Inspection of Trees for Potential Roosting Features for Bats (September 2021) dated received on 22.11.2022

Focus Environmental Consultants Bat Survey Report (September 2021) dated received on 22.11.2022

Focus Environmental Biodiversity Net Gain Assessment 4.0 - Pennycroft Lane (10th July 2023) dated received on 26.7.2023
Banners Gate Technical Note – Central Watercourse Optioneering (11 November 2022) dated as received 22 November 2022
Noise.co.uk Environmental Noise Assessment (dated 22 October 2020) dated as received 22.11.2022
Banners Gate Highways and Transport Statement (November 2022) dated as received 22.11.2022
Application Form dated as received 22.11.2022

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, SP4, SP9, SP10, SP16, SP17, SP23, SP24, SP25, SP27, SP29, SP32, SP35, DP1, DP2, DP3, DP5, DP7 and DP8, made Uttoxeter Neighbourhood Plan Policies D1, D3, T1, T2, T3, T4, L3, E1, E3, E4, H2, C2, and C3, the East Staffordshire Design Guide, the Parking Standards SPD, Separation Distances and Amenity SPD, Open Space SPD, Housing Choice SPD, Waste SPD, Climate Change SPD and the National Planning Policy Framework.

Condition 3 - Construction Management Plan (inc. hours of operation)

No development shall commence, including site clearance works, until a Construction Management Plan, including details of parking provision for vehicles of site visitors and operatives, hours of operation, the provision of storage and unloading of plant and materials, and measures to mitigate deleterious material being carried onto the highway has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved Construction Management Plan unless otherwise approved in writing by the Local Planning Authority.

Reason: As recommended by the Highway Authority in the interests of highway safety, and to safeguard the amenities enjoyed by the occupiers of nearby dwellings in accordance with East Staffordshire Local Plan Policies SP1, SP35 and DP7 and the National Planning Policy Framework.

Condition 4 - Road Construction details

No development shall take place until details of road construction including longitudinal sections, streetlighting and drainage details for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and National Planning Policy Framework

Condition 5 - Foul Water Drainage

The development hereby permitted should not commence until drainage plans for the disposal of foul water flows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework

Condition 6 - Sustainable Surface Water Drainage

No development shall commence on the site until the final detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority and Severn Trent Water Ltd. The design must be in accordance with drainage strategy drawing 22/079 / PL DS01 Rev C and must further demonstrate/provide:

- a) Surface water drainage system(s) designed in accordance with the non-technical standards for sustainable drainage systems (DEFRA, March 2015).
- b) Limiting the discharge rate generated by all rainfall events up to 100-year event (including a 40% climate change allowance) to 22 l/s.
- c) A plan showing the final impermeable area contribution.
- d) Detailed design (plans, network details and full hydraulic calculations) in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. The design shall incorporate SuDS features to provide recycling and additional source control (water butts, permeable paving), water treatment, amenity, and biodiversity benefits (rain gardens, tree catchment pits and bio-retention areas) in accordance with the CIRIA SuDS Manual. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include as a minimum the 1:1 year, 1:30 year and the 1:100-year plus climate change (40%) return periods.
- e) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.

Where applicable, finished floor levels to be set 150mm above the surrounding ground to mitigate the risk from exceedance flows.

The development shall be implemented in accordance with the approved details/scheme unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development and to mitigate pollution in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework

Condition 7 - Land contamination mitigation scheme

No development hereby approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A detailed risk assessment and, based on this, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (1) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be implemented in accordance with the approved details/scheme unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework

Condition 8 - Ground Gases mitigation scheme

No development shall take place until a detailed scheme for the investigation and recording of ground gases (including soil vapour), which shall include any necessary measures for mitigation of any identified risk for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved mitigation measures, and a declaration that remedial targets have been achieved shall be submitted and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings on site unless otherwise first agreed in writing by the Local Planning Authority.

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 Policies SP1 and DP7 and the National Planning Policy Framework.

Condition 9 - Construction Environmental Management Plan (biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following.

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs

The approved Construction Environmental Management Plan (CEMP) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, 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 Policies SP1 and SP29 and the National Planning Policy Framework.

Condition 10 – Ecological Mitigation and Management Plan

No development, including site clearance works, shall take place until an Ecological Mitigation and Management Plan (EMMP) has first been submitted to and approved in writing by the Local Planning Authority. The EMMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The ecological mitigation and management plan (EMMP) shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Condition 11 - Construction Noise Mitigation Scheme

Prior to commencement of the development, including demolition, construction or earthworks on site, a scheme of construction noise mitigation scheme in line with BS 5288 Part 1+A1:2014 shall be submitted to and agreed by the Local Planning Authority. The construction phase of the development shall be undertaken in strict accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard human health in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

Condition 12 - Dust mitigation scheme (construction phase)

Prior to commencement of the development, including demolition, construction or earthworks on site until a scheme of dust prevention and mitigation measures for the construction phase have been submitted to, and approved in writing by the Local Planning Authority. The construction phase of the development shall be undertaken in strict accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard human health and the water environment as well as to preserve the amenities of nearby residents in accordance with East Staffordshire Local Plan Policies SP1 and DP7 and the National Planning Policy Framework

Condition 13 – Watercourse works

The development hereby permitted must not be commenced until such time as a scheme for the ongoing effective operation and maintenance of the Waterstones Brook and its culverts has been submitted to, and approved in writing by, the Local Planning Authority. This shall comprise of a CCTV survey and the subsequent plan for repair and maintenance to cover the lifetime of the development. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To demonstrate that the development will remain safe from flooding for its lifetime in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

Condition 14 – Reasonable Avoidance Measures Statement (RAMS)

No development, including site clearance works, shall take place until a Reasonable Avoidance Measures Statement (RAMS) to ensure the development will not impact on great crested newts and their habitats has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved RAMS statement 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 Policies SP1 and SP29 and the National Planning Policy Framework.

Condition 15 – Updated Bat surveys

Buildings B1 and B2 (as identified in the Focus Environmental Consultants Bat Survey Update Site Visit Report of 21st December 2022) shall not be demolished until such time as updated Bat surveys have first been submitted to and approved in writing by the Local Planning Authority. The survey report shall include details of any necessary mitigation measures to secure licences. The development shall be implemented in accordance with the approved details 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 Policies SP1 and SP29 and the National Planning Policy Framework.

Condition 16 – Control of surface water (Construction Phase)

Satisfactory arrangements for the control of surface water shall be put in place during the construction phase of the development to ensure that flood risk is not increased prior to the completion of the approved drainage strategy (as required by condition 6 above).

Reason: To reduce the risk of surface water flooding to the development and surrounding properties during construction in accordance with East Staffordshire Local Plan Policy SP27 and the National Planning Policy Framework

Condition 17 – Tree protection plan (Construction Phase)

All existing trees shown on the approved plans (listed at condition 2 above) to be retained shall be fenced off in accordance with in accordance with the approved Tree Protection scheme (dated as being received on 16 March 2023) before the commencement of development (including any site clearance works) . The approved

protection measures shall be retained at all times whilst construction work is taking place and no works including removal of earth, storage of plant or materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas at any time unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are taken to preserve trees and their root systems whilst construction work is progressing on site in accordance with East Staffordshire Local Plan Policy DP8 and the National Planning Policy Framework.

Condition 18 – External Materials details

No built development shall take place above damp proof course level until samples and details of all materials to be used externally for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenities in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP1, the East Staffordshire Design Guide and the National Planning Policy.

Condition 19 - Arboricultural method statement adherence (construction phase)

The approved Arboricultural method statement (dated as being received on 16 March 2023) shall be adhered to at all times during the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and in the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP24, SP29 and DP8, and the National Planning Policy Framework.

Condition 20 - Common Toad mitigation (construction phase)

The development shall be undertaken in accordance with the Common Toad mitigation statement (dated as being received on 3 October 2023) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework.

Condition 21 - Soil Importation controls (construction phase)

Any soil to be imported to the site shall first be chemically analysed for contaminants, with the results submitted to and approved in writing by the Local Planning Authority prior to the soil being installed.

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.

Condition 22 – Adherence to Levels details (construction phase)

The development shall only be carried out in accordance with the approved slab and ground regrading details shown on the approved plans (listed at condition 2 above) unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not adversely affect the amenities of adjoining properties and the character or appearance of the area in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework

Condition 23 - Land contamination mitigation completion (verification before occupation)

Prior to any part of the development being first occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework

Condition 24 - Management and maintenance plan for the surface water drainage system

Prior to the first occupation of any dwelling at the site a management and maintenance plan for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the name and contact details of the body/bodies responsible. The surface water drainage system shall thereafter be maintained in accordance with the approved management and maintenance plan unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development and to mitigate pollution in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework

Condition 25 - External lighting scheme

No dwelling unit shall be occupied until such time as an external lighting scheme has first been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18: Bats and artificial lighting in the UK and shall include a lighting contour plan to demonstrate that there will be minimal impact on receptor habitats such as trees and greenspace. The development shall be implemented in accordance with the approved details 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 Policies SP1 and SP29 and the National Planning Policy Framework

Condition 26 - Parking provision (before occupation)

Prior to the first occupation of any of the relevant dwelling(s)/apartment(s) hereby granted permission the access, parking and turning areas shown on the approved plan shall be provided in a bound material in accordance with details shown on the approved plans (as listed at condition 2 above), and thereafter shall be made available at all times for their designated purposes.

Reason: 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 and SP35, Car Parking Standards SPD and the National Planning Policy Framework

Condition 27 - Secure cycle locker provision (before occupation)

Prior to the first occupation of the relevant apartment(s) hereby granted permission the secure cycle locker(s) shall be provided in accordance with the approved details (as shown on the list of approved plans at condition 2 above) and thereafter shall be retained and made available at all times for the life of the development.

Reason: To encourage sustainable transport methods in accordance with East Staffordshire Local Plan Policies SP1 and SP35, Car Parking Standards SPD and the National Planning Policy Framework

Condition 28 - Boundary Treatments provision before occupation (including hedgehog holes)

The boundary treatment scheme hereby approved (as shown the approved drawings listed at condition 2) shall be completed prior to the first occupation of the dwelling concerned/prior to the relevant part of the development first being brought into use. Hedgehog holes shall be provided as per the approved scheme.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP24 and DP3, and the National Planning Policy Framework.

Condition 29 - Provision of swift boxes/bricks and bee bricks (prior to occupation)

No dwelling unit shall be first occupied until a detailed scheme (including a timetable for installation) for the provision of bat roosts/boxes, bird boxes, swift bricks and bee bricks has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details (including the agreed timetable) unless otherwise first agreed in writing by the Local Planning Authority and once installed bat roosts/boxes, bird boxes, swift bricks and bee bricks shall be retained for the life of the development.

Reason: To safeguard wildlife habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework

Condition 30 – Landscaping provision (upon completion)

All planting, seeding or turfing comprised in the approved details of landscaping (as shown on the drawings listed at condition 2) shall be carried out in the first planting and seeding season following the first occupation of the building(s) 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 otherwise first agreed in writing by the Local Planning Authority.

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 in accordance with East Staffordshire Local Plan Policies SP1 and SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 31 - No pedestrian or vehicular access from Gas Street/Eaton Street

No pedestrian or vehicular access shall be formed at any time between the application site and Gas Street or Eaton Street.

Reason: In the interests of highway safety and to safeguard the amenities enjoyed by the occupiers of nearby dwellings in accordance with East Staffordshire Local Plan Policies SP1, SP35 and DP7 and the National Planning Policy Framework.

Condition 32 - Permitted Development Rights Removal (for extensions and alterations to dwellings under Class A)

Notwithstanding the provisions of Class A 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, the dwellings hereby permitted shall not be altered or extended unless planning permission has first been granted by the Local Planning Authority.

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

Informatives

1. Standard negotiation

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. Discharge of Condition

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

Condition(s) No. 3-15 inc.

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

Condition(s) No. 23-25 inc.

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

3. Details of Proposed Materials

The applicant is advised that in complying with Condition 18 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.

4. Severn Trent Water Ltd Sewer Records

Severn Trent Water Ltd advises that according to its sewer records, there is a CSO with associated overflow pipe and two separate 300mm siphons which cross the proposed development. A protective strip* of 10m across the asset and pipe's centerline (5m each side) will be required.

(*A protected strip is an area, over and to either side of the sewer on which no buildings, permanent or temporary structures, or trees are permitted).

5. Severn Trent Water Ltd – Technical Drainage comments

Severn Trent Water Ltd advises that a pumping station may be required for the southern section of the site and advise the applicants/developer continues communications with Network Solutions via the Development Enquiry (SAP ref: 1048623). Severn Trent Water Ltd also points out the response on the planning application relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

6. Police Architectural liaison advisory notes

The applicants are 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. SCC Rights of Way Officer advice

SCC Rights of Way Officer advises that:-

“The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent). The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority.

Users of the path/s must be able to exercise their public rights safely and at all times and the path be reinstated if any damage to the surface occurs as a result of the proposed development.

If any public rights of way need diverting as part of these proposals the developer must apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the public rights of way to allow the development to commence. For further information the applicant must read [section 7 of DEFRA's Rights of Way Circular \(1/09\)](#). It is also strongly suggested, in order to avoid unwanted complications, that guidance should be sought from Staffordshire County Council as Highways Authority, regarding the exact position of the Public Right of Way shown on the Definitive Map. Should this planning application be approved and any right of way require a temporary diversion, please see the County Council website for [guidance and an application form](#).

Any trees and shrubs planted within 3 metres of the public right of way are the responsibility of the Landowner not the Highways Authority (including maintenance and liability).

Staffordshire County Council has not received any application to add to or modify the Definitive Map of Public Rights of Way in that vicinity.

The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public.”

8. Protected Species advisory

The applicants are advised that this permission does not override any obligations in respect of protected species under relevant wildlife legislation. In particular, trees can provide a habitat for nesting birds and bats which are protected species. It is a criminal offence to wilfully cause harm to either. The works should therefore be carried out outside the bird nesting season, and if bats are known to be using the tree(s) as a roost, or are discovered during the carrying out of the works, a competent ecologist should be employed to ensure the bats are safeguarded.

9. Cadent advisory note (Gas Mains)

Your attention is drawn to the attached comments of Cadent.

10. Section 106 advisory

This permission is subject to a Section 106 Agreement

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 S. Hussain Councillor J. Jones Councillor A. Legg Councillor M. Slater Councillor C. Smedley Councillor C. Whittaker		

11. P/2021/00373 Change of use to a residential caravan site for two gypsy families, each with two caravans, including laying of hardstanding, erection of 2 no. ancillary amenity buildings and installation of 2 x septic tanks Craythorne Therapy and Small Animals Farm, Craythorne Road, Rolleston on Dove, Staffordshire, DE13 0AZ

The site visit was attended by Councillors.

An officer presentation of the application was made to members of the Committee, which included reference to the Update Report detailing additional objections and amendments to Conditions 2 and 6.

Councillor Clare Stewart, Parish Councillor for Rolleston on Dove Parish Council, spoke on the application.

Simon Appleby, member of the public, spoke on the application.

Discussions took place.

A motion was put forward by Councillor M. Slater which was duly seconded by Councillor M. Holton for the applicant to address ecological/ biodiversity issues and add trees for flood protection.

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

The motion for officers to add the additional condition was carried.

A motion was put forward by Councillor J. Jones, which had been duly seconded by Councillor M. Slater to **APPROVE** the application subject to conditions as per the main report, update sheet and ecological condition.

Resolved:

Grant Permission Subject to Conditions (as amended).

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 and documents subject to compliance with other conditions of this permission:

Site Location Plan dated as received on 19-08-2021

Site Layout Plan dated as received on 16-11-2023

Proposed Amenity Building: Plans and Elevations dated as received on 16-03-2021

Fencing Details dated as received on 16-03-2021

Clearwater Pollution Control Brochure – Septic Tank dated as received on 04-05-2021

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, SP8, SP19, SP24, SP25, SP27, SP29, SP31, SP35, DP1 and DP3, the East Staffordshire Design Guide, the Parking Standards SPD, the Rolleston on Dove Neighbourhood Plan and the National Planning Policy Framework.

3. Details of Materials

No development shall take place above damp proof course level on either of the two amenity buildings hereby approved until samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of brickwork and roof tiles) 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.

Reason: To safeguard the character and appearance of the building(s) and its surroundings in accordance with East Staffordshire Local Plan Policies SP8 and SP24 the East Staffordshire Design Guide and the National Planning Policy Framework.

4. Surfacing of Access, Parking and Turning Areas

Prior to the first occupation of the residential units hereby approved a hardstanding area for parking and vehicle manoeuvring space shall be provided for each pitch in a bound and porous material.

Reason: 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 Policy SP27 and the National Planning Policy Framework.

5. Visibility Splays

Prior to the first occupation of the site for the use hereby approved details of the vehicle visibility splays at the site access shall be submitted to and approved in writing by the Local Planning Authority.

Reason: As recommended by the Highway Authority in the interests of highway safety and in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

6. Drainage

Prior to the first occupation of the site for the use hereby approved a scheme for the disposal of surface water *to incorporate sustainable drainage systems* shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme implemented.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating surface water flooding in

the immediate vicinity in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

7. Retention of Hedges and Trees

All existing hedging and trees to the front and western boundaries of the site shall be retained for the lifetime of the development and replaced if damaged or die

Reason: To ensure the retention of the hedging and trees to screen the site from full views to protect the visual amenity and character of the area in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24 and SP31.

8. External 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 visual amenity of the area and protected species in accordance with East Staffordshire Local Plan Policies SP29 and DP1.

9. Size of the Mobile Homes

The size of the two mobile homes to be provided on the site shall conform with the definition of a caravan within Section 13 of the Caravan Sites Act 1968.

Reason: In order to define the permission and ensure the accommodation is of an appropriate size to prevent any adverse impact on the character of the area, in accordance with East Staffordshire Local Plan Policies SP8 and SP19.

10. Occupation of the Site

The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy) but including those gypsies and travellers who have ceased to travel permanently.

Reason: In order to define the permission and ensure the continued use of the site as a residential gypsy caravan site.

11. Use restricted to that applied for

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 a residential gypsy caravan site only as described in your application and for no other purpose.

Reason: To ensure any future use of the premises does not adversely affect the character of the area and the amenities of occupiers of adjoining properties in accordance with the National Planning Policy Framework and East Staffordshire Local Plan Policies SP1 and SP8.

Informatives

1. Details of Proposed Materials

The applicant is advised that in complying with Condition 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. During Development Conditions

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

Condition No(s) 3, 5 and 6

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.

3. Engagement

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.

4. Ecological Responsibilities

The applicant(s) is/are 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.

5. Building Regulations

The applicant(s) is/are advised that Building Regulations approval will be required for the proposed works to create a residential caravan site.

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

51/23 **APPEALS RECEIVED AND DETERMINED**

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

NOTED.

52/23 **DELEGATED PLANNING PERMISSIONS**

The Report of the Head of Regeneration and Development on applications determined under delegated authority between 9th October 2023 and 10th November 2023 was received and noted.

NOTED.

53/23 **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

PRIVATE MINUTES

ENFORCEMENT SCHEDULE