

EAST STAFFORDSHIRE BOROUGH COUNCIL

PLANNING COMMITTEE

Minutes of the Meeting of the Planning Committee held in the Coltman VC Room, Town Hall, Burton upon Trent on Tuesday 30th August 2023.

Present:

Councillors A. Asfar (Chairman), Mrs B Ashcroft, L. Bullock, S. Hussain, Mrs J. Jones, M. Slater, C. Smedley and C. Whittaker

Officers Present:

Mrs S Grant (Principal Solicitor and Deputy Monitoring Officer), N. Perry (Planning Manager), A. Harvey (Principal Planning Officer) and Mrs A Davies (Principal Democratic Services Officer).

Apologies for absence were received from Councillors M. Holton, M Huckerby and Ms A. Legg.

20/23 **DECLARATIONS OF INTEREST**

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

21/23 **MINUTES**

Resolved:

That, subject to Councillors L Bullock; Mrs J Jones; M Slater and C Smedley voting against the motion at minute no 14/23 item 1, the minutes of the meeting held on 25th July 2023 be approved 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 Mrs B Ashcroft
Councillor L Bullock		
Councillor S Hussain		
Councillor Mrs J Jones		
Councillor M Slater		
Councillor C Smedley		
Councillor C V Whittaker		

22/23 **URGENT BUSINESS**

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

23/23 **APPLICATIONS FOR PLANNING PERMISSION**

1. P/2020/00635 Erection of 2 No. additional poultry sheds with associated control room, heat exchangers, feed bins & hardstanding, formation of a 1.5m high soil bund, landscaping and expansion to existing drainage attenuation pond on an established poultry farm Coppice Farm Hobb Lane Marchington Woodlands Staffordshire ST14 8RG (Ward: Bagots and Needwood)

The site visit was attended by Councillors A Afsar, Mrs B Ashcroft, L Bullock, S Hussain, Mrs J Jones, M Slater, C Smedley and C V Whittaker

Councillor A Mann, Parish Councillor for Marchington Parish Council, spoke on the application.

Mr S Perrins and Mrs M Horan, members of the public, spoke on the application.

Mr A Mercer, the applicant, spoke on the applications.

Discussions took place.

At this juncture, a member of the public approached members stating incorrect information has been provided to them by officers. Following a short adjournment, the Principal Solicitor read out a statement clarifying that there had been no misinformation provided to members and they were to continue to debate and vote on the

A motion was put forward by Councillor C V Whittaker, which had been duly seconded by Councillor Mrs B Ashcroft to **PERMIT** the application.

Resolved:

To **PERMIT**, subject to the following conditions:

Condition 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.

Condition 2: Approved Plans

The development hereby permitted (including finished floor and ground levels and ground regrading works) shall be carried out in strict accordance with the following approved plans/documents subject to compliance with other conditions of this permission:

Drawing No. IP/MF/01A - Location Plan dated as being received on 1.12.2023

Drawing No. IP/MF/02B - Site Plan with Heat Exchangers Added dated as being received on 1.12.2023

Drawing No. IP/MF/03A - Elevations and Plan View dated as being received on 1.12.2023

Drawing No. IP/MF/04A - Section Drawing dated as being received on 1.12.2023

Drawing No. IP/MF/05A - Section Locations dated as being received on 1.12.2023

Drawing No. IP/MF/06A - Roof Plan dated as being received on 1.12.2023

Drawing No. IP/MF/07A - Existing Site Levels dated as being received on 1.12.2023

Drawing ref: IP - Attenuation Pond Section dated as being received on 9.7.2020

Landscaping Proposals (Revised) dated as being received 20.1.2022

Highway Improvement REV A dated as being received on 22.12.2020

Statement of Agricultural Need Form dated as being received on 7.7.2020
Odour Report of AS Modelling & Data Ltd dated as being received on 22.6.2020
Matrix Acoustic Design Consultants Plant Noise Assessment dated as being received on 19.1.2023

Preliminary Ecological Appraisal prepared by Craig Emms and Dr Linda Barnett:
(Contract No. 2740 - dated April 2020) dated as being received on 22.6.2020

Flood Risk and Drainage Assessment Project prepared by Alan Wood and Partners:
(No. JAG/PLS/43915-Pp001 - dated May 2020) dated as being received on 22.6.2020
Ammonia Modelling dated as being received on 20.1.2022

In Combination Ammonia Assessment dated as being received 20.1.2022

David Tucker Associates LVIA Landscape Visual Impact Assessment dated as being received on 22.6.2020

Transport Statement dated as being received on 22.6.2020

Letter of Ian Pick Associates dated 9th September 2020 containing the manure and dirty water management strategy dated as being received on 9.12.2020

Farm Trees to Air Ammonia Recapture Calculator dated as being received on 20.1.2022

Shadow Habitat Regulation Assessment REV B dated as being received on 28.11.2022

Ian Pick Supplementary letter dated 23 March 2023 dated as being received on 23.3.2023

Reason: For the avoidance of doubt to ensure the development will not adversely the character and appearance of the open countryside, the residential amenities of the occupants of dwellings in the locality, the biodiversity, ecological and water environment interests or the safe and efficient use of the adjoining highways in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP14, SP24, SP27, SP29, SP30, SP35, DP1, DP2 and DP7, Made Abbots Bromley Neighbourhood Plan Policies DAH1, DC2, NE1, NGE2 and TIN1, the East Staffordshire Design Guide, the East Staffordshire Car Parking Standards Supplementary Planning Document, Climate Change Supplementary Planning Document and the National Planning Policy Framework.

Condition 3: Construction Management Plan

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall specify the hours of construction, the parking of vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials, storage area of plant and materials used during the construction of the development and appropriate wheel wash facilities and measures to mitigate the deposition of deleterious material on the public highway

The approved Construction Management Plan shall be implemented and adhered to throughout the construction period unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

Condition 4: Photographic survey/Carriageway repairs

Before the development hereby approved is first commenced a Transport Statement comprising a full photographic survey of the length of the public highway along Hobb Lane between the application site and the B5013 shall be submitted to the Local Planning Authority. A further photographic survey of the length of the public highway (Hobb Lane) between the site and the B5013 shall be submitted to the Local Planning Authority within the period of 6 to 9 months of the date of the first bringing into use of the development and any damage to the public highway identified by the Local Planning Authority in conjunction with County Highway Authority to be reasonably associated with the development scheme shall be subject to carriageway repairs in accordance with a

scheme of works (including a timetable of implementation) to be agreed with the County Highway Authority under the auspices of the Highways Acts.

Reason: In the interest of highway safety in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan, Section 57 of the Highways Act 1980 and the National Planning Policy Framework.

Condition 5: Scheme of intervisible passing spaces on Hobb Lane (Grampian Condition)

Notwithstanding the details submitted with the application the development shall not be brought into use until a scheme for the provision of intervisible passing spaces on Hobb Lane between the application site access and its junction with the B5013 has been completed under the provisions of the Highways Acts in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority in conjunction with the County Highway Authority.

Reason: In the interests of highway safety in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

Condition 6: Hedge and Tree Protection

No development shall take place on the site until a tree and hedge protection scheme to 'British Standard BS 5837' has been submitted to and approved in writing by the Local Planning Authority. The approved tree and hedge protection scheme shall be put in place prior to any works commencing on the site and shall be retained in situ at all times during the construction phase unless otherwise first 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 SP1, SP8, SP24, SP29, SP30 and DP8, and the National Planning Policy Framework.

Condition 7 – Ecological measures (Development Phase)

The mitigation measures set out on page 26 of the Preliminary Ecological Appraisal (Contract No. 2740) prepared by Craig Emms and Dr Linda Barnett: dated April 2020 (dated as being received on 22 June 2020) shall be followed and adhered to at all times during the construction phase of the development unless otherwise first agreed in writing by the Local Planning Authority.

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

Condition 8 – Ecological measures (Occupation Phase)

No development shall commence until precise details of the following ecological enhancement measures to be installed at Coppice Farm have been submitted to and approved in writing by the Local Planning Authority.

- a) The provision of two No. hedgehog nesting boxes.
- b) The provision of four No. bird nesting boxes of mixed designs.
- c) The provision of four No bat roosting boxes of mixed designs.

The approved ecological enhancement measures shall be installed prior to the first bringing into use of the development and thereafter the provisions shall be retained at all

times for their designated purposes for the life of the development unless otherwise first agreed in writing with the Local Planning Authority.

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

Condition 9 - Bunding works completion

The bunding works shall be completed in accordance with the details shown on the approved plans (listed at condition 2 above) prior to the development being first brought into use.

Reason: To ensure that the development does not adversely affect the residential amenities of the occupant of the nearby dwellings and the character or appearance of the area in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, SP30 and DP7, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 10 – External finish

The external elevations of the proposed buildings shall have an Olive Green colour finish (to match those of the existing buildings at the site) at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the rural locality in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP14, SP24, SP30 and DP1.

Condition 11 – Lighting scheme

No lighting shall be erected/installed at the site to serve the development hereby permitted unless a Lighting scheme including details of the types of lights to be installed, their proposed locations and operating parameters has first been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with any approved Lighting scheme and no other lighting shall be installed at the site unless first approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of this rural locality and in the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP29 and DP7 and the National Planning Policy Framework.

Condition 12 - Exhaust Fan Specifications

The specified extraction equipment detailed as 12 No. x Fancom 3680 High Velocity Exhaust Fans per building (as set out in the Matrix Acoustic Design Consultants Plant Noise Assessment dated as being received on 19.1.2023) shall be fully installed and be fully operational prior to any part of the development being first brought into use. The approved equipment shall be retained, maintained and operated at all times when any building(s) is/are in use for the purposes of the rearing of turkeys/foul for the life of the development and shall not be replaced with any alternative equipment without the approval in writing of the Local Planning Authority.

Reason: In the interests of the residential amenities of the occupants of nearby dwellings in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

Condition 13 - Heat Exchangers

The Heat Exchanger equipment (as set out in the Matrix Acoustic Design Consultants Plant Noise Assessment dated as being received on 19.1.2023 listed at condition 2 above) shall be fully installed and be fully operational in accordance with the approved details prior to any part of the development hereby approved first being brought into the use. Once installed the approved Heat Exchangers shall be retained, maintained (in accordance with the manufacturers specifications) and operated at all times to provide for a minimum of 29% ammonia emission reduction when any building(s) is/are in use for the purposes of the rearing of turkeys/foul for the life of the development and shall not be replaced with any alternative equipment without first securing the written approval of the Local Planning Authority.

Reason: In line with the approved Shadow Habitat Regulations Assessment (Rev B) in the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP1 and SP29 and the National Planning Policy Framework.

Condition 14 - Noise Management Plan

The development hereby permitted shall not be first brought into use until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall include additional noise management and mitigation measures related to the use of the development in addition to plant noise. The development shall be implemented in strict accordance with the approved mitigation measures and operated and maintained as such for the life of the development unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests of the residential amenities of the occupants of nearby dwellings in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

Condition 15 - Odour Management Plan

The development hereby permitted shall not be first brought into use until an Odour Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Odour Management Plan shall provide for site management and measures to control general odour from site activities associated with the use of the development. The development shall be implemented in strict accordance with the approved mitigation measures and operated and maintained as such for the life of the development unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests of the residential amenities of the occupants of nearby dwellings in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

Condition 16 - Surface Water Management

The development, including the expansion works to the attenuation pond, shall only be carried out in accordance with the recommendations and details set out in the Flood Risk and Drainage Assessment Project (No. JAG/PLS/43915-Pp001) prepared by Alan Wood and Partners: dated May 2020, (and dated as being received on 22 June 2020) and as shown on the approved plans listed at condition 2 above unless otherwise agreed in writing with the Local Planning Authority. The scheme shall be implemented in full prior to the first occupation of the development and the practices set out in the approved documentation maintained for the life of the development unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development 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 17 - Manure and dirty water management strategy

The development shall be operated at all times in accordance with the manure and dirty water management strategy set out in the letter of Ian Pick Associates dated 9th September 2020 (dated as being received on 9 September 2020) and listed under Condition 2, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To minimise the risk of pollution in the water environment in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

Condition 18 – Soil importation screening

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 mitigate any pollution of the water environment in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

Condition 19 - Approved landscaping implementation.

All tree, shrub and other planting, seeding or turfing comprised in the approved details of landscaping as shown on Landscaping Proposals (Revised) dated as being received 20.1.2022 (and listed in the approved plans at condition 2 above) shall be carried out in the first planting and seeding season following the first bringing into use of any building(s) hereby approved.

Upon the completion of the landscaping scheme, the main canopy shall without any cutting back taking place (unless otherwise agreed in writing by the Local Planning Authority) be grown up to and then retained/maintained to a minimum height of 20 metres with a minimum backstop height of 10 metres. An annual monitoring report shall be submitted to the Local Planning Authority in the September or October of any calendar year and any trees or plants which during the lifetime of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next available planting season with others of similar size and species unless the Local Planning Authority first gives written consent to any variation in response to an annual monitoring report.

Reason: In line with the Shadow Habitat Regulations Assessment (Rev B) to ensure that the approved landscaping scheme is implemented in a speedy and diligent way and that any plant losses during the life of the development are overcome in the interests of ammonia and nitrogen mitigation and in the interests of local biodiversity and visual amenities in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP29 and DP7, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 20 – Highways Access to site (operational)

Access to the site by HGV vehicles from Hobb Lane (C0128) shall only be by a right turn manoeuvre and all HGV vehicles shall leave the site only by a left turn manoeuvre.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

Condition 21 – Feed delivery transportation controls (operational)

There shall be no feed delivery transportation into the application site outside of the hours of 07.00 - 21.00 on any day.

Reason: In the interests of the residential amenities of the occupants of nearby dwellings in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

Informatives

1. 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. The conditions identified below require details to be approved prior to the commencement of the development.

Condition No(s) 3,4,6, and 8.

The conditions identified below require details to be approved prior to the development being first brought into use:

Condition No(s) 5,14 and 15

This means that a development may not be lawful until 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 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. The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

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

4. With regard to condition 4 above the carriageway repair scheme shall be designed in accordance with the highway authority's specification and you are advised that completion under the Highway Acts shall mean the issuing of a completion certificate for the works under the Highways Act
5. With regard to condition 5 above notwithstanding the submitted documents with the application the scheme shall be designed in accordance with the highway authority's specification and shall be designed so that if the passing spaces are designed solely for cars then they will be paired with one on each side of the road or if they are to be provided singly then they shall be large enough to accommodate HGVs. You are advised that completion under the Highway Acts shall means the issuing of a completion certificate for the works under the Highways Act.
6. The applicant/developer is advised that this permission relates solely to approval under the Planning Acts and you are reminded that this does not override or replace any requirements under other legislation.
7. The Environment Agency advise that the proposed activities may require an Environmental Permit from the Agency under the Environmental Permitting (England and Wales) Regulations 2016. Any pollution prevention measures in relation to the proposed activity will be enforced via this permit. The applicant should be aware that there is no guarantee that a permit will be granted. The Environment Agency therefore ask the applicant/developer to contact the Agency on 03708 506506 for a pre-application discussion. Further information regarding the need, and applying, for an Environmental Permit can be found on the Environment Agency website:
<https://www.gov.uk/topic/environmental-management/environmental-permits>.
8. You are advised that in relation to condition 19 above the backstop refers to a region of dense vegetation planted at the downwind edge (and sides where applicable), which acts as a backstop and forces airborne ammonia up through the main tree canopy.
9. You are advised that in relation to condition 19 that the monitoring report should provide for the confirmation of the width and height of the tree planting and any necessary plans for remedial work to ensure the requirements of Condition 19 are met during the life of the development.

Voting concerning the above decision was as follows:

Those voting for the motion	Those voting against	Those abstaining
Councillor A Afsar	Councillor M Slater	
Councillor Mrs B Ashcroft		
Councillor L Bullock		
Councillor S Hussain		
Councillor Mrs J Jones		
Councillor C Smedley		
Councillor C V Whittaker		

24/23 **APPEALS RECEIVED AND DETERMINED**

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

NOTED.

25/23 **PLANNING PERMISSIONS**

The report of the Interim Head of Regeneration and Development on applications determined under delegated authority between 10th July 2023 and 11th August 2023 was received and noted.

NOTED.

26/23 **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 it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that there would be disclosed exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated in brackets before each item number on the Agenda

PRIVATE MINUTES

ENFORCEMENT SCHEDULE

Chairman