

Dear Members

### **Planning Committee**

A meeting of the Planning Committee will be held on **Wednesday, 29 September 2021** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

Members are reminded that contact officers are shown in each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.



Head of Law and Administration

## **PLANNING COMMITTEE - 29 SEPTEMBER 2021**

**Chairman - Councillor B M Cross**  
**Vice-Chairman - Councillor E G R Jones**

### **A G E N D A**

- 1 Minutes**
- 2 Apologies**
- 3 Declaration of Member's Interests/Lobbying**
- 4 Delegated Applications**

Details of Delegated applications will be circulated separately to Members.

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### **MEMBERSHIP**

**Chairman - Councillor B M Cross**

A G Cooper	P W Jones
B M Cross	W J Kemp
A P Edgeller	B McKeown
A D Hobbs	G P K Pardesi
J Hood	M Phillips
E G R Jones	

**(Substitutes - F Beatty, A T A Godfrey, R Kenney, C V Trowbridge)**

ITEM NO 5

ITEM NO 5

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PLANNING COMMITTEE - 29 SEPTEMBER 2021

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**Ward Interest - Nil**

## **Planning Applications**

*Report of Head of Development*

### **Purpose of Report**

To consider the following planning applications, the reports for which are set out in the attached **APPENDIX**:-

		<b>Page Nos</b>
<b>20/33340/FUL</b>	<b>Webbs Yard, Tilcon Avenue, Baswich</b>	4 - 15
The application was called in by Councillor M Phillips		
Officer Contact - ( <i>Richard Wood, Development Lead</i> ) Telephone 01785 619324		

### **Previous Consideration**

Nil

### **Background Papers**

Planning application files are available for Members to inspect, by prior arrangement, in the Development Management Section. The applications including the background papers, information and correspondence received during the consideration of the application, consultation replies, neighbour representations are scanned and are available to view on the Council website.

<b>Application:</b>	20/33340/FUL
<b>Case Officer:</b>	Vanessa Blake
<b>Date Registered:</b>	30 October 2020
<b>Target Decision Date:</b>	25 December 2020
<b>Extended To:</b>	3 September 2021
<b>Address:</b>	Webbs Yard, Tilcon Avenue, Baswich, Stafford, ST18 0YJ
<b>Ward:</b>	Baswich
<b>Parish:</b>	Stafford
<b>Proposal:</b>	Erection of plant and machinery (retrospective) comprising 1 sand and 1 cement silo, one measuring 14 metres in height with the other being 13 metres with a 2.5 metre diameter, together with a sand hopper 8 metres in height with connected closed conveyor belt and pit
<b>Applicant:</b>	Faserbeton UK Ltd
<b>Recommendation:</b>	Approve, subject to conditions

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## REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor M Phillips (Ward Member for Baswich) for the following reasons:

*"Constructing and opening the facility without planning permission and additional necessary licence's, nuisance to local residents caused by lighting, noise, dust and increase in heavy goods traffic"*

## Context

This application relates to a site sited south of Tilcon Avenue, in Baswich. The site is within an established industrial estate which is accessed from Baswich Lane to the east. The industrial estate is a historical concrete works. The West Coast Main Railway Line forms the southern boundary of the industrial estate. There is also an area of dense vegetation to the east of the site. To the north and west the industrial estate is bound by the Staffordshire and Worcestershire Canal. The northern, eastern and southern boundaries of the industrial estate are characterised by trees and vegetation.

With regards to the wider area, to the south of the railway line is a residential area and to the east of Baswich Lane is a residential mobile home park. To the north and east are open fields, the Rivers Sow and Penk, and further residential areas. Baswich Meadows Site of Specific Scientific Interest (SSSI) lies approx. 400m to the north east.

The site is within the settlement boundary of Stafford and lies within a protected employment area. The site is within 8km of the Cannock Chase Special Area of Conservation (SAC) and within a SSSI risk zone. The site is within Flood Zone 1. The canal is designated as a Conservation Area. The open fields to the north and west are designated as Green Infrastructure and are historical water meadows. Baswich Lane to the east is part of the area designated for Eastern Access Improvements.

## Description of proposal

This application seeks retrospective planning permission for the retention of plant and machinery comprising 2no silos and a sand hopper with connected closed conveyor belt and pit. The application site is a manufacturing facility producing concrete flooring. The plant and machinery are sited to the south of existing industrial units.

The silos contain sand and cement and measure 14m and 13m in max height. The silos each have a diameter of 2.5m. The sand hopper measures 8m in height, 3.4m in width and 2.9m in depth. The close conveyor belt has a length of 14.3m, with a max height of 5.8m. The pit measures 4.4m in width, 3.9m in depth with a max height of 1.75m, however is dug into the ground and only protrudes 0.5m above ground level.

## Officer Assessment – Key Considerations

### 1. Principle of Development

1.1 The NPPF sets out a presumption in favour of sustainable development, this is echoed in Spatial Principle 1 of The Plan for Stafford Borough (TPSB). Paragraph 12 of the NPPF states that *“the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.”* However, paragraph 182 states that *“the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.”* In this case the site falls within the catchment of the Cannock Chase SAC, therefore it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the Cannock Chase SAC will not be adversely affected, having regard to avoidance or mitigation measures. This issue is addressed later under section 6 of this report.

1.2 TPSB spatial policies direct a large proportion of future employment growth within Borough to within the boundary of the sustainable settlement of Stafford. TPSB2 Policy SB3 allocates the site as a designated employment area and states that only employment uses consistent with the stated policies will be acceptable, in relation to this application only Policy Stafford 1 is relevant. TPSB Policy Stafford 1 seeks to create economic growth by supporting the retention and growth of existing employers, as well as attracting new businesses. Policy E1 seeks to sustain the local economy by supporting the location, diversity and intensity of new economic development in a variety of ways, including the provision of a variety of land and buildings for current and future employment use for both small and large businesses. NPPF paragraph 83 states that *“decisions should recognise and address the specific location requirements of different sectors”*.

1.3 The residents' comments stating that the development is too close to residential properties is noted, however the site is located within the sustainable settlement of Stafford and within a protected employment area. The proposal being a B2 use (general industrial) is considered to be suitable within this established industrial area. Both local and national policy direct industrial uses into designated areas. It is also noted that there is an existing concrete plant within this industrial estate. The site also contributes to the local economy in that it employs 13 people and provides building materials which subsequently supports the construction sector and other businesses. The proposal is considered to adhere to the Development Plan and NPPF and is therefore considered acceptable in principle.

Polices and Guidance:-

National Planning Policy Framework (NPPF)

Sections 2, 6, Paragraphs 82, 83, 182

The Plan for Stafford Borough (TPSB) 2011-2031

Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Stafford Borough Housing and Employment Requirements), SP3 (Sustainable Settlement Hierarchy), SP5 (Stafford Borough Employment Growth Distribution), SP7 (Supporting the Location of New Development), Stafford 1 (Stafford Town), E1 (Local Economy)

The Plan for Stafford Borough: Part 2 2011-2031

SP3 (Stafford Borough Sustainable Settlement Hierarchy), SP7 (Supporting the Location of New Development), SB3 (Stafford and Stone Protected Employment Areas)

## **2. Siting, Character and Appearance**

2.1 TPSB Policy N1 sets out design criteria including the requirement for design and layout to take account of residential amenity and local context and have high design standards. Policy N8 states that new development should respect the character of the landscape setting, through design, layout and materials.

2.2 The proposal is sited to the rear of an existing industrial building, which largely screens the plant from public view. Only the silos are visible above the roofline of the existing building from the access. It is noted that to the north of the site is an established concrete plant whose equipment and plant is highly visible from Tilcon Avenue. The siting of the proposal is considered to be relatively discrete and is acceptable.

2.3 The residents' comments stating that the development is an eyesore are noted. The appearance of the plant is highly functional, however given the site's context within an established industrial area and when viewed in context with the existing buildings and structures the proposal is not considered to be incongruous. With regards to wider views, as mentioned above the plant is largely screened from public view by existing buildings. During spring and summer additional screening is provided by the boundary vegetation, when only glimpse views of the silos are visible from the canal tow path and Danta Way to the south. The silos will be visible from public view during winter when the trees are bare, however the silos will be viewed in the context of the existing industrial site buildings and wouldn't appear as incongruous structures. The silos are also coloured grey, similar to that of the adjacent roof, which reduces their prominence.

2.4 The proposal is considered to be acceptable and adhere to the Development Plan and NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework (NPPF)  
Section 12

National Design Guide (NDG)

The Plan for Stafford Borough (TPSB) 2011-2031  
Policies N1 (Design), N8 (Landscape Character)

### **3. Amenity**

3.1 Policy N1 of TPSB requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas.

3.2 The residents' comments regarding noise are noted. During the determination period the applicant has provided further information and mitigation measures. The applicant has provided a verification report, which demonstrates that the day and night time noise levels are within the acceptable levels. The Council's Environmental Health Officer has advised that the scheme is acceptable with regards to noise. A condition is recommended to restrict the hours of external operation. As such, the proposal is not considered to result in unacceptable noise levels to the nearby residential properties.

3.3 The residents' comments regarding air pollution and dust are noted. The Environmental Health Officer has not raised concerns regarding air pollution or dust. Whilst not a material planning consideration, during the determination period the applicant gained the required environmental licenses. The proposal is considered to be acceptable with regards to air pollution and dust.

3.4 The residents' comments regarding light pollution are noted. During the determination of the application the applicant altered the external lighting on site, in accordance with the Council's Environmental Health Officer's comments, to ensure that there was no light spill towards the residential properties to the south. A condition is recommended to ensure that no additional external lighting is provided without the prior approval of the Council.

3.5 The residents' comments regarding the impact upon the enjoyment of canal are noted. The canal is adjacent to an established industrial area and as such this section of the canal forms a rural-urban interface. Whilst it is noted that canals are often used for leisure purposes their siting adjacent to and within industrial areas is very common given the historical use of canals. In this instance it is considered that the proposal does not significantly impact upon the canal. The impact upon the canal as a heritage asset is discussed in section 5.

3.6 Whilst the Environmental Health Officer recommended a number of conditions within their December comments, the majority of these conditions are not considered to be

relevant to planning, reasonable, precise nor enforceable and as such are not attached to the recommendation. It is also noted that the site has a historical permitted use as concrete works, light industrial and warehousing, with unrestricted working and delivery hours.

- 3.7 Subject to appropriate conditions the proposal is considered to be acceptable with regards to amenity and adheres with the Development Plan and NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework (NPPF)  
Paragraph 130

National Design Guide (NDG)

The Plan for Stafford Borough (TPSB) 2011-2031  
Policy N1 (Design)

#### **4. Access, Parking and Highway Safety**

- 4.1 TPSB Policy T2 states that all new development must have a safe and adequate means of access and internal circulation; not have unacceptable highway safety impacts and provide sufficient parking provision.

- 4.2 With regards to access, the proposal seeks to utilise the existing vehicular access from Tilcon Avenue. SCC Highways have raised no objections to this and advised that the existing access is suitable. The residents' comments regarding traffic increase and highway safety concerns are noted. However, SCC Highways have advised that the small increase in HGV movements is not expected to have a severe impact upon the industrial estate or the surrounding highway network. Therefore, the proposal is considered acceptable with regards to access, traffic and highway safety.

- 4.3 With regards to parking, the proposal is not considered to significantly alter the parking provision on site, nor the internal manoeuvring areas.

- 4.4 The proposal is considered to be acceptable with regards to parking, access and highway safety and adheres with the Development Plan and NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework (NPPF)  
Section 9

The Plan for Stafford Borough (TPSB) 2011-2031  
Policies T1 (Transport), T2 (Parking and Manoeuvring Facilities), Appendix B – Car Parking Standards

## 5. Impact upon Heritage Assets

- 5.1 TPSB Policy N9 states that development which affects the significance of a heritage asset will not be accepted, and that development is expected to sustain the significance and setting of a heritage asset. Whilst considering proposals which affect the character of Conservation Area regard is to be made of S72 of the Planning (Listed Building and Conservation Area Act) 1990, which requires the Local Planning Authority to pay “*special attention ‘to the desirability of preserving or enhancing the character or appearance’*” of conservation areas.
- 5.2 The industrial estate is bound by the Staffordshire and Worcestershire Canal to the north and west, which is a designated Conservation Area and as such the development has the potential to impact upon the setting of this heritage asset. The residents’ comments with regards to the canal are noted. The Council’s Conservation Officer has advised that although the plant is tall and of a functional appearance it is largely screened from the Conservation by existing boundary vegetation and warehouse buildings within the industrial estate. The Conservation Officer has advised that the proposal is not considered to cause harm to the character, appearance of significant of the Conservation Area and its setting.
- 5.3 Due to the screening afforded by existing vegetation and buildings and given the context within an existing industrial estate the proposal is not considered to have a detrimental impact upon the Conservation Area’s character nor appearance. The proposal adheres with the Development Plan and NPPF in this regard.

### Policies and Guidance:-

National Planning Policy Framework  
Section 16

The Plan for Stafford Borough  
Policies N1 (Design), N9 (Historic Environment)

## 6. Cannock Chase SAC

- 6.1 Policies N1 and N6 of TPSB state that development which has a direct or indirect adverse impact upon the integrity of the Cannock Chase SAC, and the effects cannot be mitigated, will not be supported.
- 6.2 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. The LPA have completed a Habitats Regulation Assessment which concludes that given the nature and scale of the proposal the development is not considered have an adverse effect upon the integrity of the Cannock Chase SAC. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

## Policies and Guidance:-

National Planning Policy Framework (NPPF)  
Paragraphs 174, 180, 182

The Plan for Stafford Borough (TPSB) 2011-2031  
Policies N1 (Design), N6 (Cannock Chase Special Area of Conservation)

## 7. Other

### Flooding and Drainage

7.1 TPSB Policy N1 states that development should not be located in areas of flooding or contribute to flooding elsewhere. The site lies within Flood Zone 1 which is at the lowest risk of flooding. The development is not expected to increase the level of surface run off, as the existing site prior to the plant being installed was already entirely hard surfaced.

### Biodiversity and Ecology

7.2 TPSB Policy N4 states that the natural environment will be protected and that new development where damage to the natural environment is unavoidable must provide appropriate mitigation.

7.3 The residents' comments regarding the impact upon biodiversity and ecology are noted. The Council's Biodiversity Officer has raised no objections with regards to impact upon ecology. Given the nature of the site the proposal is not considered to impact upon protected species. Whilst not a planning matter it is noted that the required environmental health permits have been secured during the determination of the application.

7.4 The proposal, due to its scale, is not considered to have a detrimental impact upon nearby SSSI.

## Policies and Guidance:-

National Planning Policy Framework  
Sections 14, 15

The Plan for Stafford Borough  
Policies N1 (Design), N2 (Climate Change), N4 (The Natural Environment and Green Infrastructure), N5 (Sites of European, National and Local Nature Conservation Importance)

## 8. Planning Balance and Conclusion

The proposed development will support the continued occupation of a business within an established industrial site which is a protected employment area. The development is considered to be acceptable in principle. The proposal is not considered to result in significant detrimental impacts upon residential amenity nor highway safety. The scheme

is not considered to impact upon the nearby Conservation Area, SSSI, nor Cannock Chase SAC. The proposal is also considered to be acceptable with regards to biodiversity and flooding. In conclusion, the proposal is considered to adhere to the development plan and NPPF and is recommended for approval subject to conditions.

## **Consultations**

### **Highway Authority:**

No objections. The existing access to the site is acceptable for its intended use. The plant will not have a major effect on the workings of the yard, including parking and servicing. The small increase in HGVs movements, 3 per day, will not have a severe impact on the workings of the industrial estate or surrounding highway network. (23/12/20)

Requests further information regarding additional HGV trips, access to existing building, alterations to parking layout, and point of access. (7/12/20)

### **Environmental Health:**

Find the content and conclusions of the submitted verification report to be reasonable. (13/7/21)

Additional information regarding noise mitigation measures which have been recently installed is required. (4/2/21)

The methodology and findings of the noise report are accepted. Recommend external operation hours, sub floor loading hopper operation hours, silo filling hours and delivery hours are limited. The compressors should be permanently housed inside an acoustic enclosure inside a building. The subfloor loading hopper should be enclosed on three sides with a roof. Where it is not possible to limit working hours then an acoustic fence is required. The activity may only continue to operate with the benefit of an Environmental Permit, which ensures that all prescribed airborne pollutants are controlled to UK and EU standards. External high level floodlights and high intensity lighting should be directed downwards. (3/12/20)

The site does not have the required Environmental Protection Act 1990 Part B permit. (16/11/20)

### **Conservation Officer:**

No objection to the retention of the installation. The site lies close to the boundary of the Staffordshire and Worcestershire Canal conservation area. Although the installed plant and machinery is tall and of a very functional design the apparatus is screened from the conservation area by existing tree cover and warehouse buildings. It is not considered to cause harm to the character, appearance or significance of the conservation area and its setting. (22/12/20)

### **Biodiversity and Ecology Officer:**

The corridor of land surrounding the River Sow and Staffordshire and Worcestershire Canal has scenic and historic value. Views from the Way for the Millennium footpath at Baswich and the intended new Local Nature Reserve will be compromised if the silos are visible. Unable to fully comment on the impact on the silos without a Landscape Visual Impact Assessment. However, photographs taken of the site may have to be sufficient.

The current site is effectively screened from views by surrounding trees. It is hoped that this screening effect will also limit the visual impact, though in winter this may not be possible.

The colour of the silos will need careful consideration in order to reduce this impact.  
(11/08/21)

### **Canal and River Trust:**

The proposal is unlikely to be visible within views out of the conservation area due to tree cover, topography and existing building structures, however, may be visible in long views towards the canal from Tixall Road and the Two Waters Way to the north. Request that the wider landscape impact is considered. (1/12/20)

### **Network Rail:**

No comments.

### **Neighbours (89 consulted):**

87 responses: Material planning considerations summarised below:

- Unacceptable noise impacts to residential properties – very loud, 24 hours a day
- An acoustic fence is required around the whole plant
- Impact upon residential amenity, quality of life, wellbeing
- Too close to residential properties
- Eyesore within rural area
- Highway safety concerns due to increased HGV traffic
- Unsuitable, unsafe access route
- Air pollution due to increased traffic
- Light pollution
- Highway safety concerns due to lights on site
- Implications of infill development
- Loss of light
- Public health concerns due to air pollution – dust, emissions, respiratory implications, potentially carcinogens
- Impact upon enjoyment of canal
- Impact on nature/wildlife – understand that the wetlands are protected bird habitat
- Harm to the environment
- Dust covering nearby cars and properties
- Built without planning permission
- Support application
- Sited within an industrial park and out of the way of most public views

Site Notice: 17.11.2020

Expiry date: 08.12.2020

### **Relevant Planning History**

20/33464/FUL - Erection of detached employment unit (Use Class E(g), B2 and B8), to include all associated works – Withdrawn 13.01.2021

20/32747/LDCP – Erection of 1 sand and 1 cement silo, each measuring 14 meters in height with a 2.5 metre diameter, together with a sand hopper, 8 metres in height with

connected closed conveyor belt and pit as shown on submitted existing and proposed drawing – Withdrawn 01.10.2020

81/12865/FUL - Formation of estate road and footpaths for Phase 1 – Approved  
24.02.1982

79/09490/OUT - Light industrial and/or warehousing and the retention of existing activities  
– Approved 27.02.1980

## **Recommendation**

Approve, subject to the following conditions:

1. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-  
E001 Rev B  
P001 Rev B  
A1  
A3  
A3 (2)  
A3 (3).
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no external lighting shall be provided within the application site, without the prior written permission, on application, of the Local Planning Authority.
3. The external plant hereby approved shall only be operated between the hours of 08:00 to 18:00 Monday - Fridays, 08:00 and 14:00 on Saturdays only, and not at all on Sundays and Bank Holidays.
4. The external plant hereby approved shall only be operated in accordance with the 'Verification Report', dated 15 April 2021, reference: AEC REPORT: P4241/R2/WJK.

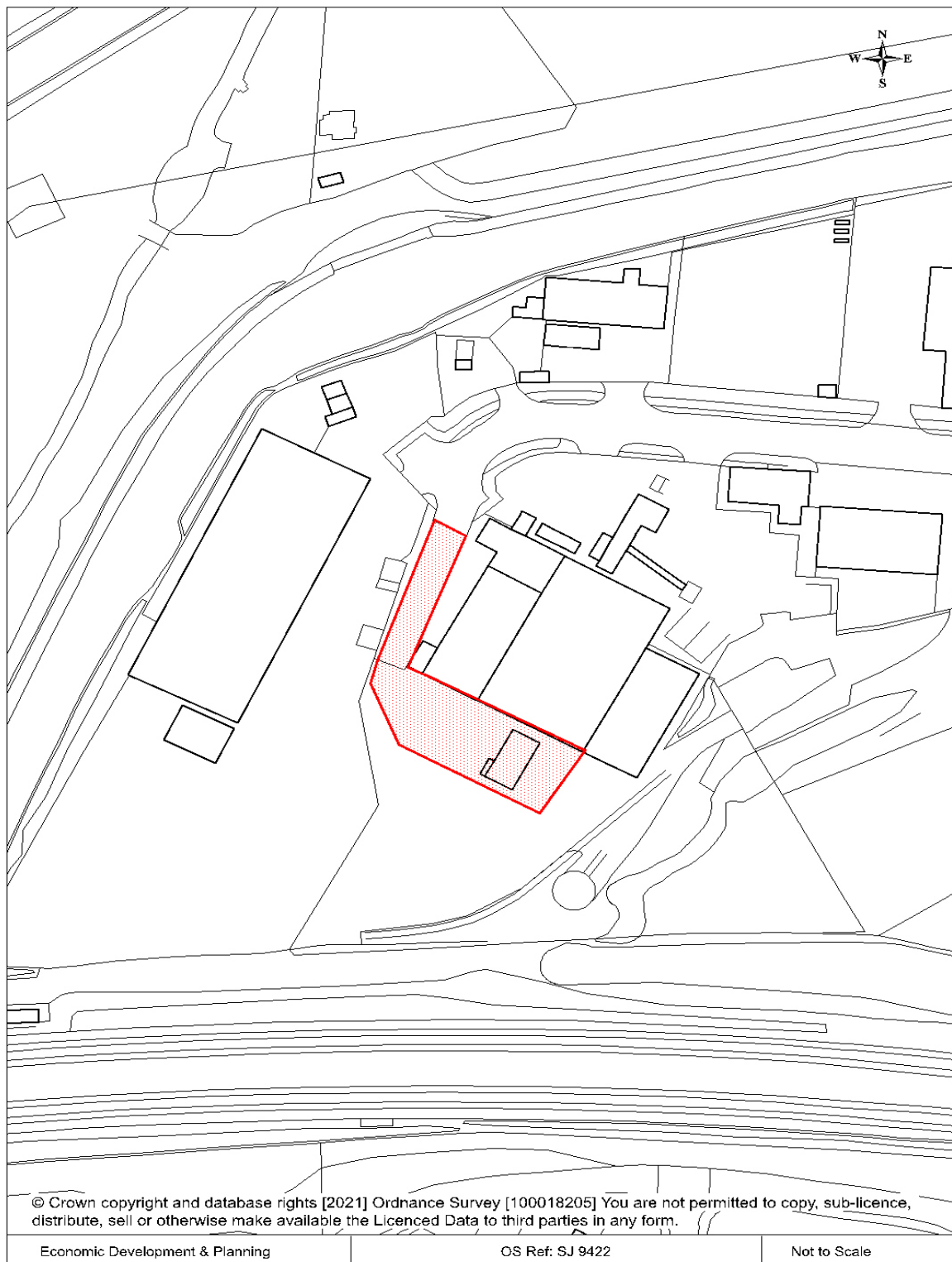
The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To define the permission.
2. To safeguard the residential amenity of neighbouring properties (Policy N1e of The Plan for Stafford Borough).
3. To safeguard the residential amenity of neighbouring properties (Policy N1e of The Plan for Stafford Borough).
4. To safeguard the residential amenity of neighbouring properties (Policy N1e of The Plan for Stafford Borough).

**INFORMATIVE(S)**

- 1 In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

**20/33340/FUL  
Webbs Yard  
Tilcon Avenue  
Baswich**



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PLANNING COMMITTEE - 29 SEPTEMBER 2021

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Ward Interest - Nil

**Planning Appeals***Report of Head of Development***Purpose of Report**

Notification of new appeals and consideration of appeal decisions. Copies of any decision letters are attached as an **APPENDIX**.

**Notified Appeals**

<b>Application Reference</b>	<b>Location</b>	<b>Proposal</b>
<b>21/33783/FUL Delegated Refusal</b>	Downside Garshall Green Lane	Erection of a detached dwelling
<b>20/32217/LDC Delegated Refusal</b>	Land South of Shirleywich London Road Pasturefields	Lawful Development Certificate - Commencement of Condition 1 on 15/22518/FUL

**Previous Consideration**

Nil

**Background Papers**

File available in the Development Management Section

**Officer Contact**

John Holmes, Development Manager Tel 01785 619302