

Chairman - Councillor B M Cross

Present (for all or part of the meeting):-

Councillors:

A G Cooper

A P Edgeller

A T A Godfrey

A D Hobbs

J Hood

E G R Jones

W J Kemp

B McKeown

M Phillips

Also present:- Councillor J K Price

Officers in attendance:-

R Wood	-	Development Lead
V Blake	-	Senior Planning Officer
L Collingridge	-	Contracts Solicitor
J Dean	-	Democratic Services Officer

PC40 Minutes

The minutes of the meetings held on 21 July and 1 September 2021 as previously circulated were agreed as a correct record.

PC41 Apologies

Apologies for absence were received from Councillor G P K Pardesi (substituted by Councillor A T A Godfrey).

PC42 Declarations of Interests/Lobbying

Councillor M Phillips indicated that she would be speaking as Local Ward Member in respect of Application No 20/33340/FUL;

Councillor A P Edgeller reported that she had been lobbied in respect of Application No 20/33340/FUL.

PC43 Application No 20/33340/FUL – Webbs Yard, Tilcon Avenue, Baswich

(Recommendation approval, subject to conditions).

Considered the report of the Head of Development regarding this matter.

Following her presentation, the Senior Planning Officer detailed further information received from the applicant addressing the comments of the Council's Environmental Health Officer.

Public speaking of the matter was as follows:-

J Hodson had submitted the following statement in support of the proposal. As she was not present at the meeting the Contracts Solicitor presented it for Members consideration:-

“Thank you for allowing me to put my points to the committee by way of this note. I am unable to attend due to my underlying health condition in the current Covid situation. We ask you to support the Officers recommendation upon this application and wish to make the following short points.

1. The owner and operator of the site has engaged fully with your Officers in Planning and environmental health to provide them with a full suite of documents including noise reports. The result of the detailed reports are that there is no threat to the amenity of the residential properties that lie beyond the main line railway to the north.
2. The site in question lies within an established operating industrial estate, where there are a full variety of employment uses being carried out, including an existing concrete batching plant. The plant and machinery that are proposed in this application are therefore located in the most appropriate location for this type of activity.
3. The premises are believed to have been vacant for several years before my client took them over and he relocated from elsewhere in the Borough. The business employs 13 people and is an important and established local employer. There is no planning issue over the use of the existing buildings for the current use, the application relates solely to the external plant.
4. The site owner and operator has closely engaged with environmental services and has obtained the necessary environmental licence to operate the facility. The licence ref is CEN/FB/5 and was issued on the 20th April 2021 by the Council.
5. There are no objections from any of the Statutory consultees in terms of any highways impact, impact on the canal conservation area or from environmental health.
6. Prior to the submission of this application a previous certificate application was made to establish if the proposed plant did indeed require permission. Due to the unfortunate circumstances surrounding Covid this application did not progress speedily due to a difference of professional opinion about the interpretations of new/replacement plant set out in the GDPO. It was necessary for the business to erect the plant before a second express planning application could be submitted and determined. The owner and operator has at all times been in discussion with the planning and environmental departments to ensure all the information was available to them throughout the process.
7. It is considered that the application is fully in line with both National and Local Planning policy as set out in Planning officers report and members are respectfully requested to approve the development with the Planning conditions that are set out in the report which will regulate the hours of operation of the plant and the noise limitations that it must meet. The operator is fully aware of the conditions”.

At the invitation of the Chairman, Councillor M Phillips, Baswich Ward Member, addressed the Committee and raised the following issues:-

- Thanked the Chairman for the opportunity to speak as Ward Member
- Reaffirmed the reason for calling in the application
- Application was retrospective and had caused a great deal of stress to local residents
- Development had been built out of hours and without planning permission
- The applicant should have worked with Planning Officers
- Residents would have supported the scheme had applicant complied with planning procedures
- Majority of the objections were based on noise nuisance
- Noted example of resident installing double glazing to mitigate noise disturbance
- Had visited the site in question, excess dust and sound was a problem
- Noise began after operations at the site had started, often between 7am and 9pm, operator should comply with conditions
- Bright lights at the site were on 24 hours per day
- Had contacted Councils Environmental Health Team on many occasions to raise concerns
- Trees masked the silos in summer, but would not in the winter months
- Requested conditions be amended to incorporate comments of EH Officer
- Queried provision of barriers to mask the site
- The applicant had shown little regard for the planning process
- Was very concerned for the welfare of local residents

The Committee discussed the application and raised a number of issues, including:-

- Noise and pollution from dust impacting on local residents
- Flooding was seen in the area in question
- Provision of independent noise survey
- Operating licenses were all in order
- Site was in a designated industrial area

At the invitation of the Chairman, the Senior Planning Officer responded to a number of points raised by the speakers and Committee Members.

It was subsequently moved by Councillor A T A Godfrey and seconded by Councillor E G R Jones that planning application number 20/33340/FUL be approved, subject to the conditions as set out in the report of the Head of Development.

On continuation of the debate and taking into account the comments of the Development Lead, the following amendment was proposed by Councillor A G Cooper and seconded by Councillor B McKeown:-

That condition number 2 as set out on page 13 of the agenda be amended to read ‘... or on the boundary of ...’

That condition number 3 as set out on page 13 of the agenda be amended to read ‘...and not at all on Sundays, Bank and other public holidays’.

On being put to the vote the amendments to conditions 2 and 3 were declared to be carried.

Members subsequently voted to approve the proposal, subject to the above amendments.

RESOLVED:- that planning application number 20/33340/FUL be approved, subject to the conditions as set out in the report of the Head of Development and the following amended conditions:-

Condition 2

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no external lighting shall be provided within or on the boundary of the application site, without the prior written permission, on application, of the Local Planning Authority.

Condition 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, Bank and other public holidays.

PC44 Planning Appeals

Considered the report of the Head of Development.

Notification of the following new appeals had been received:-

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

CHAIR