

Delegated Report for P/2019/01407

Application Number	P/2019/01407	
Planning Officer	Alan Harvey	
Application Type	Detailed Planning Application	
Site Address	Marchington Industrial Estate Land At Stubby Lane Marchington ST14 8LP	
Proposal	Erection of two buildings to form three industrial units within Use Classes B1c (Industrial), B2 (General Industrial) and B8 (Storage and Distribution)) with service yards, vehicular accesses and associated works.	
Expiry Dates	Weekly List	16.12.2019
	Neighbours	16.12.2019
	Consultations	6.3.2020
	Site Notice	3.2.2020
	Newspaper Advert	-
Application not Determined within Statutory Time Period - Reason	Determination date extended with agreement of applicant to allow for resolution of noise matters.	
Environmental Assessment	Screening opinion undertaken	n/a
	Schedule 1 or 2	n/a
	EIA Required	No
Relevant Planning Policies/Guidance	Government Documents	The National Planning Policy Framework The National Planning Practice Guidance
	Local Plan Policies	SP1 - East Staffordshire Approach to Sustainable Development NP1 - Role of Neighbourhood Plans SP14 - Rural Economy SP24 - High Quality Design SP27 - Climate Change, Water Body Management and Flooding SP29 - Biodiversity and Geodiversity SP35 - Accessibility and Sustainable Transport DP1 - Design of New Development DP7 - Pollution and Contamination
	Supplementary Planning Documents	East Staffordshire Design Guide Parking Standards SPD
	Other Policies/Guidance	Made Marchington Neighbourhood Plan DP1 - Sustainable Development Principles DP2 - Infrastructure - Flood prevention & management T1 - Development related traffic requirements LE2 - Marchington Industrial Estate
Relevant History	Application Ref. P/2016/01108 - demolition of two No. industrial units by way of prior approval in 2016.	
Consultation Responses	SCC Highways - raise no objections on highway grounds subject to conditions. Lead Local Flood Authority - no objections in principle provided that the development is only be carried out in accordance with the approved Flood Risk Assessment Severn Trent Water Ltd - no objections in principle to the proposals.	

	<p>SCC Archaeological - raise no concerns and do not require an archaeological condition.</p> <p>ESBC Environmental Protection – commented originally that there are no concerns with regards contaminated land and it is not considered there is much prospect of an increased light nuisance from the site. Insofar as noise issues are concerned the following suggested mitigation for noise was recommended:</p> <p><i>“The submitted noise assessment (Report number 19436-R01-C, dated 19th February 2020, authored by Sandy Brown Associates LLP) concludes that consideration should be made to limit noise impacting nearby noise-sensitive receptors.</i></p> <p><i>Site activities and internal/external plant must be designed such that the noise rating level (at 1m from the worst affected windows of the noise sensitive receptors identified in the submitted report) does not exceed the following limits:</i></p> <p><i>External plant</i> <i>Receptors to the south east of the site – Daytime LAr,15min 39dB / Night-time LAr,15min 28dB.</i> <i>Receptors to the north west of the site – Daytime LAr,15min 43dB / Night-time LAr,15min 34dB.</i></p> <p><i>Site activity noise</i> <i>Receptors to the south east of the site – Daytime LAr,15min 44dB / Night-time LAr,15min 39dB.</i> <i>Receptors to the north west of the site – Daytime LAr,15min 48dB / Night-time LAr,15min 39dB.</i> <i>These limits should be modified for any relevant acoustic characteristics to the noise, as described in the submitted report.</i></p> <p><i>Where the noise generated by occupiers is unknown, then the above limits should be used as design criteria, in order that the limits are not breached.</i></p> <p><i>Whenever a new occupant moves into one or more of the units, and proposes additional or altered noise generating equipment or plant, a bespoke noise assessment report shall be submitted that confirms the new activities at the site will not breach the established limits. Noise character corrections are to be applied as required as part of that assessment.”</i></p> <p>In relation to the issue of external working (along with use of plant/machinery), the ESBC Environmental Protection Officer comments that <i>“I’m in favour of their (the applicants agents) suggestion relating to noisy internal and external plant being the trigger for a noise assessment. They make a fair point about the fact that some installations won’t produce excess noise.”</i></p> <p>There was also substantive correspondence with the applicants agents on the issue of the attachment/wording of conditions and that is dealt with below in the Assessment section.</p>
<p>Parish Council</p>	<p>Marchington Parish Council - has no objections to the application itself, but would like conditions to be added that these buildings cannot be used for 24hr working and that there are strict guidelines for lighting as we do not wish an increase in light pollution.</p> <p>Draycott in the Clay Parish Council - comments that it objects to this application (as follows):-</p> <p><i>“The vast majority of any traffic generated by Marchington Industrial Estate uses the B5017 Stubby Lane to travel to/from the A515. This road is narrow, has poor sight lines and, for much of its length, has no footpaths or verges providing refuge.</i></p> <p><i>Data from a Staffordshire County Council traffic count conducted in January 2019 shows 3100 vehicle movements per day on Stubby Lane, 445 of which are HCVs. The Parish Council has received, and continues to receive, many expressions of concern from</i></p>

residents regarding the inconvenience, nuisance and danger that this level of traffic and, in particular, HCV traffic generates.

Clearly, the current proposal would increase the HCV load on Stubby Lane. Additionally, a significant increase in private car usage to access the workplace can be expected. The proposal refers to 34 additional car parking spaces with further use of the communal car parking facilities. We believe that these increases need to be assessed in relation to the current position and that the 'net' numbers referred to in the Transport Statement are misleadingly low given that the newly proposed units are located on land where previous units have been demolished and are therefore currently generating no traffic.

There are obvious errors in the Transport Statement. For example, it refers to the existing pedestrian access to the site (there isn't any) and that the B5017 Stubby Lane is subject to the national speed limit of 60mph (it isn't; along most of its length the speed limit is 30mph, outside the site it is 40mph). Such errors cast doubt on the reliability of the document.

The Parish Council has no objection to the principle of the development and modernisation of Marchington Industrial Estate, but any such development must be dependent on the provision of a relief road from the Industrial Estate to route HCV traffic away from the B5017 and on to Moreton Lane adjacent to the entrance to HMP Dovegate; the latter road being wider, straighter, sparsely populated and benefitting from a footpath and cycleway. Only when there is a firm commitment and timing plan to deliver such a road should further traffic generating development on the Industrial Estate be permitted. Additionally, any future permissions should stipulate that associated HCV movements are not permitted between the hours of 10pm and 7am."

Neighbour Responses

Two No. representations received raising the following objections/concerns set out below :-

One representation comments as follows :-

"I'm extremely concerned about the increase in traffic along Stubby Lane. Currently, HGVs are at a standstill, many times a day, along this road trying to pass each other. As a car driver HGVs regularly straddle the white line. As a horse rider who has used this route for 25 years it is becoming increasingly hazardous with vehicles making illegal manoeuvres on a regular basis, particularly overtaking at the crossroads with the industrial estate and Marchington Cliff.

The Transport Assessment submitted is misleading in terms of the local road situation. Marchington Cliff is not a suitable access route, particularly for HGVs and has a restriction in place. The speed limit on substantial sections of Stubby Lane have recently been reduced by Staffordshire County Council due to the rapidly increasing traffic and the risks on this route. Safety considerations should be paramount in your deliberations."

Second letter of representation comments in respect of the scheme:-

"We would like to raise our concerns in respect of this application.

The noise pollution from the Industrial Estate is increasing and more and more noisy processes are being carried out by businesses working outside with unit doors open. Apparently some have been given permission to work 24/7 and this already impacts on the quiet enjoyment of our property. Any additional erection of units whereby businesses are allowed to work outside will only exacerbate the noise pollution already being experienced and in our opinion any new businesses/processes should be required to work inside units.

In respect of the Noise report prepared by Sandy Brown we are concerned that:
7.1 Items of plant to be installed are currently unknown and 8.1.1 Proposed activity of the business use is currently unknown.

How is it possible to assess the impact of noise if these uses are unknown. On page 24 the report quotes "other businesses on Marchington Industrial Estate do not currently have any noise restrictions". Why is this, considering the close proximity of the Industrial Estate to the Village? There is also evidence of metal is being dropped. A sound which

	<p><i>regularly resonates throughout the village. Why is permission for these processes allowed so close to the boundary road?</i></p> <p><i>Furthermore any additional volume of traffic and HGVs using the local 'B' road for access to the Industrial Estate would be detrimental to the environment."</i></p>
Human Rights Act Considerations	<p>There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.</p>
Crime and Disorder Implications	<p>It is considered that the proposal does not raise any crime and disorder implications.</p>
Equalities Act 2010	<p>Due regard, where relevant, has been given to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.</p>
Planning Officer's Assessment	<p>Site Description</p> <p>The application site comprises a 0.47ha area of land in the south-eastern area of the established Marchington Industrial Estate (as designated in the Local Plan). The land, which is presently a mix of hardsurfacing and grass, was previously occupied by industrial buildings until their demolition further to a prior approval in 2016 (see Planning History above).</p> <p>The application site is surrounded by existing industrial buildings and associated access roads and parking areas on the Industrial Estate. The nearest residential properties are located to the south east on Didcot Drive (450 m from the site), to the north west on Jack's Lane (520 m from the site) and to the north on Silver Lane (350 m from the site)</p> <p>The site is accessed off internal roads within the Estate which in turn take access from a single main access point on Stubby Lane (B5017), which runs between Draycott in the Clay and Marchington. The site lies within the parish of Marchington.</p> <p>Proposals</p> <p>This application for full planning permission relates to the proposed erection of two buildings to form three industrial units within Use Classes B1c (Industrial), B2 (General Industrial) and B8 (Storage and Distribution)) with service yards, vehicular accesses and associated works.</p> <p>Unit A (southernmost) will measure 719 sq.m GEA and Units B and C (northernmost) conjoined and together will measure 1,023 sq.m GEA. The proposed units will have a total GEA of 1,742 sq.m. The proposed units have a height of some 6.0 above floor level and will coloured cladding. Parking facilities (34 No. spaces in total) and turning/servicing areas are proposed to serve the development.</p> <p>The application has been accompanied by a planning statement, design and access statement, transport report, noise assessment and a flood risk assessment. Also, further to the original submissions there has been correspondence with the applicants agents on noise issues (in the light of the comments of ESBC Environmental Protection), including a revised noise assessment report, which is addressed in the Assessment section of this report.</p> <p>Assessment</p> <p>The main issues in the determination of this application are considered to be as follows :-</p> <ul style="list-style-type: none"> • The principle of the development, • The impacts on residential amenities • The impacts on visual amenities • The highway safety/drainage and flooding implications. • The biodiversity implications

The national and local planning policies relevant to these issues are as follows.

Strategic Policy 1 considers the Borough's settlement hierarchy and sets out that "new development should be concentrated within the settlement boundary of the Main Towns, Strategic Villages, Local Service Villages and Rural Industrial Estates, as shown on the policies map." The Marchington Industrial Estate is identified within the supporting text (at 3.105) as a rural industrial estate. Overall Policy DP1 of the made Marchington Neighbourhood Plan indicates that there is need for "*demonstrating that new development has regard to the principles set out in the Neighbourhood Plan and be located to ensure that it does not adversely affect the following: 1. The amenity of nearby residents. 2. The character and appearance of the local area in which it is located. 3. Social, built, historic, cultural and natural heritage assets.*"

Strategic Policy 14 of the Local Plan in terms of the rural economy states:

"Within the Tier 1 and 2 settlement boundaries and rural industrial estate boundaries, employment development, including extensions to existing premises, mixed use development which would allow for an element of home working and change of use to employment development will be approved if the development:

- (i) does not unduly affect the character of the settlement, amenity of neighbouring properties and will not detract from the environment; and
- (ii) is in accordance with other Development Plan policies..."

Neighbourhood Plan Policy LE2 (Marchington Industrial Estate) states

"Development for employment uses will be permitted within Marchington Industrial estate where it is related to the continued successful operation of the estate and will not lead to problems in terms of;

- *Increased traffic beyond the capacity of local roads*
- *Adverse impact on nearby housing*
- *Increase risks in terms of flooding from surface water run-off.*

Where necessary, operating hours and other planning conditions will be applied to limit the adverse impact of otherwise acceptable development."

Policy SP24 of the East Staffordshire Local Plan states that development proposals must contribute positively to the area in which they are proposed and reinforce character and identify through local distinctiveness. Policy DP1 expands upon this aim with specific reference to the design of new development. The Local Plan policies are supplemented by the East Staffordshire Design Guide and the NPPF.

East Staffordshire Local Plan Policy SP1 lists principles in determining whether proposals constitute sustainable development. One principle is that proposals should be designed to protect the amenity of the occupiers of residential properties nearby and any future occupiers of the development through good design principles. Paragraph 127 of the National Planning Policy Framework indicates that developments should have due regard to the future amenities of residents. Local Plan Policy DP7 relates to pollution and contamination issues and indicates that proposals will only be granted planning permission where they will not give rise to, or be likely to suffer from, land instability and/or unacceptable levels of pollution in respect of noise or light, or contamination of ground, air or water. Policy SP27 of the Local Plan seeks that development schemes address flooding and drainage and the Neighbourhood Plan Policy DP2 (Infrastructure - Flood prevention & management) aims to ensure that development should not increase the risk of flooding and/or exacerbate existing drainage problems.

Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed. The Council's revised parking standards SPD supplements Local Plan policies.

Neighbourhood Plan Policy T1 (Development related traffic requirements) - states that;

“Development proposals in and around Marchington village that would generate a significant amount of movement or would create a traffic hazard on narrow twisting lanes must be supported by a Transport Statement or Assessment as appropriate which sets out details of the transport issues relating to the development including:

- the measures to be taken to deal with the traffic impacts of the scheme*
- Opportunities for improving the pedestrian and cycle connectivity.*

Where road improvements are proposed as part of any development they must be designed to be sympathetic to the rural character of Marchington.”

The National Planning Policy Framework (at paragraph 175) indicates that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), be adequately mitigated, or, as a last resort, be compensated for, planning permission should be refused. East Staffordshire Local Plan Strategic Policy 29 (SP29) seeks amongst other things to ensure that development retains, protects and enhances features of biological or geological interest, and provides for the appropriate management of these features and seeks to ensure that development produces a net gain in biodiversity in line with UK and/or Staffordshire Biodiversity Action Plan species, and biodiversity opportunities.

Principle of the Development

The application site is located within the Marchington Industrial Estate and therefore the use of the land for the development purposes proposed would in principle be in line with the overarching social and economic aims of Policies SP1 and SP14 of the Local Plan and Policies DP1 and LE2 of the made Marchington Neighbourhood Plan. The environmental and other implications of the scheme are thus now considered in the remaining sections below.

Impacts on Residential Amenities

The nearest dwellings to the application site are situated on Silver Lane some 350 m from the site (as is noted by the noise assessment submitted with the application). Given the physical separation distances involved and the intervening existing built development/natural screening, the proposed structures would not have any significant overbearing or overshadowing impacts on any existing dwellings. Nor do any issues arise in terms of loss of privacy from the buildings in terms of their use.

In relation to the proposed industrial use(s) the concerns that have been raised by local residents and Parish Councils in terms of noise and disturbance (including traffic movements outside 7am to 10pm and 24 hour working) and light pollution have been given thorough and due consideration in conjunction with ESBC Environmental Protection; and in doing so having also due regard to the relevant criteria set out in Policy LE2 of the Neighbourhood Plan.



In relation to light pollution ESBC Environmental Protection consider that a negative impact is unlikely to arise, although a condition of any approval would seek to ensure this is the case.

On the issue of noise and disturbance, ESBC Environmental Protection have examined the issue of potential restrictions of hours of operation as well as impacts of external working and/or use of external plant/machinery before concluding that any impacts can be successfully addressed by conditions on the type/location of any plant being installed to serve the development and controlling noise levels in relation to residential properties using known receptor points (which have been identified in the submitted noise report).

Accordingly, subject to conditions/controls being put in place it is concluded that the use of the proposed development would not give rise to significant detrimental impacts on residential amenities in the locality over and above the existing industrial site uses.

Impacts on Visual Amenities

Insofar as the visual appearance is concerned, the proposed buildings in terms of scale and external materials would be in keeping with the character of the established industrial units on the site. The proposed landscaping will benefit visual amenities and will be necessarily secured by condition.

	<p>Highway Safety and Drainage/Flooding Implications</p> <p>Draycott in the Clay Parish Council and local residents raise concerns in respect of the highway safety implications in terms of the increase in traffic on the surrounding roads. The County Highway Authority, however, raise no objections to the scheme in commenting that <i>"it appears that the site has previously had some sort of building on it which would have generated some traffic in the past. The proposed smaller units are unlikely to generate traffic that would significantly increase the traffic from the site as a whole and will not therefore have a detrimental impact on highway safety or capacity. There is some car parking provided on the site of each individual unit but there is also a large area of car parking for the estate as a whole immediately adjacent to the site that could absorb any overflow."</i></p> <p>Conditions of any approval will require the provision and retention of vehicle and cycle parking to serve the development.</p> <p>In respect of Flood Risk, the County Council as the Lead Local Flood Authority raise no objections in principle subject to the development being in accordance with the submitted flood risk assessment (a matter that will be dealt with by way of condition). Severn Trent Water Ltd have no objections in principle and foul and surface water details will be also be secured by condition.</p> <p>Biodiversity</p> <p>The site being developed was until relatively recently (i.e. 2017) occupied by industrial buildings nevertheless in the intervening period some landscaping with grass has taken place (whilst other areas of the site remain hardsurfacing). To compensate for this loss a detailed landscaping scheme is being proposed - and will be secured by condition - and such it considered appropriate to concluded that the scheme will meet the relevant criteria of national and local policies in terms of biodiversity.</p>		
<p>Planning Officer's response to Parish Council</p>	<p>It is considered that the substantive comments of the respective Parish Councils and local residents as they relate to relevant planning considerations have been fully addressed in the Assessment section of this report.</p>		
<p>Conclusion (including Signature & date)</p>	<p>Accordingly, having regard to the above it is considered that the proposed development would be in accordance with the relevant Development Plan policies and the aims of the National Planning Policy Framework.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  5.3.2020 </div> <div style="text-align: center;">  5.3.2020 </div> </div>		
<p>Engagement</p>	<p>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.</p>		
<p>Section 106 required?</p>	<p>No</p>		
<p>Draft Decision Notice checked by Planning Officer or Team Leader</p>	<table border="1" style="width: 100%; height: 80px;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table>		
<p>Team Leader Comments</p>	<table border="1" style="width: 100%; height: 40px;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> </table>		

