

DELEGATED DECISION REPORT

SMD/2016/0408
Valid 05/08/2016

MOORSIDE WORKS
ELLASTONE ROAD
CAULDON LOW

**RETROSPECTIVE PLANNING
PERMISSION FOR THE
REINSTATEMENT OF FIRE
DAMAGED BUILDING,
RETENTION OF A DUST
EXTRACTION UNIT AND
CANOPY EXTENSION AND
PROPOSED COVERED
STORAGE AREA.**

(FULL - MINOR)

MAIN ISSUES

- Design
- Landscape
- Neighbour and public amenity – lighting
- Neighbour and public amenity – noise

DESCRIPTION OF SITE

The site is high up at c.310m AOD (c.1,000ft) on the south westerly facing flank of the Ipstones Edge / Cauldon ridge overlooking Cotton Dell. Wintertons' are involved in the bulk collection and processing of wood shavings and saw dust and ensuing product manufacture and packaging. The premises comprise a range of linked sheet-clad steel framed buildings typically of height 6m to the eaves and 7m to the ridge and covering an area of c.2000m². A section of one of the buildings incorporates office space. On the uphill NE side of the buildings a large levelled yard area of c.3000m² provides parking and turning including depot space for numbers of high sided covered wagons used in the collection and transport of the raw materials and products. The site generally has been levelled into the slope of the hill side meaning that the down hill SW edge of the premises is the most exposed and visible. Views from the other aspects are to various degrees moderated by the lie of the land which the site has been cut out from. There is also some use of earth bunds to the site perimeters.

The Works itself is within the Gritstone Highland Fringe landscape character type. Following a contour line immediately below the site the landscape character type switches to Dissected Sandstone Highland Fringe. Both are ranked as high quality (second to highest grade) in the Staffordshire county-wide survey context. Additionally at this location the area is categorised as being of the highest landscape sensitivity.

This is an open landscape with far reaching views. There are numerous public footpaths in the vicinity including a route following the site access road and another which runs SE to NW across the foot of the site.

There are two near but unconnected residential neighbours – Moorside Farm adjacent to the south corner of the site and Meadow Rise about 60m NE of the site. Both these properties rely on the same access lane as that serving the works. This connects to the public road on the ridge top about 175m NE of the site. Within 240 to 400m from the site centre there are a further four un-connected residential properties. The site is c.450m from the nearest houses of Hoften's Cross to the east but there is no line of sight and they are physically separated by the intervening ridge top (330m AOD).

PROPOSAL

The proposal has several elements. The proposal involves two relatively modest building extensions each of c.20m x 6m in area and slotted alongside the existing buildings therefore c.240m² in total.

The proposal also involves the erection of a dust extraction unit off the SW side of the buildings. In a modification from the details first submitted the extractor specified is a DISA Cycloplex Cyclofilter of essentially cylindrical form 3m in diameter and 6.7m tall.

Thirdly some minor modifications to roof height and profile is proposed in relation to a part of the existing buildings following re-building after a fire in 2014 set out as follows in the submitted planning statement:

"In June 2014 a fire broke out in the existing workshop. This quickly spread to the adjacent offices and wood shavings store causing extensive damage to the buildings. With the exception of the wood chip store and a separate detached general store all other buildings on the site had to be demolished. The replacement buildings which extend to some 1,277 sq metres have been constructed on the same footprint as those which they replaced with the exception of a single storey store on the south western elevation which has been removed. A canopy extension, measuring 22m x 5.5m has also been added on the western elevation and a dust extraction unit has been positioned on the south western boundary of the site. The canopy is required to provide additional dust control to vehicles using the unloading ramp therefore reducing noise and dust emissions.

Dec 2016 agent's communication:

New Machine

I have spoken with Mr Moores regarding the above and am assured that it does run much quieter than the present machine and makes the following points.

- a When the machine is installed sound emissions will again be measured and if required action will be taken to ensure sound emissions are kept within acceptable limits.
- b The extractor unit cannot be sited to the West Elevation 10m away from any buildings as required to meet Insurers fire risk terms.
- c Mr Moores states that a time restriction will not be acceptable. However, unsocial working hours will be kept to a minimum.
- d If required, Mr Moores undertakes to construct an acoustic barrier along the South Elevation boundary or an acoustic enclosure to completely enclose the extractor unit.

Lights

We have just received the manufacturers details relating to the lights installed at Moorside Works. We can now prepare a plan showing the light position with fixing angles to minimise light leakage off site. This will be forwarded on to you as soon as completed.

July 2017 agent's communication:

I have now had a meeting with Mr Gary Moore of P H Winterton and Son and discussed the points raised by Denis.

He states that:

a it would be very difficult to site the dust extractor in another location due to the existing layout of the plant and storage areas.

b P H Winterton and Son will within a reasonable period of time carry out noise tests and carry out attenuation measure as may be required.

c hours of normal working are Monday to Friday 7.00 to 19.00hrs, Saturday 7.00 to 17.00hrs, Sunday no working, however, wish to have the right to work a limited period outside these hours in the event of emergencies to cover breakdowns or other similar events. Please see attached P H Winterton and Son letter confirming the above.

Also I have spoken with David Cooper of Moorside Farm (nearest neighbour) regarding noise levels and he comments as confirmed in attached letter.

The neighbour letter from the adjacent Moorside Farm states: "no complaint re noise emissions" and understands that sound level tests will be carried out and insulation added if found required.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives

SS1 Development Principles

SS1a Presumption in Favour of Sustainable Development

SS6c Other Rural Areas Area Strategy

SD4 Pollution and Flood Risk

E1 New Employment Development

DC1 Design Considerations

DC3 Landscape and Settlement Setting

R1 Rural Diversification

T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 to 17

Section(s) 1 – Building a Strong , Competitive Economy 7 – Requiring Good Design;

11 – Conserving and Enhancing the Natural Environment, in particular paragraphs 123 (noise pollution) and 125 (light pollution).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

81/10026/OLDDC

– construction of two manufacturing units – Stockaid Ltd – approved

84/13500/OLDDC

– construction of two manufacturing units – Stockaid Ltd – approved

88/00149/OLD

– Extension to offices – Moorside Works – approved

11/00399/FUL – erection of steel framed storage building – approved. NB this application appears to have included the whole site within the red edge and has attached conditions.

SMD/2014/90225

– Erection of steel framed building for purpose of bulk storage of wood chippings – approved. As 2011 (above) whole site edged red on the site plan.

CONSULTATIONS

Publicity

Site Notice expiry date: 19th October 2016

Neighbour consultation period ends: 30th August 2016

Press Advert: N/A

Public Comments

Objections in respect of noise and light from the occupiers of Cotton Bank Farm at c.230m AOD below the site about 1.5km to the SSW, across the mini valley of Cotton Dell. Specifically they have been concerned by noise from the installed dust extractor system and by lights operating through the night.

Objector's further e-mail March 2017:

The application drawn by Ivan Cooper shows the lights still on the building but as we are lower than the eye level there we still have the issue (one being permanently on 24/7 due to fault). I visited the site 3 weeks ago and Adam Moore suggested putting the lights on poles facing the buildings with motion sensors, which would solve the problem. Could you please write to them and ask them to submit a plan showing this and also give them the RAL number of the paint to paint the fan.

Town / Parish Comments

Cotton Parish Council – consulted 9th August 2016. It appears no response has been received and a check has been made with the current Clerk but it's understood there appears to be no record with the Parish Council of any response being made.

Environmental Health

Comments received 10th October 2016; 9th December 2016; 26th June 2017 and February 2018. Main areas of concern: Noise (Sawdust Extraction).

General Comments 10th October 2016

1. The sawdust extraction unit is very large (attached photos). The size of the entire unit makes it difficult to properly enclose the whole unit in its present position. The acoustics consultant advises in their subjective opinion that much of the noise was coming from the

motor (paragraph 4.4) and so they propose attenuation around this part of the machine, in order to achieve reduction in noise levels to 38.2dB as a minimum. But my concern is that there will also be noise emanating from the rest of the machine which I feel should be addressed. In the event that the enclosure works to the motor do not effectively reduce the noise what alternatives are there? The machine with its size and position would be difficult to enclose further. Will the applicant undertake a further assessment and mitigation in a reasonable time?

2. The machine sometimes operates early evening, late at night and in the early hours of the morning. The noise measurements taken by the consultant have been taken in daytime, there has been no consideration of sound levels during quieter times. Sound levels at night and in the early hours of the morning in this rural area can be very low and so the impact levels of sound to the nearest properties has not been properly considered. Would the applicant be willing to time restrict use of the extraction unit to set times avoiding use in the early hours of the morning, evening and night? At the present time this machine is significantly impacting on the area during daytime hours and so these impacts are only heightened during quieter times. Sound levels in these quiet rural areas can be as low as 25dB which would require significant noise reduction.

3. In addition to the impacts to the nearest noise sensitive receptors there is also a significant impact to the amenity of this quiet rural area. The noise impacts from this unit should correspond to existing background noise levels at all times which would mean that up to 30dB noise reduction maybe required.

4. The unit is tall and is positioned at the edge of the valley causing noise to be directed unrestricted across the valley. The positioning of this unit at the edge of the valley is causing a direct transfer of noise across the valley which is causing low frequency noise complaints from neighbours one mile away. There should be a consideration to entirely house, relocate/reposition or change this machine.

5. As the assessment is dated 28th June 2016 and recognises a noise issue, has the operator undertaken any further works to reduce noise impacts and have these reduced the noise in anyway?

Comments 9th December 2016

The plan to introduce new machinery to replace old is welcome but there is no acoustic specification available. There would be a valid concern that the company may innocently replace a loud machine with a loud machine and be subject to further complaints in the future. We should be certain the machine being installed or attenuation of the existing machine protects existing amenity.

Additionally I feel the use of the extractor owing to its location should be time restricted no earlier than 7am and no later than 8pm.

Comments 26/6/2017 based on proposed new equipment with SPL 78.4 dBA 1m

Initially there is no testing data or certification to validate “anticipated” noise level but in assumption this can be provided or validated by a post installation test.

The specification provided indicates this unit as being approx. 7dBA quieter than the unit used in the assessment. In using those predictions it might be predicted that revised impacts

(Noise Rating incl. tonal penalty) to NSR1 Cotton Bank Farm would be 13.4dBA and to NSR2 Moorside Farm it would be 44.5 dBA.

These predicted impact levels would mean the unit would operate at a sound rating level of approximately 6dBA over existing background levels at NSR2 during daytime hours. This would still mean an adverse impact to this property. During normal daytime hours this could be considered a tolerable level but evening and night time amenity would still be at risk of adverse impact. There is no advice provided to show the design of the machine and proposed mitigation such as the required enclosure as set out by the original noise assessment to achieve a noise rating level at NSR2 of 38.2 dBA. If it is smaller than the existing machine the existing bund and further screening may mean that required attenuation is feasible. This is obviously an improvement on the existing machine but would not satisfy our standard condition for new plant or machinery.

Comments 1/8/2017 based on agreement to comply with a noise protection condition and complete sound testing and further attenuation if required.

The predicted noise impacts at Moorside Farm without mitigation but using this new machinery would indicate noise impacts at this NSR being 44.5dBA. This would be a significant improvement for daytime noise but it would also be important for noise mitigation to be installed to ensure night time amenity is maintained. The noise assessment ruled night time working as not occurring but the agent for the applicant has revised this advice to occasional night works are required; if this is the case then a significant level of mitigation will be required.

Comments 17/2/2018 Based on updated agreements from nearest residential neighbour and operator

The nearest residential neighbour accepts that the unit as proposed and noise impacts are acceptable (letter provided to LPA). But there remains a concern about the operation of this unit through the night; the applicant makes a case for emergency workings which maybe required on occasion. In order for this unit to operate through the night then noise limits should be set to a level which should ensure reasonable amenity levels inside the property are enabled. The BS8233:2014 sets out bedroom night time sound levels at 30dBA (23:00 to 07:00). There is a condition advised below which takes account of the maximum noise rating levels at 45dBA (15mins) at the nearest residential property. This noise rating level should allow internal sound levels of 30dbA to be achieved internally (allowing for an open window).

All measurements should be conducted in compliance with the procedures as set out in BS4142:2014. These levels if achieved at the nearest residential property will protect existing properties in the vicinity and cause lower impacts than currently exist.

The timings of operation as set out by the operator for normal use of the site are agreeable but it is difficult to understand how the emergency/business exceptional use of the equipment might be conditioned.

The factory lighting has caused complaints to the District Council. It would be advised that low level lighting should only be used and the unique rural nature of the area be protected through the use of a well designed lighting installation. It is noted in the additional information that 100w light installations are to be used, if these are directed appropriately to prevent light spill and glare then light impacts and spill should be minimised.

In light of the further information provided and acceptance of the following machine operating condition then the Environmental Health Department withdraw the holding objection.

1. Noise Condition

The noise generated by the dust extractor being operated under this permission shall not exceed 45 dB(A) when measured at the nearest residential property, Moorside Farm, Cauldon Lowe as set out in Appendix F of the Noise Impact Assessment. For the purposes of the above and subsequent measurement/comparisons, all levels are to be expressed as Laeq [15mins] and all measurements shall be pursuant with the requirements of BS4142:2014 Methods for rating and assessing industrial and commercial sound. Upon reasonable request from the LPA a compliance monitoring exercise should be undertaken.

A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its approval.

Reason: *To ensure that the reasonable residential amenities of neighbouring properties are adequately protected from noise pollution.*

2. Equipment Use Timings

Monday to Friday 07:00 to 19:00

Saturday 07:00 to 17:00

Sunday and Bank Holidays: No operation.

Reason:- *To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.*

3. Existing Dust Conditions

Please retain conditions 2, 3 and 4 of the permission 11/00399/FUL

OFFICER COMMENTS

Principle of Development

Policy SS6c is to meet essential local needs by (inter alia) allowing the extension of an existing rural building in accordance with policies R1 and R2 and provides to sustain the rural economy by “enabling the limited expansion or re-development of an existing authorised business for employment uses”. Policy SS6c is also to enhance and conserve the quality of the countryside with priority given to “the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape”.

Policy R1 expects a balance to be made between the extent a proposal enhances the character, appearance and biodiversity of the countryside and promotes the rural economy. “Appropriate development should not harm the rural character and environmental quality of the area”.

The scale of new building proposed here is considered modest against the scale of the existing works. The two c.20m x c.6m sections will slot into the existing layout without making any especially obvious additions in the landscape as they will be seen against existing elevations. There are Permitted Development rights under Part 7 Class H but this would not provide for the entirety of what is proposed here which is further complicated in that the application is put forward in part to address re-building of fire damaged buildings.

The proposed extractor unit would be a more conspicuous structure and it would be on the most exposed and prominent SW aspect of the site. It is therefore not ideally located. Alternative positions have been discussed but the business proprietor is adamant that the layout of the works necessitates its position here. It can readily be understood that an extractor is a vital element in a business of this nature. It must also be considered that GPDO Schedule 2 Part 7 Class 1 provides permitted development rights for the installation of plant or machinery unless it would “materially affect the external appearance of the premises”. This notwithstanding, permission has been sought. The extractor has no comparable structure visible at the site and given its prominent position might reasonably be judged to materially affect the external appearance.

Design and Landscape

The building extensions are conventional and would fit in inconspicuously. They should be conditioned to be finished in a recessive exterior colour finish.

The extractor is a tall structure and, though comparable in height to the highest points of the buildings, due to being on the edge of the site towards which there are wide ranging views from below it is likely to be seen projecting above the building back drop. The applicant proposes to paint the structure to a recessive colour and to augment the landscape tree and shrub planting to the site perimeters – some of which it is stated has already been implemented – indeed there was a similar requirement in association with the 2011 approval.

Amenity – visual impact, noise and lighting

The presence of this industrial development in a relatively isolated rural location of high quality countryside risks conflicts of amenity especially for users of the network of public footpaths in the vicinity. The building extensions will not add significantly to the impacts but the extractor unit could be considered both a visual intrusion and the source of noise disturbance. There are also risks in particular of noise disturbance for residents as evidenced by the objector representations from a dwelling 1.5km distant.

The Council’s specialist noise Environment Officer has been closely involved in advising and negotiating with the applicant to achieve an appropriate level of control and restriction. Subject to the conditions he has recommended the scheme is now considered acceptable.

A further threat to amenity and a point raised in the objections arises in respect of lighting. At the site visit the case officer noted very bright intense spotlighting to the perimeter of the premises which was illuminated and unsightly and indiscriminate during day light and would understandably be seen as being all the more polluting in this remote rural location during darkness. Additional details have been submitted [Docs Jan 5th 2017] showing mounting positions, light reach and a range of potential wattage ratings. It is not however readily clear from this information as to what the resulting effect and appearance will be. The lights are shown mounted on the buildings and directed outwards over the yards and towards the site perimeters;

therefore potentially visible from beyond. Indeed it is difficult to see how the light would not be visible from outside the site. Whereas if mounted on the site perimeter and directed inwards towards the buildings there would be a greater assurance of limiting the visibility in the wider environment. For this reason it is considered that a condition should be attached that notwithstanding the submitted details a scheme of lighting shall be brought forward for approval.

The applicant has undertaken some landscape planting off site by arrangement with the adjacent land owner. There is also scope for planting on the boundaries and this may lend itself best to hedgerow establishment along the bund embankments.

CONCLUSION / PLANNING BALANCE

The extent and form of re-building following the fire damage in 2014 appears by reference to air photos from 2006 and 2011 and the plans submitted with the 2011 application to closely conform with the original building and on this basis is not judged to raise any new or unacceptable issues.

The two building extensions are minor in proportion to the scale of the overall existing development and, in respect of the main consideration of landscape, raise no significant issues of concern in terms of visual amenity.

In this rural landscape, which has been assessed in the Council's local plan evidence documents as being of high quality and especially sensitive to development, there are reservations about the visual impact of the proposed extractor but on balance, taking account of the unit's importance to the operation of the business; that there is some opportunity for further screening by way of landscape planting; and that it can be painted to a recessive colour, the extractor is found acceptable.

As with the previous 2011 and 2014 consents careful conditioning in respect of noise and dust control will be important and lighting should also be regulated.

The applicant has suggested some freedom is needed to work outside the hours of 7am to 19.00hrs. However a more stringent level of noise control would in that case be essential and it is not clear that this would be achievable. The applicant states that 07.00 to 19.00 are the normal hours (letter from P H Winterton and Son to their agent undated but referring to a meeting of 18th July 2017) and it is recommended this must be stipulated by condition in respect of the new extractor unit specifically.

With all the above considered it is recommended that the application be approved subject to the various conditions discussed.

OFFICER RECOMMENDATION : approve

Case Officer: Arne Swithenbank

Recommendation Date: 16th February 2018

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council