

## DELEGATED DECISION REPORT

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**SMD/2023/0560**  
**Valid 08/11/2023**

**1 VICTORIA BUSINESS  
PARK PROSPECT WAY  
KNYPERSLEY**

**CONSTRUCTION OF NEW  
INDUSTRIAL BUILDING TO  
HOUSE CNC MACHINE**

**(FULL - MINOR)**

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### MAIN ISSUES

- Design
- Amenity
- Highway Safety

### DESCRIPTION OF SITE

The proposed site consists of an existing industrial building and its associated curtilage, situated in the Biddulph West ward. The site is within the Biddulph development boundary, where positive development is encouraged to be concentrated. An area of staff and visitor parking is located to the North of the main building, landscaped gardens to the East, the main access road into the wider Victoria Business Park to the South and a large hardstanding area to the West used for the parking/storage of commercial vehicles (buses) associated with the building use.

### PROPOSAL

The proposal is to erect a new industrial building to house a CNC machine within the existing hardstanding / storage area to the rear of the main building. The new building will enable the company to complete the construction of interior furniture on-site as opposed to out-sourcing to third parties.

### RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

#### **Staffordshire Moorlands Local Plan (Adopted 2020)**

SS1 Development Principles  
1a Presumption in Favour of Sustainable Development  
SS2 Settlement Hierarchy  
SS6 Biddulph Area Strategy  
DC1 Design Considerations  
T1 Development and Sustainable Transport

#### **National Planning Policy Framework**

Paragraph(s) 1 – 14

Section(s) 4 – Decision making, 12 – Achieving well designed places

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

SMD/1982/0746 – Temporary use of land and buildings in their existing state for light or general industrial purposes. Approved.

SMD/1999/0371 – Outline application for industrial estate (application under general regulations). Approved.

SMD/2001/1356 – Reserved matters application for industrial estate. Approved.

SMD/2002/0204 – Open water pond (with wetland area incorporating surface water balancing). Approved.

SMD/2003/0105 – Extension of time limit for application ref. 99/01198/OUT (industrial estate). Approved.

SMD/2003/0468 – Erection of 8 industrial units. Approved.

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 03/01/2024

Neighbour consultation period ends: 08/12/2023

Press Advert: N/A

### **Public Comments**

No public comments have been received.

### **Town / Parish Comments**

No comments have been received from Biddulph Town Council.

## **Environmental Health**

### **Potential Areas of Environmental Concern**

1. *Noise from plant and machinery (Condition)*
2. *Fumes (Condition)*
3. *Construction Impacts (Condition)*
4. *Outdoor Noise (Condition)*
5. *Coal Mining (High Risk Area)*
  - a. *Ground Gas*
6. *Nuisance (See advisory)*

### **Comments -**

*Noise: The proposed development is located next to an existing industrial building on Victoria Business Park. There is no acoustic data provided for the machinery to be installed into the unit but we would proposed the conditions set out below to require all plant and machinery installed under the permission should be installed and attenuated so as not to adversely impact pre-existing noise levels. The industrial building should also be suitably insulated to prevent breakout noise. All noisy activity should take place inside the building under application with all doors and windows shut. There is no record of complaint against the current operation on site.*

*Land Contamination: The site is the former Victoria colliery / open cast, and site and was subjected to a full investigation / part remediation by advantage west midlands (2002), which included grouting of many of the suspect shafts etc. The primary issue for the site is geotechnical (shafts / opencast fill).*

*With regard to contamination; whilst the site is likely to be subject to some residual levels of contamination (and possible ground gas), from its former use, due to the low sensitive end use of the proposal (machinery housing), it is considered suitable for use.*

*A ground gas and unexpected contamination condition is included as a precaution, however, in this instance (as it is not proposed to break the existing concrete pad) it would be acceptable to assume a moderate gas risk and instal appropriate measures without a gas risk assessment.*

### **Recommendation**

*If permission is granted it is recommended the following conditions should be imposed on any permission granted.*

### **Staffordshire County Council Highways**

*The proposal is to construct a new industrial building to house a CNC machine. The proposed building will measure approximately 8.9m by 5.9m and have a footprint of approximately 55m<sup>2</sup>. The building will be constructed on an area of existing hardstanding as detailed on drawing P351 - 202 PP02.*

*An additional full-time member of staff is required taking the number of full-time employees to 11.*

*Staff and visitor parking is shown on submitted plan P351 - 200 EP01. There is parking to the side and rear of the building, and it was noted at the site visit some spaces were available.*

*It is considered that the placement of the proposed building will not cause a loss of parking facilities.*

*The proposal would not have a detrimental impact on the adopted highway. I have no objection to the proposal (SMD/2023/0560).*

## **Waste SMDC**

*There would be no issues regarding waste collections as a result of the proposed development.*

## **The Coal Authority**

### **The Coal Authority Response: Material Consideration**

*I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.*

*The Coal Authority records indicate that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past and historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.*

*In addition to the above, our records indicate that the application site falls within the boundaries of a wider site from which coal has been extracted by surface (opencast) mining methods. We take this opportunity to highlight that in addition to general settlement associated with opencast backfill, differential settlement can take place over / in the vicinity of buried opencast highwalls, which in turn can result in damage to buildings and structures. New buildings should avoid buried highwalls wherever possible.*

*The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (or equivalent) (November 2023, prepared by Earth Environmental and Geotechnical) to accompany the planning application.*

*Using various sources of geotechnical information the report is able to identify the same coal mining risks as indicated on the Coal Authority's records. Despite the potential coal mining risks identified beneath the application site, the report author indicates that the proposal lies on the margin of the former opencast quarry and that it is likely that the outcropping coal seams (Holly Lane and Bowling Alley) would have been removed. More significantly, the report identifies that the proposed development is to be constructed upon an existing concrete slab.*

*Based on the above, the report does not recommend the need for any further site investigation.*

### **Mine Gas**

*It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning and Development*

*Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.*

### Sustainable Urban Drainage

*It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.*

### The Coal Authority Recommendation to the LPA

*The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.*

## **OFFICER COMMENTS**

### **Principle of Development**

Paragraph 11 of the National Planning Policy Framework (NPPF) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 8 of the NPPF identifies three dimensions to sustainable development as being economic, social and environmental.

In accordance with Policies SS1 and SS2 of the Staffordshire Moorlands Local Plan the Council expects all new development to make a positive contribution towards the sustainability of communities and to protect and where possible enhance the environment. A concentrated focus on future growth is to be directed to larger

settlements, including Biddulph. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

In compliance with Policy SS6, new development should be directed to the most sustainable locations. The site lies within the market town of Biddulph, which is one of the main urban areas where the focus of new development will be directed, with the aim of crafting all development to enhance the character and appearance of the town.

The proposed site is within the Development Boundary, thus the proposed works are acceptable in principle, subject to conformity with other relevant national and local planning policies. The main issues which need to be considered as part of the assessment of the proposed works include design, amenity and highway safety.

## **Design**

Policy DC1 seeks to ensure that all development is well designed and of a high quality, contributing to local distinctiveness and harmonising with sense of place. The proposal, by virtue of its size, scale and siting, does not adversely impact the surrounding area.

The proposal is to erect a new industrial building to house a CNC machine within the existing hardstanding / storage area to the rear of the main building. The new building will enable the company to complete the construction of interior furniture on-site as opposed to out-sourcing to third parties.

As mentioned in the Supporting Design & Access Statement, the proposed building is very modest in size in comparison to the main building and other adjoining buildings, with an overall height of 3900mm above ground level. The new industrial building would be visually in character with the existing pattern of development in the area. It would be built to largely match the exterior aesthetic of the main building at the site; the building would have external walls constructed from matching profile metal cladding panels and a lean to roof with matching profile metal cladding panels to the main building.

The proposal would therefore accord with the provisions of Local Plan policy DC1 and section 12 of the NPPF in this regard.

## **Amenity**

Paragraph 130 f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. Local Plan Policy DC1 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

The site is embedded in a predominantly commercial area, surrounded by other businesses. Thus, it is not believed that the addition of the proposed industrial building would have a detrimental impact on the surrounding businesses, particularly due to the separation distances between each of the commercial plots. Furthermore, the approximately 2 metre high boundary hedging would aid in screening some of the proposed industrial building from neighbouring plots.

### **Highway Safety**

Paragraph 104 of the NPPF states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Policy T1 seeks to provide safe and sustainable access and ensure that development does not lead to an increase in on street parking.

In the absence of any objection from the highway authority no highway safety implications are envisaged. Highways have stated that the placement of the proposed building will not cause a loss of parking facilities. Therefore, there would be no detrimental impact on highway safety.

Thus, the proposed development would have no impact on highway safety, in accordance with Policy T1.

### **CONCLUSION / PLANNING BALANCE**

In consideration of all of the above, the application is recommended for approval. Due to the application having no adverse effect upon neighbour or street scene amenity and no overall impact on the highway, it is deemed acceptable under planning policy. Therefore, the proposed industrial building is recommended for approval, subject to compliance with all conditions.

**OFFICER RECOMMENDATION:      APPROVE**

**Case Officer: Hannah Varley**

**Recommendation Date: 03/01/2024**

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Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**