

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

18 December 2019

Application No:	SMD/2019/0616	
Location	Cattle Market, Junction Road, Leek, ST13 5PY	
Proposal	Demolition of slaughter house and erection of 3 business units	
Applicant	K B Developments	
Agent	Sammons Architectural Limited	
Parish/ward	Leek South Ward	Date registered: 4 th October 2019
If you have a question about this report please contact: Benjamin Hurst tel: 01538 395400 ex 4127 benjamin.hurst@staffsmoorlands.gov.uk		

REFERRAL

The application is presented because the Council is the registered proprietor of the land title to which the application site relates. Whilst the applicant is a speculative private developer who currently owns the 'leasehold', ultimately the grant of planning permission would be of benefit to the land title.

1. SUMMARY OF RECOMMENDATION

APPROVE subject to conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site includes an old block work slaughter house and its curtilage. The building has a rather functional character, it has not been used for decades and it has a relatively derelict appearance. The slaughter house is located in the far south eastern corner of the Cattle Market, sitting within a scrubby area of grass land that runs up to the periphery of the market site. The Cattle Market provides a large area of concrete and stone hard standing with a large conjoined run of sheds and buildings that together provide a total floor area of some 1.5k sq. metres.

2.2 The slaughter house is detached and in comparison it provides a floor area of just 147 sq. metres, it has the relative form and relationship of a small subsidiary outbuilding. The floor area is provided over a rather awkward arrangement of space that appears to have been supplemented with lean to additions.

2.3 The Cattle Market is essentially tree lined with a belt of scrub land that separates the site from the residential development to the east, and Ladydale Brook and Birchall Playing Fields to the south. The western boundary is edged by the

dismantled Leekbrook railway line that divides the site from the Barnfields Industrial site on the other side.

2.3 There is one access to the Cattle Market that adjoins Junction Road. To reach or exit the slaughterhouse at the south it is necessary to pass across the open hardstanding alongside the range of sheds for a distance of some 250metres. To the front of the slaughterhouse there is a rough track that has a gate to the edge of the Cattle Market, the track provides access to and from Ladydale Brook and the playing fields to the south.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 The slaughterhouse and the application site occupy part of the Council's land title covering the Cattle Market as a whole. Leek Abattoir Ltd had owned the slaughterhouse leasehold with a 99 year lease from 1965. However, the slaughterhouse has been closed for some years, it is said that the business became unviable and it is too small to meet current rules and regulations to re-open as a refurbished abattoir. The former company sold the leasehold to the applicants some two years ago. There is a right of way to and from the premises across the Cattle Market. The lease is tied to covenant's that restrict access rights and tie the use of the site to that of an abattoir, if planning permission were granted therefore, the applicant would need to renegotiate those terms with the Council's assets team. However, those are 'civil' matters and need not be considerations material to the determination of the application. The applicant has served notice on the Council and has completed the correct declaration of ownership to reflect the current situation.

3.2 The blockwork slaughter house building, currently providing 147sq metres of floor area across a rather awkward arrangement of space, would be demolished and in its place a new block and grey profile sheet clad building would be provided. The new building would have a uniform shape and arrangement that would in total provide three equally spaced 'business units' within a total of 238 sq. metres of floor area. The new building would occupy the footprint of the old and, while it would be 'longer' by about 8metres and 'wider' by about 1metre, it would have a lower height profile of 5metres, one metre less than the existing building's maximum height. Each business unit would have a roller shutter door and two car parking spaces to the front with a line of planting to help delineate spaces and break up the expanse of hardstanding.

3.3 The proposed building would provide what are described as 'business units'. Effectively, a 'flexible' permission is sought so that the units could be used for any purpose falling within classes B1, B2 or B8 of the Use Classes Order (including offices, research and development, industrial process, and storage or distribution). The site's existing use as an abattoir is *sui generis* (outside of classification) and as such the application also seeks permission for a material change of use.

3.4 Details of the application scheme can be viewed at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=128617>

4. RELEVANT PLANNING HISTORY

None

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises of:

- Saved Local Plan Proposals Map / Settlement Boundaries (Adopted 1998)
- Core Strategy Development Plan Document (Adopted March 2014)

Adopted Staffordshire Moorlands Core Strategy DPD (26th March 2014)

5.2 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SD1 Sustainable Use of Resources
- SS5 Towns Hierarchy
- SS5a Leek Area Strategy
- E1 New Employment Development
- E2 Existing Employment Areas
- DC1 Design Considerations

Emerging Local Plan

5.3 A full schedule of main modifications to the Local Plan is expected to be subject to consultation early this autumn. The schedule will consist of modifications that the Inspector has so far deemed necessary to make the Local Plan sound. Following the consultation, the Inspector is expected to consider the responses before issuing his final report. Depending on the recommendations in the report, the Council may then be in a position to adopt the Local Plan.

5.4 In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as discussed above.
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question.
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

Emerging Policies

5.5 The following policies (including their weighting) are considered to be relevant to this application:

- SS1 Development Principles (Moderate)
- SS1a Presumption in Favour of Sustainable Development (Significant)
- SS2 Settlement Hierarchy (Limited)
- SS5 Leek Area Strategy (Limited)
- E1 New Employment Development (Moderate)
- E3 Existing Employment Areas (Moderate)
- SD1 Sustainable Use of Resources (Limited)
- DC1 Design Considerations (Moderate)

Supplementary Planning Guidance

5.6 The following documents supplement and provide an evidence base to the development plan:

Staffordshire Moorlands Design Guide (2018)
Landscape Character Assessment (2008)

National Planning Policy Framework (NPPF) revised.

5.7 The following sections of the NPPF are particularly relevant to this application:

- 2: Achieving sustainable development
- 6: Building a strong, competitive economy
- 12: Achieving well-designed places.

6. CONSULTATIONS

6.1 Site Notice posted 16th October 2019. Expiry date 6th November 2019.

One letter of public support has been received commenting that replacing an unused vandalised building would bring job opportunities.

Comments have been received from the tenant and manager of the adjacent Cattle Market site:

- When the cattle market is in use (Tuesdays and Saturdays) all of the land is used for parking and, as such, there would be no opportunity for the occupiers of the proposed units to use any area outside of the application site.
- The site has a right of access through the cattle market from Junction road for a small abattoir. Any intensification in the use of the market site will prejudice the security of the whole site for customers and adjoining residential users.
- The cattle market operates under Animal Gatherings Order Regulations that could be prejudiced by particular types of user on the adjacent site.
- The re-use of the site is welcomed, provided that, it is completely restricted to the original area of the abattoir with a compatible, low intensity use that has

restricted hours of operation facilitating our Tuesday and Saturday Markets and the Sunday car boot sale.

Leek Town Council: Not unneighbourly

Severn Trent Water: No Objection, subject to drainage conditions

County Highway Authority: No Objection. Based on the prospect of the units each being used for B1 purposes (most likely the highest parking requirements) proposed parking provision is low. However, the site is remote from the highway and there is adequate parking available away from the highway, particularly when auctions are not being held.

7. OFFICER COMMENT AND PLANNING BALANCE

Principle of development and the main issue for consideration

7.1 The site is within the Local Plan defined area of Leek Town where strategy SS5a of the Core Strategy generally provides for development that is sustainable and consolidates and regenerates Leek as the principal service centre. Such development might include the provision of new employment development particularly where, in accordance with employment policy E1 of the Core Strategy, it would be provided on an existing employment site; it would have good links to the public highway; provide good quality modern accommodation attractive to the market without harm to the amenity, character or appearance of the area; and is capable of meeting a range of employment uses to support the local economy.

7.2 In this case the development would take place on a redundant commercial or employment site where there are ugly derelict pre existing buildings that provide floor space within an awkward and inefficient arrangement and hard standings within their curtilage. A smart modern building, capable of being used for a range of alternative employment purposes would be provided in the town on an existing site where clearly the old abattoir use has fallen into dereliction and is no longer commercially viable. There are no specific development allocations made for this site either in the Core Strategy or yet to be adopted in the emerging Local Plan, and therefore, as an existing employment premises it shall be safeguarded for such purposes in accordance with policy E2 of the Core Strategy.

7.3 The emerging local plan does not introduce any material change to this approach. The main issue for consideration, therefore, is whether the development's impact on the character and appearance of the area, the amenity of nearby residents and the highway network would lead to a degree of harm that would outweigh those considerations in favour.

Character and appearance of the area

7.4 The existing slaughter house does not have any traditional or architectural merit it is a very functional blockwork building with a profile sheet roof, high level slot windows and an arrangement of lean to additions that extend its footprint. The building does not contribute positively to the character and appearance of the area.

Moreover, disused for some years, it has fallen into a state of dereliction with broken roof and windows and walls sprayed with graffiti, all of which makes for a rather unsightly building. The building sits on the fringes of the market site where the land begins to merge into scrubland countryside to the south, while areas of hard surface have become rather overgrown, the site does still appear as very much developed for commercial purposes and the provision of a smart new contemporary building would remove the dereliction and improve the appearance of the site with no harm to the character and appearance of the area.

The amenity of nearby residents

7.5 The site has a pre existing commercial or employment use. As a slaughter house it is capable of generating some noise, the baying of animals or the hum of ventilation for example. However, such a use would not fall within any of the 'business' classes (B1,B2, or B8) of the Order and the building could not be used generally without a material change of use that requires planning permission. If the replacement building is used for industrial process for example, the use might generate noise that is materially different in volume and nature and, as such, the application is considered on that basis.

7.6 The closest noise sensitive residential properties are approximately 90metres from the site. The Environmental Health officer does not object to the proposal. They advise that daytime noise against background or pre existing levels could be controlled adequately. However, the site did not operate at night and there are no other obvious sources of night time noise within the locality. The officer recommends tighter restrictions on noise levels and activity for the night time period. Accordingly the noise sensitive properties should not be adversely impacted and neighbourhood amenity would be protected.

The highway network

7.7 The site is approximately 250metres from the adopted highway. A vast area of hardstanding provides a right of access across private land and parking for the cattle market in general. The proposal would provide two parking spaces for each of the three 80 sq. metre units, in respect of parking standards (one space per 25 sq. metres of floor space) provision is low. However, the Highway Authority has not objected because the site is remote from the highway and there is adequate parking available away from the highway, within the vast areas of existing hard surface, particularly when auctions are not being held. Whilst the manager of the Cattle Market maintains that market parking can not be relied upon, that is essentially a civil matter between tenants that can be resolved through contract renegotiation. Ultimately, however, given that the site is such a distance from the highway, the other side of a vast area of hard surfacing, there is little likelihood of the development resulting in troublesome roadside parking on the adopted highway.

Ecology

7.8 The proposal involves the demolition of a functional building that has broken roof sheets and windows, it has been disused for some years. It has potentially become a habitat for protected wildlife species, particularly bats. Unfortunately, the

application did not include the survey report of a qualified ecologist and the impacts of demolition and the prospects of suitable mitigation are currently unknown. The applicant has been invited to submit this in time for the committee date. If not received in time, or if initial reports indicate that further surveys are required, it will be necessary to defer determination to a later date. An update on this matter will be provided prior to the committee meeting.

Contamination

7.9 Areas of the site that processed animals or products made from animals, could pose a potential risk of subsequent pathogen contamination, which the developer would have to take into account to ensure safe development or reuse of materials. The developer would have to provide a contamination risk assessment and act upon appropriate recommendations. Before the building is demolished an asbestos survey and risk assessment should be carried out. However, the enforcing authority for this type of work is the Health and Safety Executive (HSE).

Other Considerations

7.10 The manager of the Cattle Market raises concerns, but ultimately does not object. He expresses some resistance to the prospect of the scheme relying on general areas of parking, stating that they are all in use during market days (Tuesdays and Saturdays). During a market day there is tight control over those that enter and leave the site, ensuring that all are accounted for and the site's entrance gates remain closed, he is concerned that additional users over and above that of a small abattoir may compromise those security arrangements; and, certain incompatible uses on adjacent land might affect the operation's ability to comply with the Animal Gatherings Order Regulations.

7.11 All of these matters are essentially 'civil' in nature and in the balance of planning considerations they should be regarded as such. If permission were granted the applicant would, before carrying out the development, have to negotiate with the Council's assets team who will have the interests of all leaseholders in mind when it comes to the prospect of renegotiating terms. These are not matters which would outweigh those benefits and considerations in favour that are identified above. It is worth noting however, that business uses involving chemical processes, toxic materials, and extreme heat process fall within special industrial groups outside of Class B2.

Planning Balance & Conclusions

7.12 The benefits that would ensue from a 'Development Plan' compliant proposal to provide new accommodation capable of meeting a range of employment uses to support the local economy on a redundant site, would not be outweighed by any other considerations. Specifically, there would not be any undue harm to the character and appearance of the area; the amenity of residential neighbours; or highway safety. Accordingly the application is recommended for approval.

8. RECOMMENDATION

A. That pending the receipt of favourable results of an ecology survey, to be submitted, a planning permission be granted (providing for a flexible use of the proposed units, falling within Class B1, B2 or B8 of the Use Classes Order) subject to the recommendations of that ecology survey, including further appropriate conditions as considered necessary – with final decision delegated to the Head of Development Services in consultation with the Chair; and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The development permitted and described above shall only be carried out in complete accordance with the drawn and written details that are shown on the revised 'LOCATION AND BLOCK' plan numbered 2019-2447-03A and the 'FLOOR PLAN AND ELEVATIONS' plan numbered 2019-2447-02B that were submitted with the application.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. Any of the three units to be provided within the development shall be used for any purposes that would fall within one of either classes B1, B2 or B8 of the Use Classes Order, and once a unit has been used for such a purpose, the unit may, subsequently change use to another use falling within one of those use classes.

Reason:- To permit a flexible use of the units and certain changes between different uses that might otherwise require planning permission.

4. Before the development permitted and described above is brought into use the parking spaces shown on plan numbered 2019-2447-02B shall be provided in accordance with that plan with the inclusion and implementation of the planting strips as detailed. The parking spaces and the planting shall thereafter be retained and maintained, with the spaces made available for the parking of vehicles free from obstruction throughout the life of the development.

Reason:- To ensure suitable parking is provided within the site and an acceptable appearance is maintained.

5. No development, shall take place until a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.

- i. If the site risk assessment (i) indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to mitigate the identified risks and ensure the site is remediated to a condition suitable for the intended use has been submitted and approved in writing by the Local Planning Authority.**
- ii. The agreed remediation strategy (ii) shall be adhered to throughout the development.**
- iii. Following completion of the site remediation and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted and approved in writing by the Local Planning Authority.**

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

6. In the event that contamination, including any suspected asbestos containing materials (e.g. bonded cement), is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, and is subject to the approval in writing of the Local Planning Authority.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

7. The development, including demolition hereby permitted shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement should include the following details:-

- i. A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.**

- II. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;**
- III. a scheme for recycling/disposal of waste resulting from the demolition/construction works;**

Once approved, all relevant activities on the site should be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason: To protect the amenities of the area from dust

8. There shall be no artificial lighting installed on the development permitted or anywhere within the site, without details of that lighting being first submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use. The installation of artificial lighting shall not increase the pre-existing illuminance at the adjoining light sensitive locations (residential) when the light (s) is (are) in operation.

Reason: To protect the local amenities of the local residents by reason of excess of luminance.

9. The machinery, plant or equipment including installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

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

10. No power tools or machinery which are audible at the site boundary/ies shall be used outside the fabric of the buildings.

Reason: To protect the local amenities from noise

11. There shall be no deliveries to the site between the hours of 20:00 and 07:00 hours Monday to Saturday inclusive and not between the hours of 20:00 and 10:00 on Sundays and Public or Bank Holidays.

Reason:- To avoid the risk of disturbance to neighbouring dwellings during unsocial hours.

12. Any noise emitted from the premises must not result in the background noise level (L90) being exceeded by more than 5 dBA when measured and

corrected in accordance with BS 4142: 2014.

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

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

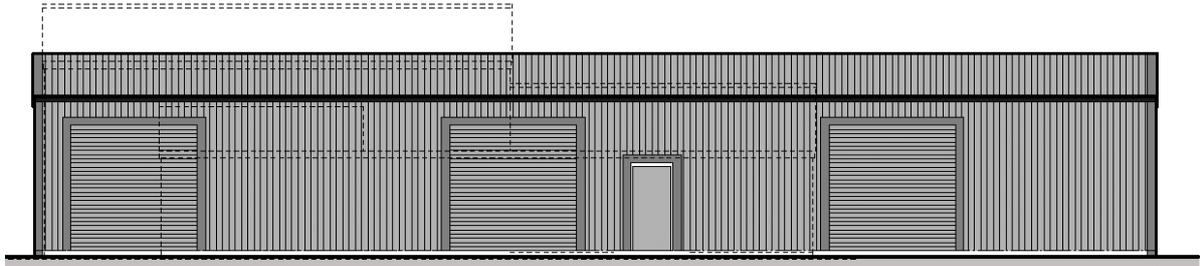
Informative

1. The application is for a sustainable form of development which complies with the development plan and the provisions of the National Planning Policy Framework. In the spirit of paragraph 38 of the NPPF amendments were secured to reduce the impact of the scheme.



LOCATION PLAN

0.0m 1.0m 2.0m 3.0m 4.0m 5.0m
 scale bar @ 1:1250



West Elevation

