

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

20th April 2023

Application No:	SMD/2022/0475	
Location	Barnfield Road Industrial Estate Barnfield Road Leek Staffordshire ST13 5QG	
Proposal	Excavation, remediation and landscaping of land directly to the south of the redevelopment of the Cornhill Regeneration Project	
Applicant	The Casey Group	
Agent	None	
Parish/ward	Leek	Date registered 10/10/22
If you have a question about this report please contact: Jane Curley jane.curley@staffsmoorlands.gov.uk		

REFERRAL

The Council own the land to which this application relates

1. SUMMARY OF RECOMMENDATION

Approve subject to conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The site comprises a narrow shaped piece of land at the rear of the former Hughes concrete batching plant off Sunnyhills Road on the Barnfield industrial estate. It extends to approximately 1,100 sq m in area, 140 metres long and 12 metres at its widest point. It consists of a concrete hard standing and a retaining structure constructed from concrete rings which the applicant says supports the site and maintains its elevation above the River Churnet. Immediately to the south is the Ladderidge Country park, the River Churnet and Cauldon canal.

The application is accompanied by a Planning statement, Flood Risk Assessment, an Arboricultural Impact Assessment, a Phase 1 and II Site investigation report and a Biodiversity net gain assessment.

3. DESCRIPTION OF THE PROPOSAL

This is a full application for the excavation and remediation of an existing area of concrete hardstanding and a retaining structure and the subsequent regrading and landscaping of the land.

The applicant has discovered that although the application site forms part of the physical boundary of the former Hughes concrete batching plant, it was not included in the red line

boundary of the outline permission (SMD/2014/0750) and more recent reserved matters application (SMD/2021/0536) for the Cornhill development to the north. It is owned by the Council and is required as part of the remediation work for the mixed use scheme consented under SMD/2014/0750.

The submitted Planning statement says that given the need to remediate all parts of the land associated with the former use of the site this application will:-

- a) Rectify the error in defining the development boundary and
- b) Ensure that the remediation works proposed as part of the Cornhill development site include all land associated with the former use of the land

The application proposes the removal of the existing concrete rings retaining structure with subsequent re-grading to create a sloping bank down to the country park, and new landscaping. The plans and sections show the groundworks involved. Essentially from the northern boundary land is graded down southwards over a distance of 8.5m to meet existing ground levels. No buildings or operational activities are proposed to be located on the application site.

A Landscaping scheme is submitted showing the area planted with trees and understory native shrub mix, wildflower grass and areas of bare ground

4. RELEVANT PLANNING HISTORY

SMD/2014/0750 Demolition of former industrial buildings and redevelopment of site comprising: residential (use class c3 up to 175 dwellings) with associated open space, play area and cycle links; live/work units (up to 2000sqm), employment units (use class b1c/b2 up to 1847 gross sqm including mezzanine); tourism and leisure uses including a marina / basin and associated boating facilities (up to 20 berths); reserve land for future railway station with associated heritage/railway activities building including tourist/local needs retail unit (use class d2/a1 up to 394 gross sqm); public house/ restaurant (use class a3 / a4 up to 340 sqm) including associated car parking and servicing; reserve land for future link road including associated landscaping. Approved

SMD/2019/0502 Reserved matters application for approval of layout for B1(c) light industrial/B2 general development pursuant to outline planning application SMD/2014/0750. Approved 15/11/19

SMD/2021/0538 Reserved matters application for approval of appearance, landscaping, and scale to provide: Class E(g)(iii) Industrial processes/ B2 general industrial development pursuant to outline planning permission SMD/2014/0750. Pending consideration

SMD/2021/0537 Variation of conditions 4 & 13 and Removal of Conditions 10 & 19 of Planning Permission SMD/2014/0750. Pending consideration

SMD/2021/0536 Reserved matters for 152 dwellings, marina, live-work units and café/restaurant. Resolution to approve

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (adopted September 2020)

- SS1 Development Principles
- SS5 Leek strategy
- SD1 Sustainable Use of Resources

- SD3 Carbon-saving Measures in Development
- SD4 Pollution
- SD 5 Flood risk
- DC1 Design Considerations
- DC3 Landscape
- NE1 Biodiversity and Geological Resources
- NE 2 Trees, Hedges and woodland

National Planning Policy NPPF

National Planning Policy Guidance

6. CONSULTATIONS CARRIED OUT

Site Notice expired.

Neighbours notified by letter. No letters of objection received

Town Council

No objection

Environmental Health Officer

No objection subject to conditions.

Trees and Woodland Officer

No objection, subject to conditions requiring: no vegetation removal unless directly necessary and none during bird nesting season without prior ecological survey; implementation of temporary tree protection measures; and implementation/maintenance of new landscaping.

Head of Assets

No comments received

Local Highway Authority

No objection.

Environment Agency

No objection subject to condition. Advise that the site is reasonably sensitive with respect to controlled waters. Reference to the 1:50,000 scale geological map indicates that the subject site is located on the bedrock of the Chester Pebble Beds, which is designated as a Principle Aquifer by the Environment Agency. Superficial Alluvium deposits are also indicated to be present, designated as a Secondary A Aquifer. These deposits are likely to be in continuity with River Churnet, which forms the boundary of the site. The site is also located within the total catchment (zone 3) of a groundwater Source Protection Zone, designated for a public water supply borehole at Wall Grange.

Advise that the submitted reports suggest that concentration of contaminants found during sampling were not considered to represent a significant risk to groundwater.

In order to ensure any contamination identified during the proposed works is appropriately dealt with, recommend a condition be attached to any grant of consent

Local Lead Flood Authority

No objection, no conditions advised

Canals and Rivers Trust

No comment

Staffordshire Wildlife Trust

No comments received

Severn Trent Water

No objection subject to informative regarding STW's existing assets

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 Planning law requires that applications for planning permission be determined in accordance with the Development plan unless material considerations indicate otherwise.

7.2 There is no objection in principle to this proposal for excavation, regrading and landscaping of this relatively small strip of land which is part of the physical extent of the former Hughes concrete batching plant. The main issues to consider are impact are Landscape and Visual impact, biodiversity, flood risk and contamination. These matters are considered under the various sub headings below:-

Landscape/Visual Impact (including tree protection)

7.3 The proposal would require initial removal of trees/shrubs/scrub along the existing retaining structure and those within the regrading zone. The Trees and Woodland Officer advises that these are generally self-set and of poor quality in themselves although collectively they create useful screening/filtering of views of the derelict Hughes site from the country park, along with their habitat contribution. He refers to the fact that along the northern edge of the country park there is a woodland/scrub belt of up to c.35m in width. It is of variable vegetation density but it does provide a reasonable amount of screening/filtering of the former industrial site to the north. The Trees and Woodland Officer notes that in the vicinity of the application site the woodland belt tapers significantly with the riverside path also coming much closer to the northern boundary of the country park and the former Hughes site. He advises that there would inevitably be some noticeable loss in existing screening in the short term, with corresponding visual impact of the Cornhill housing site to the north once built. Having said this the existing industrial estate is not completely screened from the country park. Overall the Trees and Woodland Officer considers that the removal of concrete ring retaining structures, industrial/utilitarian fencing and a general tidy up in this area, together with new boundary fences and new landscaping, would arguably itself be a visual enhancement, even if there was some initial greater visibility of the industrial site and new housing development as and when it is built. In the medium term, visual impact should be mitigated acceptably by the proposed new planting which includes 17 individual trees and over 1370 understorey shrubs which once established should provide a good level of screening/filtering and substantially reinforce the planting belt along the northern edge of the country park. Some of this planting would be located on the upper parts of the newly-created bank, and would become effective more quickly in relation to viewers' eye-height within the country park generally and in particular from the path following the river.

7.4 For these reasons the proposal is considered acceptable in terms of landscape and visual impact and subject to conditions to secure measures for protection of existing trees (in accordance with the submitted Arboricultural impact assessment) and implementation and maintenance of the landscaping scheme there is considered to be compliance with relevant parts of Policies NE2, DC1 and DC3.

Biodiversity

7.5 The application is supported by Biodiversity Net gain assessment. It concludes that the proposal will result in the loss of 0.52 habitat units but that the landscaping proposals (17 native trees, mixed scrub and wildflower grassland with areas of bare ground) will result in a

gain of 2.67 units. The lost habitat consists of grassland (0.12 units) and woodland (0.40 units). The report concludes that the newly created area will provide value habitats. It says that in order to ensure that the habitats proposed reach the condition detailed in the BNG assessment and the full gain to the environment that a long term management plan (930 years) is required. This can be conditioned. A further condition is recommended to safeguard habitats and protected species during construction. With these in place there is compliance with Policy NE2 and the NPPF

Other matters

7.6 No objections are raised in respect of drainage, flood risk or contamination with all relevant consultees advising that any potential impacts can be suitably addressed by condition. With relevant conditions in place there is compliance with Policies SD4 and SD5 and the NPPF

Conclusion and Planning Balance

For the reasons given above the proposal is considered to comply with the provisions of the Development Plan. A recommendation of approval is made

8. RECOMMENDATION

That planning permission be granted subject to 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 hereby permitted shall be carried out in accordance with the following approved plans:

Location plan	21039 SB_00
Finished floor levels	BFL-RDG-00-ZZ-DR-C-0008 P2
Existing ground levels sections	21039 SB_01
Proposed site sections	21039 SB_02
Planting plan	UG_1145_LAN_SL_DRW_07 P02

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

Contamination

3.No development shall take place until such time as a Remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority.

The scheme to be submitted shall include:-

- a) **A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses;**
 - **a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.**

- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken including details of any phased works, and
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works as set out in the remediation strategy in (c) are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action

The development shall be carried out strictly in accordance with the approved details

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.

4. No later than the implementation of the landscaping scheme under Condition 9 a verification report demonstrating completion of works as set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a “long-term monitoring and maintenance plan”) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan.

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.

Construction and demolition works: Environmental Method Statement

5.No development hereby permitted shall take place including for works of site clearance until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- II. the method and duration of any pile driving operations (including expected starting date and completion date);
- III. pile driving shall not take place outside 09:00 to 16:00 hours Mondays to

Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;

- IV. the arrangements for prior notification to the occupiers of potentially affected properties;**
- V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;**
- VI. a scheme to minimise dust emissions arising from construction activities on the site.**
- VII. a scheme for recycling/disposal of waste resulting from the construction works;**
- VIII. the parking of vehicles of site operatives and visitors;**
- IX. the loading and unloading of plant and materials;**
- X. the storage of plant and materials used in constructing the development;**
- XI. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- XII. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works,**
- XIII. any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment,**
- XIV. the details of any generator/s to be used on site. They should be sufficiently attenuated so that any noise generated shall be inaudible inside any nearby noise sensitive premise,**

All works shall be carried out in accordance with the approved details. 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 and the amenity of local residents and that of the surrounding area from noise disturbance.

Pollution of Controlled waters

6. If, during development contamination not previously identified is found to be present at the site then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

Tree protection

7. No trees, shrubs, hedgerows, scrub or other vegetation shall be removed other than those whose removal is directly required to accommodate the approved development. There shall be no removal of any trees, shrubs, scrub or hedgerows during the bird nesting season (nominally March to August inclusive) and in this case only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.

Reason:- To protect existing trees in the interests of the character and appearance of the area and biodiversity

8. The first action on commencement of development, prior to any further action (including any demolition/removal of existing retaining structures, site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) shall be the erection of temporary tree protection barriers and advisory notices for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and as set out in the Urban Green arboricultural impact assessment report reference UG1145 dated 21st July 2022 submitted in support of the application hereby approved, and these shall be retained in position for the duration of the period that development takes place. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires.

Reason:- To protect existing trees in the interests of the character and appearance

Landscaping

9. The planting scheme shown on Urban Green 'Southern Parcel Planting Plan' Drg. No. UG_1145_LAN_SL_DRW_07 Rev P02 shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the excavation and remediation earthworks hereby approved.

Reason:- In the interests of the character and appearance of the area

10. No development shall commence until such time that a long term Habitat Management Plan, the 'Plan' has been submitted to and approved in writing by the Local Planning Authority for the habitats to be created as part of the approved Landscaping scheme and in accordance with the submitted Biodiversity Net Gain Assessment dated August 2022 prepared by Urban Green. The development shall subsequently be maintained and managed fully in accordance with the agreed Plan

Reason:- To ensure a net gain in biodiversity is achieved

11. No development shall commence until such time that a Construction Ecological Management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently proceed fully in accordance with the approved plan

Reason:- To ensure appropriate safeguard for protected species and habitats during construction

INFORMATIVE

1. The development is considered to be a sustainable form of development in line with the provisions of the NPPF
2. Severn Trent Water advise that there are various public sewers located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water

to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is **vital** therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

There is a pumping station close to the site and any new development must not restrict our access to the Sewage Pumping Station (SPS). We will require free access to the SPS at all times in order to complete any programmed routine maintenance tasks and also for any emergency reactive visits in case of failure. Please note that due to the close proximity of the proposed new development the occupant may experience noise and/or smell pollution. In order to minimise disruption to any future occupant(s), we would advise that all habitable buildings are constructed a minimum of 15metres from the curtilage of the SPS compound.

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

To request a water map please follow the link, <https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> scroll down the page to view the link:

Please visit www.digdat.co.uk

You will need to register on the website and then you will be able to search for your chosen location and get an instant quote online. For more information you can [view Digdat's user guide\(opens in a new window\)](#).

Please look at the [district area supply plan \(PDF\)\(opens in a new window\)](#) to check that your site is within the Severn Trent boundary before requesting an underground asset map.

Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.

https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/Diversion-of-a-Severn-Trent-Water-main.pdf

Information on diversion application charges can be found at https://www.stwater.co.uk/content/dam/stw/stw_buildinganddeveloping/new-connections/2020/new-connections-charging-arrangement-20-21.pdf Scroll down the "**New Connections Charging**" document - 1 April 2022 to 31 March 2023 go to Page 24 **Diversion of a Water Asset**.

Please attach all the relevant documentation and relevant fee and return the form to: Severn Trent Water Ltd, PO Box 5311, , Coventry CV3 9FL

Telephone: 0800 707 6600

Email: new.connections@severntrent.co.uk

NOTE: we would strongly recommend the Developer/Applicant to make contact with STW and look to submit a Development Enquiry for this development site; this will discuss the drainage proposals for site, and if any issues, look to resolve them. It is

best to visit our website: <https://www.stwater.co.uk/building-and-developing/new-site-developments/developer-enquiry/> and follow the application form guidance to begin this process.

ADDITIONAL NOTE: we would not permit a surface water discharge into the public combined or foul sewer, and recommend the applicant seeks alternative arrangements.

- 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/in formatives/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.**

