

PLANNING COMMITTEE

25th April 2023

APPLICATION FOR CONSIDERATION

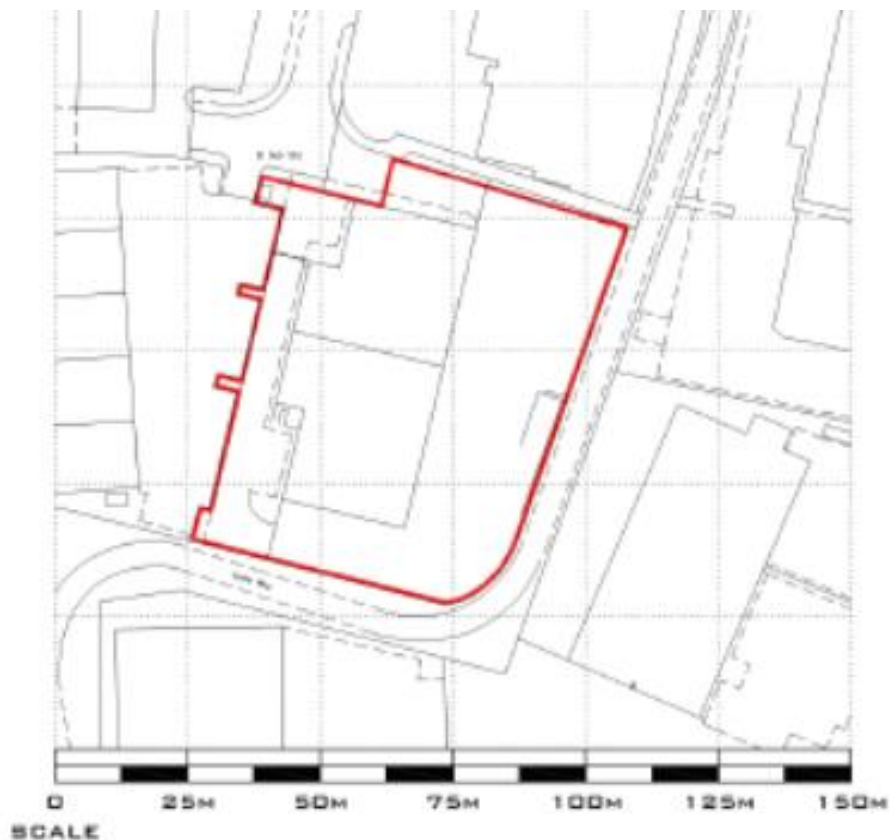
REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

Application Reference	0072/2023
Proposal	Erection of a single storey rear extension (Use Class B8)
Site Address	7E Claymore, Tame Valley Industrial Estate, Wilnecote, Tamworth, B77 5DQ
Case Officer	Debbie Hall
Recommendation	Approve subject to conditions

1. Introduction

- 1.1 This application is for the Erection of a single storey rear extension at 7E Claymore, Tame Valley Industrial Estate, Wilnecote, Tamworth, B77 5DQ.
- 1.2 The application is reported to committee due to it being a major application . A major application is one which is for the the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more.
- 1.3 It is proposed to erect a single storey rear extension to the existing industrial unit. The additional floorspace created by this proosal would be of 1078 square metres. The proposed extension would measure approximately 26m deep and 46.5m wide with a dual pitched roof, 6.5m to the eaves and 8.3m to the ridge. Access is east off Claymore, at the bottom of the bellmouth of the Cul-de-Sac. The site is located within a Strategic Employment Area as defined in the adopted local plan.

Location Plan



2. Policies

2.1 Local Plan Policies

SS1 - The Spatial Strategy for Tamworth

SS2 – Presumption in Favour of Sustainable Development
 EC7 – Strategic Employment Areas
 EN5 – Design and New Development
 SU1 - Sustainable Transport Network
 SU2 – Delivering Sustainable Transport
 SU4 – Flood Risk and Water Management
 SU5 – Pollution, Ground Conditions and Minerals and Soils
 Appendix C – Car Parking Standard

2.2 Supplementary Planning Documents

[Design SPD July 2019](#)

2.3 National Planning Policy

[National Planning Policy Framework 2021](#)
[National Design Guide 2021](#)
[National Planning Practice \(Guidance \) 2014-](#)

3. **Relevant Site History**

T10542	Car testing and tyre and exhaust fitting
T11271	Light industrial units
T11552	Landscaping and drainage at industrial units
T16226	Erection of factory for the manufacture of ice cream, together with dry store, cold store, office and maintenance facilities
T18898	Development for B1, B2 and N8 uses, including part of site for mobile concrete pumping depot
T19167	Development for B1, B2 and B8 uses, including part (approx. 50%) of site for mobile concrete pumping depot

4. **Consultation Responses**

4.1 Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at <http://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>

The consultation responses comments are précised if conditions are proposed these are included within the conditions at the end of the report unless stated otherwise.

Tamworth Borough Council Consultees

4.1.1 *Tamworth Borough Council Development Plans*
 No objection

4.1.2 *Tamworth Borough Council Environmental Protection*
 No objections subject to conditions

Staffordshire County Council Consultees

4.1.3 *Staffordshire County Council Highways*
 No objections subject to conditions

Staffordshire County Council Lead Local Flood Authority
 No comments

Statutory Consultees

4.1.4 *The Coal Authority*
 No objections subject to conditions

5. Additional Representations

- 5.1 As part of the consultation process, adjacent properties were notified. A press notice was published on 9th March 2023 and site notices were erected on 15th March 2023. No neighbour responses were received.

6. Equality and Human Rights Implications

- 6.1 Due regard, where relevant, has been given to Tamworth Borough Council's equality duty as contained within the Equalities Act 2010. The authority has had due regard to the public sector equality duty (PSED). Under section 149 of the Equality Act 2010, a public authority must in the exercised of its functions, have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race. This proposal has no impact on such protected characteristics.
- 6.2 There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act, regarding the right to respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.

7. Planning Considerations

- 7.1 The key issues to be considered at this stage are:

- Principle
- Character and Appearance
- Highway Safety
- Contaminated Land and Ground Conditions
- Flooding
- Neighbour Amenity

7.1 Principle

- 7.1.1 The Tamworth Borough Council Local Plan 2006-2031 (the local plan) was adopted in February 2016. The most up to date national planning guidance which relates specifically to economic development are contained in the recently adopted Local Plan Policies. As well as the local guidance there is guidance within the National Planning Policy Framework and its practice guidance (NPPF).

- 7.1.2 The principle of expanding the current building with additional floorspace for existing B8 use is supported, provided that the proposed development promotes the role and performance of the strategic employment area under the guidance outlined in Policy EC7. Policy EC7 states:
Planning permission should be granted for B1 (b,c), B2 and B8 uses on the network of strategic employment areas identified on the Policies Map. The expansion of any existing business within these use classes will be supported, provided it promotes and supports the role and performance of the employment area in meeting the strategic economic objectives of the plan and the wider objectives of sub-regional economic partnerships.

- 7.1.3 As the proposed extension is for a B8 Storage and Distribution use it is supported in principle subject to compliance with other local and national planning policy which is responded to below:

7.2 Character and Appearance

- 7.2.1 Policy EN5 – Design of New Development states that developments should be of a scale, layout form and massing which conserves or enhances the setting of development and utilise materials and overall detailed design which conserves or enhances the context of the development. Proposals should respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.

- 7.2.2 The site is an existing industrial unit is located on Claymore in the Tame Valley Industrial Estate. It is surrounded by other industrial buildings with parking areas and small areas of landscaping.
- 7.2.3 The proposed extension would measure approximately 26m deep and 46.5m wide with a dual pitched roof, 6.5m to the eaves and 8.3m to the ridge.
- 7.2.4 At the same roofline height as the original building with similar roof profile , the proposal would replicate the existing building and together with materials to match the development is considered to be visually acceptable. The extension of similar heights too, also makes for an acceptable massing against the other structures in the immediate vicinity. Furthermore, the siting would sit in between two existing buildings and therefore well screened from public view.
- 7.2.5 The proposal will not have a significant impact on the character and appearance of this locality for the following reasons:
- Its scale, design and materials are sympathetic to the existing building
 - It relates well to its surroundings
 - Its siting would not significantly impact on the street scene
- 7.2.6 The character and appearance of the proposed development would therefore sit well within the street scene and is considered to be in compliance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031, the NPPF and National Design Guide.
- 7.3 Highway Safety
- 7.3.1 Policies SU2 and EN5 require development proposals to have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards set out in Appendix C of the Local Plan.
- 7.3.2 There are two existing vehicular accesses to the application site from Claymore. The access directly south off Claymore comprises a staff/visitor access and a gated access which leads to the rear car park and goods out. The eastern access directly off Claymore is gated.
- 7.3.3 No changes are proposed to the two existing accesses. Goods inwards will be from the eastern access and goods out from the southern access.
- 7.3.4 Track runs have been submitted which adequate show the intended HGVs using the site can leave the site in a forward gear, the safest method of leaving the site.
- 7.3.5 16 parking spaces are to be provided which include two for visitors and an additional two disabled parking spaces. This quantum meets the parking standards contained in Appendix C for B8 developments which requires 1 space per 80 square metres of floor space.
- 7.3.6 As a result of the compliant access arrangements and parking numbers, the impact of the proposed development on parking and highway safety would therefore be acceptable and is considered to be in compliance with Policy SU2 Delivering Sustainable Transport, relevant references at EN5 and Appendix C of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework.
- 7.4 Contaminated Land and Ground Conditions
- 7.4.1 Policy SU5 Pollution, Ground Conditions and Minerals and Soils states that development should manage the risk of air, light, noise, ground or water pollution and land instability and that Planning permission will be refused for any proposal where pollution would pose an unacceptable risk to public health, quality of life or the environment which is not mitigated.
- 7.4.2 The land has been identified as potentially contaminated, within the 250m buffer zone of a historical landfill sites. Tamworth Borough Council Environmental Protection officers and have requested a contaminated land survey prior to the commencement of development through a relevant condition to protect the health of future occupiers of the site from any possible effects of contamination. This has been agreed by the developer to be produced before development commences on site and is conditioned.

- 7.4.3 In addition, the application site lies within the boundary of a site from which coal has been removed by surface mining methods and therefore this application is accompanied by a Coal Mining Risk Assessment report (G23029) prepared by GeolInvestigate Ltd, dated 27th February 2023. The report has been based upon a review of coal mining and geological information and identifies a risk to the site from potential shallow mine workings.
- 7.4.4 With regards to surface mining recorded on site, the report author comments that opencast abandonment plans from the Coal Authority show that the proposed extension to the warehouse building lie east of the opencast excavation area and subsequent high wall. The report confirms the warehouse building and proposed extension lie on undisturbed ground in terms of surface mining.
- 7.4.5 Recommendations are made for ground investigations to be carried out on the site in order to establish the extent of any unrecorded shallow mine workings and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable. The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present.
- 7.4.6 The Coal Authority have been consulted on this application and have made a number of recommendations in terms of conditions to be complied with prior to the commencement of development.
- 7.4.7 With the imposition of these conditions, the impact of the proposed development on contaminated land and ground conditions would therefore be acceptable and is considered to be in compliance with local plan Policy SU5 Pollution, Ground Conditions and Minerals and Soils and the NPPF.
- 7.5 Flooding
- 7.5.1 Policy SU4 Flood Risk and Water Management states that all new development, including regeneration proposals, will need to demonstrate that there is no increased risk of flooding to existing properties and shall seek to improve existing flood risk management.
- 7.5.2 The site is located within an Environment Agency flood zone 1 and therefore has a very low probability of flooding from rivers and a very low risk of surface water flooding. Being a major development there is a duty to consult the Lead Local Flood Authority (LLFA) who have echoed these opinions.
- 7.5.3 The impact of the proposed development on flooding would therefore be acceptable and is considered to be in compliance with local plan Policy SU4 Flood Risk and Water Management and the NPPF.
- 7.6 Neighbour Amenity
- 7.6.1 Policy EN5 Design of New Development states that developments will be expected to minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land. Such impacts may include loss of light, privacy or security or unacceptable noise, pollution, flooding or sense of enclosure.
- 7.6.2 The site is surrounded on all sides by other commercial and industrial development and therefore it is unlikely that there would be an impact on any residential properties.
- 7.6.3 The proposed use of the extension continues to the B8 as per the existing site and therefore it is considered there will be no additional noise issues compared to what currently takes place on site. No objections have been submitted from owners or occupiers of neighbouring commercial properties.
- 7.6.4 The impact of the proposed development on neighbour amenity would therefore be acceptable and is considered to be in compliance with local plan Policy EN5 Design of New Development and the NPPF.

8 Conclusion

- 8.1 The application for consideration is the erection of a single storey rear extension to an existing industrial building off Claymore on the Tame Valley Industrial Estate.
- 8.2 The proposed extension is acceptable in principle and is considered to be of an acceptable design which will not have a detrimental impact upon the street scene or wider character of the area. The proposed on-site parking situation and access arrangements are considered acceptable and will not cause significant harm to highway safety. There are no flooding nor amenity concerns with relevant conditions added in relation to contaminated land and ground stability. The application is recommended for approval subject to conditions.

9 Recommendation

- 9.1 Approval subject to conditions

Conditions and Reasons

1. The development shall be started within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby approved shall only be carried out in accordance with the application form, the supporting letter and drawing numbers 1223 03, 1223 04 and 60617627-XX-DR-SK-002 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the approval.
3. Prior to the development being brought into use, the parking and maneuvering areas broadly indicated on submitted plan 60617627-XX-DR-SK-002 shall be completed and surfaced in a porous bound material, with car parking spaces clearly delineated, which shall thereafter be retained and maintained for the life of the development.

Reason: In the interest of highway safety and in accordance with Policy SU2 Sustainable Transport of the Tamworth Local Plan 2006-2031.
4. No Development shall commence until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless otherwise first agreed by the local planning authority in writing:
 - a) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment
 - b) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
 - c) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management

action, and how this will be validated. Any ongoing monitoring should also be outlined.

- d) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme submitted to and approved in writing by the local planning authority.
- e) Not to occupy of the development or bring it into first use until the following has first been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning authority. The validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology and in accordance with the Scheme approved pursuant to this condition 4 and for the avoidance of doubt including details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria, together with the necessary documentation detailing what waste materials have been removed from the site

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and policy SU5 of the Tamworth Local Plan 2006-2031.

- 5. No development shall commence until a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity including any remediation works and/or mitigation measures to address land instability arising from coal mining legacy as may be necessary, has been submitted to and approved in writing by the Local Planning authority, the Approved scheme shall be implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason; The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and policy SU5 of the Tamworth Local Plan 2006-2031.

- 6. Unless otherwise agreed in writing by the Local Planning Authority not to either occupy the development or otherwise bring it into use until the Scheme approved in condition 5 has been provided in full and a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development has been submitted to and approved by the Local Planning Authority .For the avoidance of doubt This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and policy SU5 of the Tamworth Local Plan 2006-2031.