
Agenda Item: 5.2

Site:	Belmont Shot Blasting, Belmot Farm , Belmot Road, Needwood, Staffordshire, DE13 9PH
Proposal:	Retention of an industrial unit with associated extractor unit for the purposes of shot blasting

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Kirkham

[Hyperlink to Application Details](#)

Application Number:	P/2016/00581	
Planning Officer:	Charlotte El Hakiem	
Type of Application:	Detailed Planning Application	
Applicant:	Mr G Carrington	
Ward:	Tutbury and Outwoods	
Ward Member (s):	Councillor D H Goodfellow Councillor S P Gaskin	
Date Registered:	21 April 2016	
Date Expires:	15 June 2016	

2. The site description

- 2.1 The application site is situated off Belmot Road and comprises of an industrial building constructed from dark green plastic coated metal sheeting and block work. The building is used as a shot blasting facility.
- 2.2 The building measures approximately 18.6m x 8m and has a height to the ridge of approximately 6.5m. The door is approximately 7m wide by 5m high.
- 2.3 The building is situated adjacent to an industrial building used for B1, B2 and B8 use. These buildings were converted from agricultural use in 1997.
- 2.4 To the south there is a golf driving range, the land to the north and east is agricultural land. Directly adjacent is an agricultural holding and associated agricultural storage building. The nearest residential property is approximately 90m to the north of the site.
- 2.5 Belmont Shot Blasting specialise in Shot Blasting, Powder Coating and Industrial paint spraying including Cleaning & Preparation Service of products ranging from:
 - Wooden beams
 - Gates & railings
 - Metal, Steelwork & Brickwork
 - Concrete
 - Car/lorry/chassis
 - Garden Furniture
 - Radiators
- 2.6 The company operate a glass grit shot blasting process within the process building which is the subject of this application. Operatives carry out surface preparation of work inside the open plan building with an external extraction bag filter unit.

3. Planning history

- 3.1 CU/14670/005 Change of use from agricultural to light industrial and warehousing. Approved 16th October 1997
- 3.2 PA/14670/007 Erection of a building for light industrial (Class B1) and warehousing (Class B8) use, formation of a new access and installation of a septic tank. Refused 11th January 2001
- 3.3 CU/14670/009 Continued use of former B1/B8 units as B1/B2/B8 units approved 18th August 2003
- 3.4 P/2013/00267 Erection of an industrial unit for the purposes of shot blasting Approved 19th April 2013.
- 3.5 P/2015/00102 Siting of an extraction fan on the side of the exiting shed Withdrawn
- 3.6 The Belmont Shot Blasting (BSB) site was originally granted consent for a B1/B8 in 1997. An application for a second B1/B8 building was refused in

2000. Subsequent to this, a Change of Use application amended the use to include B2 General Industrial on 16.08.03 subject to a number of restrictive conditions. When the planning application was submitted in 2013 the intention of the application was a building fit for purpose and built specifically for the shot blasting process. The applicant had occupied one of the other units on site and carried out various activities on the site, including working outside. It was considered that the shot blasting building would contain the process and therefore creates a betterment and overcome any issues of contamination created by the process.

- 3.7 Environmental Health has previously investigated complaints regarding noise and dust following implementation of planning consent P/2013/00267. Environmental enforcement action was taken against the operator to improve dust and noise emissions and this action has been complied with. The proposed amended application is intended to further restrict emissions of dust that were assessed during environmental health's previous complaint investigations.
- 3.8 Substantial investigation has been carried out by the LPA and Environmental Health Officers in order to be confident there are no health risks or impacts arising from the operations carried out in the building. An independent expert commissioned by East Staffordshire Borough Council, has also provided an independent review of the current application and made recommendations accordingly, should consent be granted, to further control emissions of noise and dust.

4. The proposal

- 4.1 The application seeks retrospective consent for the erection of the shot blasting unit. The building was granted consent in 2013 (P/2013/00267). However, when constructed, the building was not located in accordance with the approved plans. The building was originally approved along the north west to south east line of the site. The building has been built more along a west to east line.
- 4.2 The application also seeks retrospective permission for the extraction equipment associated with the facility. The application has changed since it was originally submitted and now proposes an internal extraction system as opposed to the external extractor currently in operation.
- 4.3 The design of the building is also proposed to alter by providing an internal partition wall and door to create a negative pressure in the unit.

List of supporting documentation

- 4.4 The following documents have been provided as part of the application:

P_2016_00581 Additional Information - Photographs.pdf
P_2016_00581 Additional Information Data Sheet.pdf
P_2016_00581 Additional Information Material Safety Data Sheet.pdf
P_2016_00581 Photograph Received 28.04.16.pdf
P_2016_00581 Revised Application Form.pdf
P_2016_00581 Revised Elevations Received 28.04.16 (2 1.100A3).pdf

P_2016_00581 Revised Location Plan (redline).pdf
P_2016_00581 REVISED PLAN RECEIVED 31.01.17 (REVB).pdf
P_2016_00581 UPDATED Dust Management and Control Procedures - RECEIVED 31.01.17 (REV 3 JAN 2017).pdf
P_2016_00581_ADDITIONAL_Calibration Certificate_nor-1251_17266 - 17 Oct 2016.pdf
P_2016_00581_ADDITIONAL_Calibration Certificate_nti_ma220_5330 - 17 Oct 2016.pdf
P_2016_00581_ADDITIONAL_Calibration Certificate_nti_mc230_8445 - 17 Oct 2016.pdf
P_2016_00581_ADDITIONAL_Calibration Certificate_nti_xl2_a2a-09095-e0 - 17 Oct 2016.pdf
P_2016_00581_ADDITIONAL_Dust Assessment - BELMONT - 17 Oct 2016.pdf
P_2016_00581_ADDITIONAL_Dust Management and Control Procedures - 17 Oct 2016.pdf
P_2016_00581_ADDITIONAL_EH40 - Workplace Exposure Limits - HSE - 2011 - 17 Oct 2016.pdf
P_2016_00581_ADDITIONAL_MATERIAL SAFETY DATA SHEET - GLASS GRIT - MSDS01 - 17 Oct 2016.pdf
P_2016_00581_ADDITIONAL_Noise Assessment - BELMONT - 17 Oct 2016.pdf
P_2016_00581_ADDITIONAL_SLM_000_123_Log_L1R_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_SLM_000_123_Log_L2R_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_SLM_000_123_Log_L2_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_SLM_000_123_Report_L1R_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_SLM_000_123_Report_L2R_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_SLM_000_123_Report_L2_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_SLM_000_RTA_3rd_Log_L1R_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_SLM_000_RTA_3rd_Log_L2R_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_SLM_000_RTA_3rd_Log_L2_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_SLM_000_RTA_3rd_Report_L1R_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_SLM_000_RTA_3rd_Report_L2R_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_SLM_000_RTA_3rd_Report_L2_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_SLM_002_123_Log_L1_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_SLM_002_123_Report_L1_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_SLM_002_RTA_3rd_Log_L1_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_SLM_002_RTA_3rd_Report_L1_RECEIVED_17th October 16.pdf
P_2016_00581_ADDITIONAL_XL2 Data Explorer Report - L1 - 17 Oct 2016.pdf
P_2016_00581_ADDITIONAL_XL2 Data Explorer Report - L1R - 17 Oct 2016.pdf
P_2016_00581_ADDITIONAL_XL2 Data Explorer Report - L2 - 17 Oct 2016.pdf
P_2016_00581_ADDITIONAL_XL2 Data Explorer Report - L2R - 17 Oct 2016.pdf
P_2016_00581_ADDITIONAL_XL2 Data Explorer Report - L2R excluded - 17 Oct 2016.pdf
P_2016_00581_Block & Roof Plan.pdf
P_2016_00581_Existing Elevations.pdf
P_2016_00581_Form.pdf
P_2016_00581_Location Plan.pdf
P_2016_00581_Photograph of Extractor Unit.pdf
P_2016_00581_Planning Design & Access Statement.pdf

4.5 The relevant findings are dealt with in section 8 onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.2	Parish Council	<p>The decision agreed was that Anslow Parish Council has NO OBJECTION to the proposal.</p> <p>We are unable to comment on the detailed environmental statements as they are outside our area of expertise but I can confirm that the resident of the only nearby property does not object to the ongoing use of the shot blasting unit which has been in operation since 2013.</p>
5.3	SCC Highways	No objection

Internal Consultees		Response
5.4	Environmental Health	<p>Environmental Health have previously investigated complaints regarding noise and dust following implementation of the original planning consent for a shot blast building under consent P/2013/00267. Enforcement action was taken against the operator to improve dust and noise emissions and these are considered to have been complied with. Environmental Health have no ongoing investigations and any previous actions are superseded by the current planning application P/2016/00581.</p> <p>An independent expert commissioned by East Staffordshire Borough Council, has provided an independent review of the current application and made recommendations accordingly should consent be granted to further control emissions of noise and dust.</p> <p>The applicant has previously agreed for the operating hours of work to be limited to that of the existing estate times and confirmed that the unit is only used for shot blasting, which should be restricted via condition also. Additionally, outside working should also be restricted if not already covered by existing conditions as recommended.</p> <p>Any recommendations for work should be implemented as soon as practicable.</p>

6. Neighbour responses

6.1 3 Neighbour responses were received. The issues raised are set out below:

Neighbour responses	
Principle	<p>I do not object to the principle to the actual shot blasting business but it should be done on an industrial estates not the countryside.</p> <ul style="list-style-type: none"> We are happy to support the retention of this unit.
Impacts on Amenity	<ul style="list-style-type: none"> Strongly object to the building being built in the wrong location, behind my barn and is totally unfit and inadequate for the purposes of shot blasting The extractor is in the wrong position and vibrates my floor and just adds noise. I suggest it is placed on the other side of the building. The building should be soundproofed. The building should be sealed and double skinned inside to prevent dust going everywhere.
Contamination	The open top skip shall be replaced with a sealed skip container
Miscellaneous	<p>I hope this time planners will take a more active role checking work has been done correctly and through use of conditions as no interest was taken before. If this is not done I will assume it is a foregone conclusion like before.</p> <p>Due to the naivety of the previous planning officer my land has been devalued, caused ill health to my animals, damaged my equipment and stopped me making hay and selling it.</p> <p>The application appears to be invalid as the forms are not filled in correctly.</p>
Ward Member	No response received

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP5 Distribution of Employment Growth 2012 – 2031
- SP8 Development Outside Settlement Boundaries
- SP14 Rural Economy
- SP24 High Quality Design

- SP25 Historic Environment
- SP26 National Forest
- SP27 Climate Change, Water Body Management and Flooding
- SP28 Renewable and Low Carbon Energy Generation
- SP29 Biodiversity and Geodiversity
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP7 Pollution and Contamination

Anslow Neighbourhood Plan

- LE1 – Local Employment

8. Principle of Development

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

8.2 Paragraph 251 of the NPPF states that ‘due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given’.

8.3 The National Planning Policy Framework sets out that *“planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- *promote the development and diversification of agricultural and other land-based rural businesses...”*

9. Local Plan

9.1 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan

provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

9.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would result in the removal of contamination and other environmental problems associated with the site.

9.3 Strategic Policy 13 aims to protect existing employment uses and refers to the Employment land review as a key source of evidence in both evaluating the need for new employment sites and listing those sites which should be retained as employment use within the Borough.

9.4 Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless:

- essential to the support and viability of an existing lawful business or the relation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location; or
- providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycles or by public transport; or
- in accordance with a 'made' Neighbourhood Plan; or
- development under the Rural Exception Sites policy

- Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or
- Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
- Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or
- Provision for renewable energy generation, of a scale and design appropriate to its location

9.5 The principle of the building was considered acceptable under planning permission P/2013/00267. It is considered that this application complies with the provisions of Local Plan Policy SP8 and this application seeks to assess whether the changes to the scheme are acceptable. When the principle can be established under Local Plan Policy SP8 it sets out a number of criteria that the proposed development should be considered against. These relate to impact on character and appearance of the area, the amenity of adjoining occupiers and highway safety. These will be considered in turn.

10. Design and Impact on the character and appearance of the area

- 10.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 10.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 10.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.
- 10.5 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 10.6 The proposed building is relatively simple in design and scale; it was designed to integrate well with the existing industrial units on site to which it is read in conjunction with. The design of the building was approved under

planning permission P/2013/00267 and despite the building not being constructed in the correct location the appearance of the building remains the same as approved and therefore it is considered that the building does not have an adverse impact on the character and appearance of this rural location.

- 10.7 With reference to the building not being constructed in accordance with the approved plans, whilst it is closer to the northern boundary of the site, it is not considered that there are any adverse visual impacts to the building being in a different position in accordance with Local Plan Policy SP1 and SP8. Any further issues pertaining to the revised location are discussed below.

11. Amenity

- 11.1 Local Plan policy DP7 states that development will only be granted where they will not give rise to or be likely to suffer from unacceptable levels of pollution in respect to noise or light, or contamination of ground, air or water.
- 11.2 The principal environmental concerns are noise and dust deposition. Environmental Health have previously investigated complaints regarding noise and dust following implementation of the original planning consent for a shot blast building under consent P/2013/00267. Environmental enforcement action was taken against the operator to improve dust and noise emissions and these are considered to have been complied with. Environmental Health has no ongoing investigations and any previous actions are superseded by the current planning application P/2016/00581.
- 11.3 The Belmont Shot Blasting (BSB) site was originally granted consent for a B1/B8 in 1997. An application for a second B1/B8 building was refused in 2000. Subsequent to this, a Change of Use application amended the use to include B2 General Industrial on 16.08.03 subject to a number of restrictive conditions. This in turn led to a further application in 2013 for the construction of an additional modern industrial building specifically for shot blasting (again subject to conditions). The building was not located as required on the approved plan and is closer to adjacent buildings than was permitted. The current application is to apply for consent to regularise the use of the building constructed not in accordance with the 2013 permission. Complaints of dust and noise have been made to the local council from adjacent land users.

Noise

- 11.4 Firstly in relation to noise from shot blasting, the process has the potential to create adverse acoustic impacts for sensitive receptors such as residential properties. The nearest receptor is 90m from the site.
- 11.5 The submitted acoustic report dated 7.10.16 conducts a BS4142:2014 assessment. This is considered to be an appropriate impact assessment technique. The report characterises the noise from shot blasting and the extraction plant, and applies the collected data to the standard. The report notes that the time periods used were sufficient to characterise the background and residual sound levels.

- 11.6 The report indicates that the residential receptor is unlikely to be subject to a significant adverse impact. The report states that the assessment level is +4dB for this receptor. +3dB is considered to be consistent with No Observed Effect Level (NOEL). Most people can detect a 3dB change in sound level, hence a result of +3dB would fall into the Lowest Observed Adverse Effect Level (LOAEL). In context, it is expected that the sound from the extraction unit would be barely audible at the site receptor location. The report correctly discusses uncertainty in the assessment method. The report identifies that background levels “will inevitably” vary. Given that the use is intended to operate only during the day, this uncertainty is minimised. The receptor is 90m from the source, and as such a small amount of ground and air absorption might be expected which would further reduce the projected impacts marginally. It is the opinion of the LPA that the residential use is not adversely affected, and is not subjected to unacceptable noise from the extraction plant. Hours of use restrictions further reduce the potential concerns; the overall level of impact is therefore considered to be LOAEL.
- 11.7 The commercial receptor identified in the report would not normally be considered noise sensitive. The use for the commercial operation is agricultural. The assessment provided indicates a potential significant adverse impact for the adjacent agricultural use based on a sound level calculated 5m from the extraction plant. i.e. at the receptor site boundary. The resulting assessment level (+33dB) is not therefore unexpected. However, it is not likely that the receptor would be exposed at the site boundary, the adjacent building itself provides a barrier effect to the property that has not been considered in the report, additionally, anyone inside the building will benefit from the acoustic sound reduction of the agricultural building. Agricultural uses are not considered sensitive receptors. The calculated levels would not adversely impact the use of adjacent agricultural buildings. Moreover, existing hours of use restrictions limit any noise to daytime only when ambient levels are highest, the overall level of impact is therefore considered to be Lowest Observed Adverse Effect Level (LOAEL).
- 11.8 Since the application was submitted, the extraction method has altered. The Environmental Health Manager has been re-consulted on the revised proposal and considers that the noise assessment that has already been completed is deemed acceptable, and the redirection of the extract outlet into the shot blast building is likely to result in an equivalent or reduced sound level as a result. The proposed conditions for noise are to prevent an increase in sound or the creation of tones at noise sensitive receptors, with compliance with these conditions it is considered that there would be no adverse impact on the nearby receptors and therefore the application complies with Local Plan Policy DP7.

Dust

- 11.9 The building has been operational with an external extractor stack situated on the north elevation of the building. This extractor takes the dust emissions from inside the building and captures them in a bag filter which is internally situated in the stack. The extraction system is a manual bag filter unit. The extraction capacity is low, <5000m³/hr, and it requires manual shaking of the bags every 40mins. The dust shaken from the bags collects in one of two

enclosed hoppers. When full the hoppers are removed and tipped inside the new process building. Filtered air is discharged at 3.7m (top of the unit), via a horizontal duct. The discharge duct is approximately 2.5m long, and 400mm x 400mm which is consistent with the size of the extraction plant. The duct has been treated with a silencer to reduce noise problems

11.10 However serious concerns were raised in respect of dust emissions from the application site impacting upon the amenity of a neighbouring land user. The process at the application site relies on control of dust using containment inside the building which is kept under negative pressure using a dust bag filtration extraction unit.

The principal sources of dust are:

- Direct emissions from the extraction unit
- Fugitive emissions from the building fabric (holes etc.)
- Fugitive emissions from spillages
- Fugitive emissions arising from entrainment from the building when removing work.
- Fugitive emissions from the dust collection hopper, and transport of dusty materials.

11.11 All bag filters work on the basis of cleaning dust laden air by forcing the air (under pressure), through the filter medium. The filter medium directly removes particles which drop into a bin. The filters become soiled over time and require cleaning, which in this case is via mechanical shaking. Bag filters are extremely efficient and are considered the best available technique for removing particles.

11.12 An independent expert commissioned by East Staffordshire Borough Council, has provided an independent review of the current application and made recommendations accordingly. They concluded that the existing system was satisfactory. However the extractor system is an older model and therefore to improve the efficiency of the process and remove any level of uncertainty relating to the emissions released through the process, a revised proposal was recommended.

11.13 The revised proposal is to utilise the bag filtration plant and then duct the residual extracted air back inside the building. This has two environmental benefits. Firstly, it would then not be possible to discharge residual particulate to external air during normal operation, and secondly, any failure of the abatement plant will be contained inside a building.

11.14 The applicant has submitted a dust management plan (DMP). The plan has been reviewed and is robust. It will be necessary to revisit the plan from time to time, due to changes in plant or equipment, to account for different shot blasting requirements or to address changes in maintenance or monitoring. The plan, recommends integrity testing noted under the Maintenance section, including testing of the extraction plant for leaks.

11.15 The proposed procedures are robust. The revised design of the plant ensures that, even if there were to be plant failure, the dust is discharged inside a building. The regular checks proposed would identify any failure

quickly and the process can then be managed. The application subject to restrictive conditions therefore complies with Local Plan Policy DP7.

12. Highway Matters

- 12.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 12.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 12.3 No alterations are proposed to the existing access, the proposal would have a limited impact on the movement of vehicles to and from the site and no objections are raised by Staffordshire County Council as the Highway Authority.
- 12.4 It is considered that the proposal would not adversely impact on the safe and efficient operation of the adjoining highway network in accordance with Local Plan Saved Policy SP1 and SP35.

13. Historic Environment

- 13.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 13.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 13.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 13.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 13.5 Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 13.6 The Tutbury Conservation Area is in excess of 1km away.
- 13.7 The nearest Listed Building is Castle Hayes Farm on Belmot Road is 525m away.
- 13.8 The separation distances involved are such that the proposed development will have no impact on these heritage assets such that Sections 66 and Section 72 are not engaged.

14. Flood Risk and Drainage

- 14.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 14.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 14.3 The site is located within Flood Zone 1 and as such there is not an issue in terms of flooding relating to nearby water bodies.

15. Landscape

- 15.1 One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. The NPPF states that local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside.
- 15.2 Strategic Policy 30 states that development proposals will be expected to demonstrate that they have taken into account the Landscape Character Assessment for Staffordshire and consist of a scheme which reflects the landscape character and where possible enhances the landscape quality.
- 15.3 It is considered that the development integrates well with the existing landscape and site context. There is no adverse impact on the wider landscape and therefore the application complies with Local Plan Policy SP30.

16. Conclusions

- 16.1 The building in its revised position and revised extractor methods would ensure continued use of a lawful business. Local and national policy are supportive of such developments and helping the rural economy.
- 16.2 Considering all of the above, it is concluded that subject to various conditions the proposal suitably complies with the overall aims of the relevant Local Plan Policies, the East Staffordshire Design Guide and the NPPF including the aims of the relevant sustainability criteria of Policy SP1 and SP8.
- 16.3 The amenities of the neighbouring dwelling, adjacent land users and occupiers of the adjacent industrial buildings will not be materially harmed subject to certain conditions.
- 16.4 Issues relating to contamination can all be resolved by conditions.
- 16.5 The site is not in a Conservation Area and given the separation distances and the form of existing built development, it is not considered that the proposal would have an impact on views into, or those out of any Conservation Areas nor would any Listed Building or its setting be affected and therefore the statutory duties under Sections 66 and 72 are not engaged.
- 16.6 On balance, having taken account of the schemes overall environmental, social and economic impacts it is considered that the scheme does represent sustainable development and fits the overall aims of the Development Plan and the NPPF.
- 16.7 **RECOMMENDATION – PERMIT subject to the following conditions:**
1. Within 3 months of the date of this decision the extraction equipment shall be re-ducted internally in the building in accordance with the approved plans. The building shall be sealed and made good. The extractor shall not be subsequently replaced with any other method

unless otherwise approved in writing by the Local Planning Authority. (bespoke condition)

2. Shot blasting or associated ancillary activities, including the operation of the dust extraction unit shall only take place between the hours of: Monday to Friday, 8:30am until 5pm each day; and there shall be no working on Saturday, Sunday or bank holidays. (bespoke condition)

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

3. There shall be no visible emissions from the shot blast building or the externally located dust extraction unit. The building and the extraction unit shall be maintained in accordance with the provisions of the “Belmont Shot Blasting – Dust Management and Control Procedures – REV 3 JAN 2017.pdf” document. (bespoke condition)

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

4. There shall be no visible emissions of dust from the waste storage skips. (bespoke condition)

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

5. The activity shall only be undertaken in accordance with the “Belmont Shot Blasting – Dust Management and Control Procedures – REV 3 JAN 2017.pdf” or any subsequent procedure agreed in writing with the Local Planning Authority. (bespoke condition)

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

6. The sound level from the activity shall not exceed an assessment level of 5dB (rating level over background level) when measured or calculated in accordance with BS4142:2014 at the nearest noise sensitive receptor. (bespoke condition)

Reason: To ensure that the amenities of noise sensitive receptor in the vicinity are protected.

7. Where tones are identified as part of the assessment required under condition 6 above, mitigation work shall be carried out to reduce or eliminate the tones such that they are not perceivable at the nearest sensitive receptor. (bespoke condition)

Reason: To ensure that the amenities of noise sensitive receptor in the vicinity are protected.

8. There shall be no outside storage or working unless otherwise agreed in writing by the Local Planning Authority. (00014b).

Reason: To safeguard the character and appearance of the area and the amenities of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP24 and DP7, Paragraph 123 of the National Planning Policy Framework.

9. The building shall only be used for the processes as described in this application and no other purpose. (00013a). To safeguard the amenities of nearby residents in accordance with National Planning Policy paragraph 123 and Local plan policies DP1 and DP7.

Informatives

1. Engagement informative

17. Background papers

17.1 The following papers were used in the preparation of this report:

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference P/2016/00581
- Papers on Planning Application file reference P/2016/00267

18. Human Rights Act 1998

18.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

19. Crime and Disorder Implications

19.1 It is considered that the proposal does not raise any crime and disorder implications.

20. Equalities Act 2010

20.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

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