

46/14/0039

MR P JEFFERIES

ERECTION OF SINGLE STOREY EXTENSION INCLUDING SILO AND CHIMNEY ON NORTH WEST ELEVATION AT RIGID CONTAINERS, CHELSTON BUSINESS PARK, WELLINGTON

Location: DEPOT, HAM ROAD, CHELSTON BUSINESS PARK,
WELLINGTON, TA21 9JG

Grid Reference: 315631.121466 Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo N5996-01 Survey Plan
(A1) DrNo HT03301/3/5 Layout Plan
(A1) DrNo 14050.P.24 Rev A Large Scale Elevations and Sketches as Proposed
(A1) DrNo 14050.P.23 Rev C Large Scale Plan and Elevations as Proposed
(A1) DrNo 14050.P.22 Rev C Key Plan and Elevations as Proposed
(A1) DrNo 14050.P.21 Key Plan and Elevations as Existing
(A1) DrNo 14050.P.20 Site Plan
(A4) Report reference 6019/pja - Baseline environmental noise assessment, 25th November 2014

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the building and surrounding area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

The existing industrial building is used for the manufacture and processing of corrugated cardboard as secondary packaging for the food and drinks industry, together with the manufacture of recycled paper. The operator (Rigid Containers) needs to install a new state-of-the-art corrugator (machinery) to manufacture corrugated cardboard on site. The proposal is to enclose a section of area under an existing external canopy to provide enclosure to a proposed new starch kitchen and boiler. These works are therefore within the existing building envelope. The net extension under the existing canopy is proposed as 102 sq. m. The starch kitchen will be served by a large external silo and the boiler by an external self-supporting vertical chimney coloured to match the building. Cladding and brickwork walls will be installed to closely match the existing. The new works proposed will allow the business to increase its turnover and increase the number of employees from the existing 52 to about 140 people over the next couple of years. Access to the proposed extension will be gained off the buildings existing concrete accessway where there are currently dock access points. No car parking or manoeuvring space will be lost to provide this extension. Even with the new extension, vehicle movements to and from the site will be considerably less than when the site was operated by the previous occupier - the co-operative regional distribution centre.

The Existing use of the building will not change from its current authorised use as a B2 (General Industrial) use.

SITE DESCRIPTION AND HISTORY

The building forms part of the Chelston Business Park on the outskirts of Wellington. The business park has a number of different buildings comprising B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution). The business park has good highway links to the strategic road network at Junction 26 of the M5 Motorway. The building has a landscaped bund around the outer edge of the site with residential development on the eastern side. The western side of the site has other employment uses surrounding it.

The building was constructed in the 1990's In accordance with planning consent 46/89/0037. This permission had a number of planning conditions attached, some of which remain applicable to the current authorised use – e.g. noise limitations. The building was granted planning permission in March 2013 to change its use from class B8 to B2 under consent ref: 46/13/0003.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST BUCKLAND PARISH COUNCIL - The Parish Council recommend that planning permission is refused for the following reasons:

- 1). The building cannot be extended without detriment to the amenities of the area and particularly to the residential development on the eastern side, which is in close proximity to Rigid Containers (DM 1 of the Core Strategy).
- 2). The inaccuracies of the noise assessment which was taken when trees were in full leaf and noise would have been blocked. The prevailing wind takes noise in the direction of Castle Cottages and Cob Castle Cottages so the noise assessment needs to be run again while the trees are not in leaf.
- 3). Smell and emissions. There is concern about the potential of a noxious smell from the process which would affect the amenities of the residential development on the eastern side and other businesses on the Business Park.

The Parish Council ask that if the application is approved then strict noise conditions are attached to the permission. Rigid Containers has been running an external generator, sometimes for 24 hours per day, to the great detriment of local residents due to the noise and vibration. This generator appears to have been sited where development is proposed. The Parish Council would also ask for a restriction to working hours to protect the residential amenities of the area.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - A noise assessment has been submitted with the application. The report includes details of the monitoring of background noise levels over a 6 day period. The assessment then proposes site specific noise criteria based on BS4241(2014) (which is a guide for assessing noise from commercial premises in mixed commercial/residential areas). It recommends that the noise should be limited to “no worse than an adverse impact” and that this might occur at a rating level 5dB greater than the representative background noise level. The report concludes that the proposed development will have a “low potential noise impact as the new corrugator will be housed completely within the main building and will have local acoustic enclosures to control noise levels to 85dB LAeq or less for the operating staff. Once details of the corrugator become available a full assessment of breakout noise can be provided”.

The Design and Access Statement with the development states that “The noise levels expected will not have an adverse impact on residential amenity and will not affect the LPAs ability to grant approval for this scheme”.

There is a planning condition on the site regarding noise (below). I understand that a similar condition was on the site when it was in its previous use as a distribution depot and it was carried over to the new industrial use.

46/13/0003 Condition 7 states that –

The equivalent continuous noise level, Leq (15 minutes) shall not exceed the

existing background daytime Leq (12 hours) between the hours of 0700 and 1900 or the existing background night-time Leq (12 hours) between the hours of 1900 and 0700 by more than 5 dB(a) at any time during the stated period. Any noise levels incorporating audible tone components shall not exceed the background Leq (15 minutes) at any time. The point of measurement shall be the site boundary as identified by the red line on the submitted location plan

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise in accordance with DM1 of the Core Strategy.

However, neither the Noise Assessment nor the 'Design and Access Statement' mention the condition. The Assessment does suggest a noise criteria of 5dB above background level, which is in line with the noise condition. It should be noted that on new developments Environmental Health would normally recommend that noise levels do not exceed background levels at night.

Regarding noise from any new plant the report does not give details of the noise levels, although it does state that the corrugator will be enclosed and inside the building. If the noise from the corrugator is restricted to 85dB LAeq at the operator it is unlikely to be loud enough to cause a problem at nearby premises, although an assessment based on the specific noise data, building details etc. would be needed to confirm this. There is no mention of noise levels from any other new plant, for example, anything associated with the starch kitchen/boiler.

Any new plant on sites should be designed and operated so that does not breach the existing planning condition. It would be preferable if it could be designed so that the noise level does not exceed the background level at night.

I am aware that some nearby residents have raised concerns about odours from the starch kitchen/boiler. There is no information about odours with the application, therefore I am not able to comment on the potential for odours to affect nearby premises. I note that the flue does extend above the level of the roof of the main building which will help to disperse any odours (the flue should not have a cowl fitted that would restrict any upward movement of fumes/gases)

Representations

As of the date of compiling this report the LPA had received 51 letters of objection of which 42 are the same letter with different signatories. A 57 signature petition has also been received, although many of the signatories are counted in the separate letters of objection. The main points that are raised are as follows in all of the representations are as follows -

- It comes to light that rigid containers will be operating 24/7 and this surely is totally unacceptable.
- The smoke and smell that the chimney will be omitting is very worrying.
- Boiling starch will produce a very bad smell in to local residents' homes.
- Air pollution will affect the quality of people's lives.
- Peoples sleep will be disturbed.
- The noise test for this was done in the summer when trees and shrubs had full

- foliage. Should have been carried out in the winter months.
- Currently the background noise levels are 32db (day) and 26db (night). They want to raise it to 41db (day) and 35db (night). This will have a significant adverse impact on residents.
 - The applicant intends to run this starch burner 24 hours a day which will cause considerable noise and odour pollution to an already polluted area.
 - I am not happy that there is going to be a silo and starch boiler on my doorstep.
 - This will increase noise levels and be very smelly.
 - This is even closer than the landfill site.
 - The smell of starch and the sound from the building will depreciate the value of the properties which TDBC have a stake in.
 - The noise survey should have been carried out in wintertime when the trees are bare and noise travels further.
 - Very concerned about the noise levels and potential unpleasant smells.
 - It will have a detrimental effect for people living at Cob Castle and Castle Cottage
 - The smell and noise will make life unpleasant.
 - I believe this planning permission would lead to 24hr noise and also unpleasant smells. This would obviously affect our standard of living.
 - The noise monitoring that was done back in May indicates an increase in 11db of noise if Rigid containers get planning granted and according to their report this would have a "significant adverse impact" on the residents.
 - Why have Rigid Containers purchased their equipment before planning has been granted.
 - When this site was a distribution site we had no noise but since TDBC granted permission for manufacturing we have noise 24 hrs a day.
 - The starch kitchen will make our homes and gardens smell like 'babys vomit'.
 - We can't open our windows at night because of all the noise coming from this building. If you allow the starch kitchen we won't be able to open them by day either.
 - Quality of life will be reduced for families in the area with 24 hour noise and smell.
 - Distinct lack of consideration for local families.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
CP2 - TD CORE STRATEGY - ECONOMY,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP3 - TD CORE STRATEGY REALISING THE VISION FOR WELLINGTON,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - CP 8 ENVIRONMENT,
CP1 - TD CORE STRAT. CLIMATE CHANGE,

LOCAL FINANCE CONSIDERATIONS

The proposal will not be liable for a CIL contribution and will not result in payment to the Council of the New Homes Bonus.

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with this application are

- Planning policy;
- The business and economic case;
- Highways impact;
- Visual amenity (appearance);
- Residential amenity (noise and odour).

Planning policy

The National Planning Policy Framework makes clear that 'significant weight should be placed on the need to support economic growth through the planning system (paragraph 19). It goes on to say that planning should operate to encourage and not act as an impediment to sustainable growth. Given that this site is long established, in a recognised industrial estate, well served by public transport, with good local road networks and will be providing additional employment opportunities close to existing areas of population, it is considered that the proposal amounts to sustainable economic growth. The proposal does therefore meet this important consideration of the NPPF

More locally, the adopted Taunton Deane Core Strategy clearly supports economic development through policies such as strategic objective 2 (economy) and CP2 (economy). Policy SP3 (realising the vision for wellington) makes clear that new employment growth outside of Taunton should be concentrated in Wellington and the Chelston area in particular. Policy SP1 (sustainable development locations) states that proposals should make efficient use of land and follow a sequential approach, prioritising the most accessible and sustainable locations and maximising opportunities to make best use of previously developed land where possible. The proposal meets all of these aims. The application will need to demonstrate that it meets the 'General requirements' of policy DM1, and it is considered that it does. DM1a requires the proposals to make the most effective and efficient use of land, and expanding an existing industrial site clearly meets this aim. DM1b stipulates that proposals must not lead to adverse highways problems. This site is well served by a network of roads built to serve industrial premises, and there are good public transport links locally. Policy DM1b is therefore met. DM1e asks that new proposals should not unacceptably harm (amongst other considerations) residential amenity. This is more difficult to judge, and is the basis for most of the objections received. This will be covered in more depth below, but other than policy DM1e, it is true to conclude that the proposal meets all of the tests of both national and local policy.

The business and economic case

This is an established business that operates in an established industrial estate. The company has other plants in the north of England. The new plant equipment and facilities that this proposal will allow for represents a major investment for the company allowing the business to increase its turnover and increase the number of employees. The company currently employs 52 people and the new corrugator will provide 30 new jobs immediately with an eventual increase to about 140 (source: the Council's Economic Development Manager). The proposal will therefore provide a

considerable amount of new jobs and will be important to the local economic sector. The extension will also allow a streamlining of the business in general so that all of the processes will be completed on site thereby reducing the need to transport materials involved to the site. This makes good sustainable economic sense. There is therefore a sound and positive economic case for this proposal, and whilst this should not necessarily be given precedence over other valid planning considerations, it does carry significant weight as part of the planning process.

Highways impact

The existing building is situated within Chelston Business Park, which has been purposely designed to take business and commercial enterprises such as this. It is within a sustainable location having good access to the local hinterland and the motorway network for vehicle movements to and from further afield. Locally there are good existing transport linkages and access to sustainable transport modes. The site is therefore ideal for an expansion of operations in highways and transportation terms.

It is not proposed to alter the parking arrangements or numbers. However, even with the proposed growth in employment opportunities, the proposed new workforce would be just over a third of the size that occupied the building when it was in use by the Co-operative Society as a distribution depot. Therefore it is considered that the parking provision is more than adequate.

Information has been provided to substantiate that there would still be a large reduction in HGV movements at the site with the proposed expansion over the previous use as a depot for the Co-op. The previous use had built in provision for approximately 77 HGV movements a day whereas the number proposed for this new use will be approximately 4 per day. There will not therefore be any difficulties arising from this proposal with the movement of heavy goods vehicles.

The traffic and transportation implications of this application are clearly well within the capacity of the site and there are no adverse highways issues arising from this proposal.

Visual amenity

This is an industrial building in a business park and so appearance is not so crucial. There are already many forms and styles and the individual units reflect the needs of the individual businesses. In any event the proposed elevational changes will be difficult to notice as the extension will not protrude beyond the existing canopy and the materials are shown to match. The extension will therefore blend in well with the existing building. It is also the case that the extension and new silo will be placed on the north-western elevation of the existing building meaning that it would not be visible to the residential properties at Castle Cottages and in Cobb Castle, which is where most of the objections have come from. It would be in line of sight with the 3 properties on Ham Road, namely Applecombe, Chalfont and Ham House, but the distance from the nearest point of the nearest property would be 100 metres and there is a car park and boundary screening in between. There are no buildings of any description immediately opposite the proposed extension on the other side of

Ham Road, as this is an open undeveloped parcel of land that eventually leads to the former landfill site. The proposal includes a new external silo which is required for bulk storage to feed the new starch kitchen and a flue from the new boiler room. The silo would only be visible on the north western elevation as it extends upwards to a point below eaves level. The flue will protrude above the roof by approximately 1.6 metres and so would be visible from all round. However the protrusion is relatively small and the diameter of the flue is only 0.55 metre, so the impact is considered to be negligible. It is not therefore considered that there would be any visual detriment to any recognised interest of acknowledged importance such as would justify refusal on this issue.

Residential amenity

This is the one issue that has caused the most concern amongst those that have written in as part of the consultation process. The two key issues here are 1) possible noise pollution arising from the new works, and 2) potential for smell arising from the proposed starch kitchen.

On the issue of noise, the applicant has submitted a full 'baseline environmental noise assessment' as part of the application. It suggests noise limitations for daytime and night time operations at the building. The planning permission which allowed the current company to operate at the site (46/13/0003, granted on 19 March 2013) has a stipulation regarding noise as condition 7, and this is still in force and will need to be adhered to. There is no proposal as part of this application to alter this and so it remains in force. The issue of noise has been referred to the Council's Environmental Health Officer, and his comments are that the noise assessment and the condition use different parameters for testing the impact of noise, so there is no way of knowing whether or not the proposed new plant would be within the boundaries set by the extant planning condition. This has to be the starting point for understanding whether or not the proposal is acceptable in this regard. Clearly if any proposed new noise levels that might be generated by the new equipment was within the bounds of the existing condition, then there can be no reason for refusing the application on noise grounds as it would comply with the parameters set by the Council for this company on the previous planning permission.

However, if the proposed noise levels exceeded the levels set by the condition, then Members would need to decide whether the increase was acceptable so that approval could be given, perhaps with further clarifying conditions, or whether the increase was likely to be so injurious to residential amenity that conditions would not ameliorate any harm and refusal had to be considered. The agent has been asked for the information required in this regard, and these will be received and checked by the Environmental Health Officer before the Committee date. Members will therefore be advised of the results of this process at their meeting.

It should be noted that the company did have to use an external generator over the Christmas period to serve the existing plant owing to difficulties with the usual power supply. That did cause difficulties to local residents, and this has been noted. However, the power supply problem has now been resolved and the generator removed, thereby eliminating this particular noise issue. Members should not judge the likely noise impact arising from the current proposal based on the exceptional difficulties experienced over the Christmas period. The Christmas incident and the current proposal are not related and are not comparable.

In respect of potential odour pollution, it is not considered that this is likely to be an issue by the Environmental Health Officer. The main cause for concern with local residents would appear to be the proposed new starch kitchen. Very little information has been submitted about the potential for odour pollution, and the applicant has been asked for further information in this regard. It is considered that this is unlikely to be an issue that would have to result in a refusal, and Members are reminded that Government guidance explains that local planning authorities should always consider whether conditions could overcome any perceived problem before considering refusal of a proposal. In this instance, it is recommended that it would be appropriate to wait for the additional information regarding smell that has been requested. This will be available to discuss with Members at their meeting and will be informed by an accompanying view from the Environmental Health Officer.

Conclusions.

On four of the five main considerations, the proposal does meet the tests of national and local planning policy, it is a sustainable solution in terms of any potential highways impact, the proposal would be hugely beneficial to the local economy creating employment opportunities and other significant benefits for the business community and the area in general, and it is not considered that there are any adverse visual amenity issues that should result in the application being refused. The final issue relating to residential amenity is the most contentious and it is for this reason that Officers have asked for further information so that the matter can be clarified. Subject to the receipt of the additional information requested relating to noise and odour and the validation and acceptance of that information by the Environmental Health officer, the recommendation is that the application can be approved with conditions relating to time, the plans to be approved, external materials. It is not considered that additional landscaping is required to ameliorate any concerns regarding visual and residential amenity, due to the scale and location of the proposals. If the additional information on noise and odour is considered to be acceptable in terms of any potential impact upon residential amenity then it is not proposed to recommend any restriction on the hours of operation as this would not give the business the flexibility it will require.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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