DELEGATED REPORT

Reference:- 11/00810/FUL **Parish:- Hinckley**

Applicant:- Mr Serdar Necar
Units 5 & 6
Manners Avenue
Manners Ind Est
Ilkeston

Location:- Unit D1 & D2 Fleming Road Hinckley Leicestershire LE10 0NF

Proposal:- CHANGE OF USE FROM B8 TO B2 LIGHT MANUFACTURING TIMBER

Introduction:-

This is a planning application for the change of use of two warehousing units to form a B2 (General Industry) unit for the manufacturing of timber products.

The units in question are two linked industrial units located on Fleming Road in the south eastern corner of the Harrowbrook Industrial Estate. The units have a collective floor space of 1210 square metres and the units are constructed from part brick and corrugated metal sheeting with metal sheeting to the roof. There are residential properties located 60m to the south on Coventry Road. The southern boundary of the site is densely landscaped by a earth bund which is grassed and tree lined to a height exceeding 8m.

This application is a resubmission of 11/00538/FUL which was previously withdrawn. The previous planning application was withdrawn to allow the applicant to undertake a noise impact survey of their operations and the potential impact that the proposed use could have on the amenity of residential properties located to the south on Coventry Road. This resubmission proposes the following amendment:-

a) re-siting of the dust extraction system from the southern elevation to the south eastern corner of the building

Relevant Planning History:-

11/00538/FUL	Change of use from B8 to B2 Light manufacturing of timber	Withdrawn
84/01045/4	Use of Warehouse for trade and retail sales with existing warehousing to continue	

Consultations:-

No objection subject to conditions has been received from:-

Head of Community Services (Pollution)

No objections have been received from:-

Head of Community Services (Land Drainage)

A site notice was displayed and neighbours notified.

One letter of objection has been received raising the following issues:-

a) the previous use of the site generated noise from its extractor fans
b) a condition should be imposed that the extraction system is fully mantained and replaced where noise is found to be an issue

No comments have been received from:-

Ward Members
Head of Business Development and Street Scene Services (Waste Minimisation)

Development Plan Policies:-

Hinckley and Bosworth Local Plan (2001) :-

EMP1- Existing employment sites
BE1- Design and siting of development
NE2- Pollution

Employment Land Study 2010.

Appraisal:-

The main considerations with regards to this application are the principle of development, the impact on neighbour amenity and highway issues.

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Principle

The site is located within the defined Harrowbrook Industrial Estate and local plan policy EMP1 states that the Local Planning Authority will actively seek to retain this site for employment purposes. The change of use of these two units for B2 (General Industry) purposes will ensure that the prospective tenant continues employment use at the site, thereby making the development acceptable in principle. The application form states that the proposed use will provide employment for 14 people at the site. The proposed development complies with the recommendations for the Harrowbrook Industrial Estate as set out in the Employment Land and Premises Study review 2010 as it retains an industrial use within the industrial estate.

Impact on Neighbour Amenity

The Design and Access Statement submitted with the planning application states that the proposed timber manufacturing involves the delivery of timber sheet materials to manufacture shop fittings and retail/office furniture. Machinery is to be installed within the building which includes an edge bender, beam saw, CNC routing Machine and a filter spray booth. Extraction equipment is required for the filter spray booth, the wood burner and a dust extractor which will house an extractor fan. In its re-sited position the proposed dust extractor will be located 77 metres to the north of the residential properties on Coventry Road and the fan will face northwards towards Fleming Road.

The acoustic report submitted with the planning application states that the noise generated from the dust extractor will be 12.7 dB below the existing background level when measured at the rear of the nearest residential property, namely 391 Coventry Road. The recommendations made within the acoustic report state that complaints are unlikely when assessed at the boundary of the rear gardens to the properties on Coventry Road, provided that the dust extractor is located at the proposed location and the recommended acoustic measures are installed. These acoustic attenuation measures consist of:-

1) Fitting the fan and motor within an acoustic enclosure
2) Fitting a cylindrical discharge attenuator into the ductwork between the fan and filter to achieve a minimum 10 dB reduction
3) Fitting external damping material to the cylindrical ducting between the discharge attenuator and the filter to minimise impulsive noise within the duct.

The Head of Community Services (Pollution) has reviewed the information within the acoustic report and raises no objection to the proposed development subject to the imposition of planning conditions. These planning conditions relate to full details of the acoustic attenuation measures to be provided prior to the installation of the dust extractor, that plant and machinery shall not exceed noise levels of more than 5dB

above the British Noise Standard for rating Industrial noise and that the wood burner/spray booth extraction flues achieve a minimum velocity of 15m/s. It is considered that the imposition of two of these recommended planning conditions in relation to noise will ensure that the noise generated by the extractor fan at residential properties will not be above background noise levels and will allow noise levels to be monitored, where necessary. Therefore it is considered that the re-sited extractor fan, the installation of the attenuation measures, the existing screening along the southern boundary and the distance to residential properties on Coventry Road will ensure that noise complaints are unlikely.

Following further discussions with the Head of Community Services (Pollution) officer it was agreed that a planning condition be imposed requesting that the applicant demonstrate that the wood burner and spray booth extractors can achieve the minimum discharge velocity (15m/s) upon their installation. It is considered that the imposition of this condition will allow the applicant to demonstrate that this plant and machinery can meet the minimum standard for the extraction of odours upon its installation and thereafter maintained to allow the minimum discharge velocity to be met. Other statutory regulations exist which control the extraction and monitoring of odours.

With regard to the wood burner the extraction flue will be sited on the eastern roof slope facing Tungsten Park. This extractor flue will be sited 80m to the north of the residential properties on Coventry Road with the earth bund and tree screening located in between the site and these properties. The wood burner will be used to heat the building internally using the off cut material from the timber manufacturing process. Whilst a small degree of air pollution may occur as a result of the proposal, the extent of this harm will be influenced by a number of prevailing factors such as the type and rate of material being burned, the distance of the development to residential properties, the strength/direction of the wind at the time of burning, the duration of burning and any landscape features between the proposal and residential properties. In addition it is unlikely that the wood burner will be in constant use through the summer months when the weather is warmer. The nearest residential properties are those located on Coventry Road, 80m to the south. It is considered that the distance between the industrial unit and these residential properties would allow for the majority of the smoke to disperse with the substantial line of coniferous planting sited on top of the earth bund assisting with the dispersal of emissions blown in this direction.

The two spray booth extraction flues will be sited on the north easterly roof slope, the most southerly of which will be sited 113m to the north of the residential properties on Coventry Road. The applicant has previously confirmed that a permit is not required for the solvents that are used in the timber finishing process at their existing site in Ilkeston and that the total annual usage of solvents equates to 2.7 tonnes It should be noted that other statutory legislation exists which controls the use of spray booths used in industrial processes. The use of solvents, the potential for air pollution and loss of residential amenity through the release of odours is considered to be influenced by a number of similar factors as those affecting the dispersal of smoke from the wood burner, highlighted in the previous paragraph of this report. Again the the substantial line of coniferous planting sited on top of the earth bund would assist with the dispersal of odours blown in this direction (south).

It should be noted that the majority of noise created by the manufacturing processes will be largely contained within the industrial buildings and external noise will emanate from deliveries and the extractor fans. Therefore there is no requirement for the buildings to be sound-proofed.

The planning application form states that the proposed hours of operation are 6am-9pm Monday to Friday and 6am-12pm on a Saturday. The Head of Community Services (Pollution) has recommended that the hours of operation be restricted to 730am-630pm Monday to Friday and 8am-1pm on Saturdays, however no justification for these reduced hours is proposed. It is considered that the hours of operation recommended by The Head of Community Services (Pollution) are unreasonable and without adequate justification to meet the statutory tests of Circular 11/95. Through the imposition of other conditions, it is considered that the development is adequately mitigated to ensure that there is no arising material impact on residential amenity. This judgement is further support by the fact that the site is a designated employment estate, adjacent units have no hours of operation restriction and the separation distance and landscaping between the development and the nearest dwellings on Coventry Road is in excess of 60 metres.

Highways

The existing staff parking area to the west and south of the units and the existing loading and delivery area to the side will be utilised. Although some traffic noise would inevitably occur from loading/unloading and

servicing, it is felt that this would be no more harmful to residential amenity than that associated with surrounding industrial uses and from the previous B8 (Storage or Distribution) use of the site. No parking will be displaced as a result of the proposed change of use to B2 (General Industry).

Conclusion

The development proposes a change of use to a B2 use on an industrial estate which will ensure that the site is retained for industrial use and as an employment site. Given the separation distance to properties on Coventry Road, the existence of the significant coniferous screening and earth bund to the south of the site and the attenuation measures put forward in the acoustic report the proposed change of use to timber manufacturing is not considered to give rise to loss of residential amenity through noise, vibration, odour or general disturbance. The proposed change of use is not considered to be detrimental to highway or pedestrian safety.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan it is considered that the proposed occupier of the industrial unit constitutes a B2 (General Industry) use which would not be detrimental to highway safety or residential amenity and the development would ensure the retention of an employment use at the site.

Hinckley and Bosworth Council Adopted Local Plan 2001:- Policies BE1, EMP1, NE2

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 138-01 C, 138-02 A, 138-03 C, 138-04 B received on 20 October 2011.

3 Prior to commencement of the use hereby permitted full details of the noise attenuation measures stated in the acoustic report produced by JC Acoustics Ltd, dated September 2011 shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall thereafter be retained.

4 Notwithstanding the background noise results stated in the acoustic report no fixed plant and/or machinery associated with the development shall cause background noise levels at any nearby dwelling to be exceeded by a Noise Rating Level of more than 5 dB (A) as assessed under the methodology of BS4142 (1997) Method for rating industrial noise affecting mixed residential and industrial areas and its subsequent amendments.

5 Prior to the premises being brought into use an assessment shall be undertaken to demonstrate that a minimum discharge velocity of 15 metres per second from the wood burner and spray booth exhausts is achieved, the results of which shall be submitted to and approved in writing by the Local Planning Authority. The spray booth and wood burner shall be maintained to ensure that the minimum discharge velocity can be achieved at all times thereafter.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policies BE1 and NE2 of the Hinckley and Bosworth Local Plan 2001.

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Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Scott Jackson Ext 5929