

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242575
Site Address:	Units 7 & 8, Heron Industrial Estate, Basingstoke Road, Spencers Wood, Wokingham, RG7 1PJ
Expiry Date:	9 December 2024
Site Visit Date:	8 November 2024
Proposal: Application to vary condition 12 of planning consent 14664 for the retention of the existing building and development of the remainder of the site with Class III units and offices and Class X units with car parking. Condition 12 refers to the operational hours of the units forming the Industrial Estate and the variation is to extend the operational hours of Units 7 and 8 to 0500-2300 from Monday to Friday (the weekend and Bank Holiday hour restrictions will be unchanged).	

RELEVANT PLANNING CONSTRAINTS/STATUS

Green Routes and Riverside Paths
Scale and Location of Development Proposals – **Spencers Wood (Modest Development Location)**
Nuclear Consultation Zone – **Detailed Emergency Planning Zone (DEPZ) for AWE Burghfield.**
Green Routes and Riverside Paths Consultation Zone
Electricity Sub Station

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP2 – Inclusive Communities CP3 – General Principles for Development CP6 – Managing Travel Demand CP8 – Thames Basin Heaths Special Protection Area CP9 – Scale and Location of Development Proposals CP15 – Employment Development
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC04 – Sustainable Design and Construction CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB01 – Development within the Green Belt TB02 – Development adjoining the Green Belt TB04 – Development in vicinity of Atomic Weapons Establishment (AWE), Burghfield

	TB20 - Service Arrangements and Deliveries for Employment and Retail Use
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List

Application No.	Description	Decision & Date
14664 (all units)	Redevelopment of the site to erect Units, Offices and Car Parking	Approved 18/12/1980
18634 (Unit 1)	Variation of condition 12 and 17 of permission 14664 for office accommodation	Approved
20357 (Units 7 and 8)	Change of use to industrial offices	Refused 17/11/1983
29700 (Unit 8)	Change of use to car rental and valet service	Approved 17/03/1988
980450 (Unit 8)	Proposed Change Of Use From B8 (Storage) To B1(C) (Light Industrial) Use And Erection Of Cooling Tower	Approved 04/02/1999
010417 (Unit 4)	Proposed temporary relaxation until 29/11/2006 of condition 12 of consent 14664 to allow 24 hour working by Datavault only.	Refused 31/07/2001
120632 (Unit 8)	Change of use from B8 (storage and distribution) to allow either B8 or B2 (general industrial) use.	Approved 03/07/2012
172382 (Unit 4)	Full application for the closing up of existing windows and extension of cladding to match existing.	Approved 13/10/2017

CONSULTATION RESPONSES

Internal

WBC Environmental Health - Objections
WBC Highways – No objections

External

None consulted

REPRESENTATIONS

Parish/Town Council	Shinfield Parish Council have strong concerns over the potential noise impact on neighbouring properties. Should any extension to operating hours be granted these should come with appropriate noise mitigation requirements.
Ward Member(s)	Councillor Catherine Glover: <i>"Residents in the vicinity of this industrial estate are concerned about the adverse negative impact of these increased operating hours on residential amenity.</i> <i>They say that tenant requirements should not be given great weight in determining a planning application; the site is not in</i>

	<i>a Core Employment area but is surrounded by residential dwellings to the north, south and west.</i> <i>I would like this application to be listed for wider discussion by the Planning Committee.”</i>
Neighbours	Six objections received on the following grounds: - Extension of hours previously refused - Disturbance to nearby residents during nighttime - Lack of justification for operational requirement - Loud music played from units without shutters going down, not considered within noise assessment - Consistent breaches of existing operating hours - Noise rebounds off site due to tight layout, impacting properties - Lack of consideration for reverse beepers - Steelwork not light industrial - Mitigation measures inadequate

APPRAISAL

Site Description:

The application site consists of 2no. industrial units within Heron Industrial Estate, units 7 and 8. The site is accessed via Basingstoke Road to the east and whilst located within the settlement boundaries of Spencers Wood, it also lies adjacent to the Spencers Wood's southern settlement boundary that adjoins onto the designated countryside to the south.

The site immediately abuts residential dwellings and as well as Lambs Lane Primary School to the north, west and south. To the east is largely open agricultural fields lined with scattered vegetation.

Proposal Description/Site History:

This application seeks to vary condition 12 of planning consent 14664, specifically to extend the operational hours of Units 7 and 8 to 0500-2300 from Monday to Friday.

Units 7-8 are currently restricted to set operational hours under the existing operational planning permissions. The restrictions can be summarised as: 07:00-18:00 Monday to Friday and 07:00-12:00 Saturdays. No work on Sundays, public or bank holidays. Unit 3 can operate until 19:30 hours on weekdays. The restrictions were set to protect the amenity of nearby residential properties.

The applicant for this application is Holme Dodsworth Metals Ltd, a specialist metals manufacturer and supplier of metal products. Units 7 and 8 are used as their storage and distribution hub in support of their business in the south-east and southern England.

It should be noted that the Council's Planning Enforcement and Environmental Health teams have been notified in recent months about several noise complaints from these units as the operational hours listed above have been breached, with reports of activities beginning on site at 5/5:30am.

Principle of Development:

Core Strategy:

Policy CP1(1) only supports development that maintains or enhances the high quality of the environment.

Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which it is located and must be of high quality design without detriment to the amenities of adjoining land uses and occupiers.

Policy CP15 of the Core Strategy states that development for business, industry or warehousing will be permitted, including the expansion or intensification of existing employment uses provided it is within one of the designated Core Employment Areas. Elsewhere within development limits the redevelopment, refurbishment or minor extension of buildings in employment use will be acceptable in principle.

Managing Development Delivery Local Plan:

MDD Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

MDD Local Plan Policy TB11 also focuses on Core Employment Areas and mirrors the requirements of Policy CP15 of the Core Strategy.

National Planning Policy Framework:

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. Section 11 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Summary:

The site is located within the Modest Development Location of Spencers Wood and as such the development should be acceptable providing that it complies with the principles stated in the Core Strategy.

The site is not within a Core Employment Area. Policy CP15 considers that elsewhere within development limits, the redevelopment, refurbishment or minor extension of buildings in employment use to be acceptable in principle. The proposals involve the extension of operating hours of 2no. industrial units already in employment use.

Overall, the proposals are considered compliant with CP15 but to be considered acceptable in principle, the development must comply with Policies CP1 and CP3 of the Core Strategy which will be expanded on in the sections below.

Character of the Area:

The site is located on the settlement edge of Spencers Wood. Basingstoke Road acts as a transition between the Countryside to the south and the settlement to the north.

Policy CC02 of the MDD Local Plan states that development at the edge of settlements is acceptable where it is demonstrated that it is within development limits and respects the transition between the built-up area and the open countryside by taking account of the character of the adjacent countryside and landscape.

No operational development is proposed. The extension of operating hours would result in a higher influx of vehicle movements to and from the site in nighttime hours, but this would negligibly affect the character of the area as Basingstoke Road is a main access road in the Borough that already experiences late night industrial and commercial traffic. Basingstoke Road is also lined with residential properties.

Neighbouring Amenity:

Loss of light, Overbearing and Overlooking:

As no built form is proposed, there are no concerns on these grounds.

Noise:

MDD Local Plan TB20 states that planning permission will only be granted for commercial development proposals throughout the Borough that demonstrate:

- a) There is no harmful impact on the amenity of adjoining land uses in terms of noise, fumes and disturbance
- b) There is no significant impact on highway safety
- c) There is no significant adverse visual impact
- d) There is no significant adverse environmental impact

Policy CC06 of the MDDLDP relates to noise. It states that proposals must demonstrate how they have addressed noise impacts to protect noise sensitive receptors (both existing and proposed) from noise impacts in line with Appendix 1 of the MDD.

The noise impact of the development must be assessed. Where there is no adverse impact (No Observed Effect Level) then noise will not be a material consideration. Where there is an adverse effect (Lowest Observed Adverse Effect Level to Significant Observed Adverse Effect Level), then:

- a) The development layout must be reviewed. Where this results in there no longer being an adverse impact then design and mitigation measures should be incorporated accordingly.

- b) Where there is still an adverse impact then internal layout must be reviewed. Where this results in there no longer being an adverse impact then design and measures should be incorporated accordingly.
- c) Where there is still an adverse impact then physical mitigation measures such as barriers/mechanical ventilation must be reviewed. Where this results in there no longer being an adverse impact then design and mitigation measures should be incorporated accordingly.
- d) Where there is still an adverse impact and the development falls within the significant observed adverse effect level then planning permission will normally be refused.

This application is supported by an Acoustic Impact Assessment (Hawkins Environmental, 8th October 2024, ref: H4037b – NV – v4).

The initial assessment described in BS 4142 (2019) to determine whether an adverse impact is likely, is based on establishing the difference between the rating level and the background noise level outside the residential property of interest. The British Standard states that the following points should be considered:

- Typically, the greater this difference, the greater the magnitude of the impact.
- A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context
- A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.
- The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.

The units on site already operate between the hours of 7:00am and 6:00pm. The World Health Organisation (WHO) recognises that the time base for daytime hours is 7:00am – 11:00pm, with the hours between 11:00pm and 7:00am being defined as nighttime hours:

Table 3.2: Summary of Noise Criteria: WHO

Residential Environment	Critical Health Effect	L _{Aeq}	L _{AFmax}	Time Base
Outdoor living area	Serious annoyance, daytime and evening	55	-	07:00-23:00
	Moderate annoyance, daytime and evening	50	-	07:00-23:00
Dwelling, indoors	Speech intelligibility and moderate annoyance, daytime and evening	35	-	07:00-23:00
Inside bedrooms	Sleep disturbance, night-time	30	45	23:00-07:00
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	60	23:00-07:00

Recordings were onsite for both background and specific sound. As the proposals involve both nighttime (5-7am) and daytime (7am-11pm) operational hours, both daytime and nighttime background levels were measured. Two separate noise measurement locations were used; one on the northern boundary shared with the dwelling known as 'Amersham' and the southern boundary shared with the dwelling known as 'Field View'.

The 'average' background sound levels for each location are as follows:

- Measurement Location 1 (6pm-11pm) – 35dB
- Measurement Location 1 (5am-7am) – 39dB
- Measurement Location 2 (6pm-11pm) – 29dB
- Measurement Location 2 (5am-7am) – 42dB

The specific activity measurements taken on site for Units 7-8 are as follows:

- Opening/closing HGV curtains
- Unloading – when forklift is operating
- Unloading – no distant forklifts operating
- Shutter
- HGV Idling
- HGV Drive-by

Holmes Dodsworth Metals have outlined that they will only undertake the following activities outside their current working hours:

- From 5pm onwards, approximately 6 lorries would arrive, and goods will be loaded on to them via forklift, then depart.
- After 9pm a single lorry would arrive from Holmes Dodsworth Midlands facility. It would be driven into the warehouse and the shutters then closed and left until morning.
- Between 5am and 7am, the lorry (which previously arrived the night before) would be unloaded using a forklift. The lorry would then exit the premises.

Before assessing the impact of the activities measured, it is important to note that the list of recorded activities is very limited. In particular, it fails to account for:

- Potential reversing alarms/beepers on the rear of HGVs
- Internal work activities associated with deliveries that generate noise events
- Associated employee vehicle movements and parking during extended operating hours, in particular during nighttime
- Potential human error (dropping materials, slamming doors etc)
- The resultant noise from the electric sub-station adjacent to Field View and The Garage's rear garden boundaries.

Furthermore, no measurements of plant equipment were made. In fact, no internal noise activity measurements were taken at all. Section 5.2 of the acoustic assessment outlines that this was a conscious decision not to measure them as *"it is understood that these items of plant would not be used at night"* but this fails to consider the fact that the Council could not reasonably control this restriction via condition; the permission proposed would allow the extension of the units' operating hours for all activities, not just the additional deliveries proposed.

The applicant's Noise Management Plan details several mitigation measures that would be enforced to reduce the noise impacts of the extended nighttime hours, including:

- Engaging HGV gears with minimum noise
- Keep the revolutions per second of the engine to a minimum
- Gentle application of brakes;
- Close doors with minimum noise
- Vehicle radios turned off
- Reversing beepers not used between 11pm and 7am

These measures do imply some consideration for the site's sensitive surroundings, but all the measures listed above do not take account for human error (such as gear changes, rev limits, door slamming, vehicle radios) and cannot be reasonably controlled via planning condition. Turning off reversing beepers is also a health and safety hazard and depending on the brand of HGV, they may not be able to be deactivated.

Table 5.1 of the Acoustic Assessment lists the sound levels emitting from the above activities. This details a range of average sound levels from 58.6LAeq – 66.5LAeq and peak sound levels up to 71.6 L_{max}, however figure 4.2 of the assessment details that Worst-case L_{max} events reach approximately 86dB. The noise model contour map (figure 5.2) does not accommodate noise levels in excess of 80db and therefore is not a realistic representation of noise levels.

The contour map also appears to imply that noise levels from Units 7-8 in excess of 35db will not travel any further than the southern elevation of Unit 8. This is questioned as whilst the report takes account the estimated distance the noise generating activities would occur in relation to the neighbouring houses/gardens, the permission would allow for any of these activities to occur immediately adjacent to the residential boundaries to the south. The map also does not consider plant noise emissions. Similar to the

proposed restriction of plant equipment usage, the Council could not reasonably control which parts of the unit, internal or external, could be used for specific activities at certain times of the day or night.

The report states that an HGV Idling would have an average sound level of 63.7 when measured from 10m away. It is not realistic to assume this would only occur immediately outside of the unit. When considering how far such noise would travel on the submitted contours plan (figure 5.2), it is clear that general HGV activity on the site would exceed acceptable noise levels for nighttime amenity to the properties that immediately border the site. The site access is 25 metres from the dwelling Amersham and an HGV slowing/stopping in this location would result in external noise levels at the property.

This point also extends to the dwellings to the south (Field View and The Garage) whose gardens immediately abut Units 7-8's southern boundary; the assumption that only noise generating activities would occur immediately outside of the of the unit is not realistic. The distances such noises travel, outlined on the contour map, demonstrate that such activities on the site would inevitably be above guidelines for nighttime noise at these dwellings.

Such uses also have regular spikes of noise from crashes and bangs which are often unforeseen – for example a dropped piece of equipment or metal or a door slamming. Given that these could occur on site close to residential dwellings, they would also inevitably exceed nighttime noise levels. The character or noise generated would also be perceivably different to the background noise of Basingstoke Road which is sporadic and short lived; the unloading and transporting of heavy metals from a lorry over a two hour period (5-7am) using a forklift would result in consistent, high levels of noise emissions, some of which are nearing 90dB as per the applicant's report. Units 7-8 would also be the only units within the industrial estate permitted to operate between these hours, resulting in no overlap with other units' operations.

The relevant nearby sound receptors (NSRs) used are the two closest dwellings, Amersham on Basingstoke Road and Field View on Back Lane. The results of the assessment are summarised in the table below, with the average evening background levels used as a basis, since the nighttime levels were supposedly lower:

	Background Sound Level L _{A90}	Specific Sound Level L _{Aeq}	Rating Sound Level L _{Aeq}	Difference between Rating Level and Background Sound Level
Amersham, Basingstoke Road	35	31	34	-1
Field View, Back Lane	29	26	29	0

Note: All sound levels are freefield sound measurements. The background sound levels are representative of the nearest noise measurement locations to the receptors (i.e. Amersham, Basingstoke Road utilises the background sound level derived from Noise Measurement Location 1 data, whereas Field View, Back Lane uses the background sound level derived from the Noise Measurement Location 2 data).

The implication that the noise from Units 7-8 will be less impactful than the existing level of background noise during nighttime hours for Amersham and Field View to the immediate north and south is not accepted for the reasons set out above. The NIA is not considered to be a realistic representation of the actual impact on these neighbouring properties, which is presumed to be much greater in the event that an adequate acoustic assessment covering all potential noise activities was provided. LaMax levels nearing 90dB, with no reasonable way to restrict the frequency of these events, would certainly be appreciable for neighbouring properties.

In a BS 4142 (2019) assessment, the difference between the rating sound level and lowest background sound level gives an indication of the likelihood of complaint. Whilst the NIA implies that the results of the assessment imply that complaints are unlikely, this is not reflective of the three complaints the Council has received in recent months whilst the applicant has been carrying out unauthorised deliveries between 5am and 7am (complaints received from Field View, The Garage and Amersham). It also enforces the Council's case that the NIA is not an adequate reflection of the development's actual impact.

The submitted Noise Management Plan, which is specifically tailored to Holme Dodsworth Metals Ltd, would appear to imply that the applicant is pursuing a personal permission for their operations. The Council do not consider this possible as it is clear that their operations, even with the mitigation measures suggested, adversely disrupts the neighbouring residential properties by reason of noise during the extended nighttime hours. This also implies to any future industrial/commercial business that may occupy the site.

The Council's Environmental Health Officer has also objected to this application, reiterating the points raised above regarding the inadequacy of the NIA. They have also stated that their own investigations under the Environmental Protection Act 1990 has led to on-site meetings with the applicant, plus discussions with the complainants from adjacent properties. Local Councillors have also been contacted by the complainants, hence the Planning Committee listing request from Councillor Catherine Glover above.

The Environmental Health Officer also set up a noise recording device in an adjacent residential property as part of their investigations. In their transcripts, there are multiple diary entries are recorded detailing residents being woken up between 05:00 and 06:30 as a result of the deliveries associated with Units 7 and 8.

Overall, the extension of the operating hours between 5 - 7am and the resultant noise emissions, in the absence of an adequate NIA, are considered to adversely harm the amenities of the adjacent residential properties by reason of noise. The proposals are therefore contrary to Policies CP1 and CP3 of the Core Strategy, CC06 and TB20 of the MDD Local Plan and the National Planning Policy Framework.

Notwithstanding the above regarding the nighttime operating hours, it should be noted that the Council do not consider there to be an adverse impact on the neighbouring properties as a result of the extension to the operating hours between 6pm and 11pm; the nearest receptors are already subject to noise from existing E, B2 and B8 uses during these daytime hours (which WHO recognise extends to 11:00pm), meaning the extending the hours until 11:00pm would not adversely harm the adjoining occupiers.

Highway Access and Parking Provision:

WBC Highways raise no objections on highway safety grounds as the variations proposed would be outside of peak traffic periods.

Flooding and Drainage:

Flooding and Drainage matters are irrelevant to the proposals as they only involve extensions of operating hours.

Landscape and Trees:

The nature of the proposals does not warrant any concerns on these grounds.

Ecology:

The nature of the proposals does not warrant any concerns on these grounds.

Summary (Planning Balance):

It is acknowledged that the proposed extension of the Unit 7-8's operating hours would facilitate additional delivery opportunities for Holme Dodsworth Metals Ltd, thereby helping them to grow and expand their existing operations. Whilst this economic benefit is noted, it is substantially outweighed by the level of harm generated through noise disturbance to the adjacent residential properties.

In engaging the balance, those adverse impacts (as set out above) outweigh the benefits of this scheme when assessed against the framework as a whole. This application is therefore recommended for refusal.

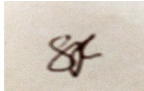
Community Infrastructure Levy (CIL):

When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Refusal
Date:	5 December 2024
Earliest date for decision:	13 November 2024

Recommendation agreed by: (Authorised Officer)	
Date:	5.12.24