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FAO Kieran Nuemann

Submitted via Planning Portal Ref: PP-13411817

9<sup>th</sup> October 2024

Our Ref: MEH/2766/88117674/2/HBH

Dear Mr Nuemann

**UNITS 7&8 HERON INDUSTRIAL ESTATE, BASINGSTOKE ROAD, SPENCERS WOOD RG7 1PJ**  
**PLANNING APPLICATION BY HALLWAY PROPERTIES LIMITED**

We act on behalf of Hallway Properties Limited ("Hallway"), the freehold owner and asset manager of the above Industrial Estate ("the Estate" or "the Site").

We have been instructed to submit this planning application to extend the operational hours of Units 7 and 8 of the Estate to 0500-2300 hours on a Monday to Friday. The weekend and Bank Holiday hours restrictions will be unchanged. This is to meet a specific operational requirement by the tenant of Units 7 and 8, Holme Dodsworth Metals Ltd ("HDM").

The description of development for the application is as follows:

*Use of Unit 7 and 8 of the Industrial Estate without compliance with Condition 12 relating to operational hours of Planning Permission Reference: 14664 dated 30<sup>th</sup> December 1980 and proposed replacement hours of 0500-2300 on a Monday to Friday.*

The planning application comprises of the following:

- (i) Site Location Plan (B3 Architect Drawing Reference: 6138 P01);
- (ii) CIL Information Form, signed and dated;
- (iii) Units 7/8 Acoustic Impact Assessment (Hawkins Environmental, 8<sup>th</sup> October 2024);
- (iv) Decision Notice for Planning Permission Ref: 14664; and
- (v) Letter dated 23<sup>rd</sup> September 2024 from HDM.

The planning application fee of £363 (including the service charge) has been paid via the Planning Portal.

The rationale and justification for the planning application is explained below.

### **The Site & Surrounding Area**

The extent of the Site is identified in red on the submitted Site Location Plan (Drawing Ref: 6138 P01). This planning application relates specifically to Units 7 and 8 as identified on the Site Location Plan. The application site also excludes Unit 5 in the north-western corner of the Site which is outside the Applicant's ownership.

The Site is an existing Industrial Estate which extends to 0.84 hectares and 4,315 sq.m GIA in seven units. The units are constructed from a mix of brick and cladding and are two storeys in height. Each unit benefits from pedestrian and vehicular access points via specific reception and roller shutter entrances.

The units are orientated such the entrances and principal elevations face inwards around a shared service yard. There is an area of surface car parking which backs onto the rear of the units and fronts onto Basingstoke Road. A total of 75 car parking spaces are provided on the Estate for the use of occupiers, their employees and visitors.

The Estate is currently fully occupied with a mix of light/general industrial and storage occupiers. The Estate is an important source of commercial accommodation for national and local businesses. Tenants have selected it as it offers excellent access to a local skilled employment pool and benefits from being in close proximity to the M4 and the wider road network. We understand from the Applicant that circa 75 people are employed on the Site (full and part time) with circa 25 people being local to Spencers Wood. It is therefore an important economic and social resource for the settlement and wider Borough.

The Site is accessible by a choice of means of transport. The nearest public transport route is available via the bus stop on Buck Lane, circa 60 metres to the south. This offers relatively frequent services connecting the Site and wider settlement with Reading. The Site is also within easy walking distance of the services and amenities provided in the Spencers Wood centre to the north.

The Site is accessed by pedestrians and vehicles from Basingstoke Road. This road is recognised as being a main access road in the Borough which links Spencers Wood as a settlement with other settlements in the Borough and the M4. This road accommodates industrial and commercial traffic during the morning and evening hours due to its role and function in the area.

### **Planning History**

The Site including Units 7 & 8 was originally granted planning permission on 30<sup>th</sup> December 1980 (LPA Ref: 14664). Condition 12 of this permission restricted the operational hours of the units forming the Estate to 0700-1800 Monday to Friday and 0700-1200 on Saturdays. No work is permitted on Sundays, public or bank holidays.

The Site and Estate have been the subject of subsequent decisions and condition variations.

Unit 3 was the subject of a specific revised operational hours approval extending this to 1930 hours during weekends under Planning Permission Ref: 18634 (VAR) dated 21<sup>st</sup> January 1983.

Unit 8 was the subject of a 3<sup>rd</sup> July 2012 planning permission (LPA Ref: F/2012/0938) for a change of use from B8 (storage and distribution) to allow either B8 or B2 (general industrial use). Condition 3 of the planning permission states: *"...the conditions imposed upon planning consent dated 30<sup>th</sup> December 1990 shall remain in full save in so far as they are expressly varied by this permission"*.

The reference to 1990 in the condition appears to be a typographical error and should read 1980 to match the approval date of planning permission ref: 14664.

The permission includes an operational hours restriction that exactly matches Condition 12 of the 30<sup>th</sup> December 1980 planning permission. Accordingly, the 1980 permission remains the operational permission for the purposes of this planning application and is the subject of the proposed amendment.

### **Planning Policy Context**

The Development Plan for the Site comprises of the Wokingham Core Strategy ("CS") (2010), Managing Development Delivery Document ("MDD") (2014) and the Shinfield Parish Neighbourhood Plan (2017).

The Proposals Map confirms the Site lies within the Development Limits (Policy CC02) of Spencers Wood and within a wider consultation area for development in vicinity of the Atomic Weapons Establishment ("AWE"), Burghfield (Policy TB04). The Site is not allocated or designated for employment use and falls outside the identified Core Employment Areas.

We understand a new Local Plan is being prepared. This is at an early stage with the timetable to be confirmed following consideration of the changes to national policy.

The NPPF (December 2023) is an important material consideration. The July 2024 revisions subject to recent consultation do not alter the approach to be taken to the proposed revision.

The Site lies in Flood Risk Zone 1. There are no identified heritage assets on the site or nearby. The Site is not in an AQMA. There is no record of any TPOs.

### **Pre-Application Consultation & Engagement**

You will be aware that this proposal has been the subject of pre-application engagement since October 2023. This has been useful in securing feedback on the proposal together with scoping the technical justification required for the planning application. This application has been finalised in light of the advice given.

In line with the recommendation given at the pre-application stage, the Applicant consulted with neighbours of the Site that immediately adjoin the application boundary. This was undertaken in the form of a letter to residents, the school and local ward councillors issued on 15<sup>th</sup> July 2024. For those who registered an interest in the proposal and were also informed by recipients of the letter, we undertook two on-line briefing events via Teams on 15<sup>th</sup> August and 22<sup>nd</sup> August 2024 respectively.

The consultation was based on two specific proposals:

- (i) A 24 hour operation in Units 7 & 8 by HDM during weekdays.
- (ii) Extended operational hours for the entire estate to 0600-2300 hours during weekdays.

The proposals were explained by us during the briefing with a question and answer session held. The feedback can be broadly summarised as follows.

- All attendees objected to the proposals.
- The Estate was purchased knowingly with operational hours restriction. The owner cannot expect for hours to be extended as they do not suit tenant requirements.

- Proposed hours deliberately picked to be as early and late as possible.
- HDM have been a source of noise and disturbance including in the morning and evening beyond the current restriction. This has increased from January 2023 to date and been disruptive to sleep and general amenity. Complaints have been made to the Council.
- The Estate is light industrial and not for general industry. HDM is the wrong tenant for this location.
- Surprised no alternative premises have been identified to suit HDM's requirement.
- No operational concerns regarding the Estate during the day.
- Queried basis and independence of Noise Assessment and technical justification.
- Focus of presentation has been on economic benefits. Owner not interested in residents' concerns.
- Estate designed in 1980s. Additional residents in the area need to be factored in.

The applicant has an extensive industrial estate portfolio and takes its neighbourly relationships very seriously. The concerns raised regarding HDM have been the subject of follow up discussion between the applicant and the tenant which has included co-operation with your Council's enforcement team. The consultation with residents has also been very useful for the applicant in introducing themselves directly to neighbours and to establish an open line of communication to deal with neighbourly and estate management matters.

Based on the feedback received, the applicant has decided not to currently proceed with the wider application for Estate operational hours. This will remain under review and may proceed in the future if there is a clear operational requirement from a tenant, similar to that identified by HDM. The HDM requirement remains but has been revised from a 24 hour operation to a reduced hours extension of between the hours of 0500-2300 on a Monday to Friday.

### **Proposed Change to Operational Hours**

This application proposes to extend the operational hours of Units 7 and 8 of the Estate to 0500-2300 hours Monday to Friday. The weekend and Bank Holiday hours restrictions will be unchanged. This is to meet a specific operational requirement by the tenant of Units 7 and 8, HDM. The operational hours of the other units in the Estate remain unchanged.

The Unit 7/8 requirement is a specific requirement of HDM. They have provided a supporting statement to inform this planning application (see the enclosed letter dated 23<sup>rd</sup> September 2024). Their objectives for the application can be summarised as follows.

HDM is a specialist metals manufacturer and supplier of metal products, see: [UK Based Non Ferrous Metals | Holme Dodsworth Metals Ltd](#). The Site is used as their storage and distribution hub in support of their business in the south east and southern England.

At present, HDM's Newcastle-upon-Tyne site produces and distributes the metal products to the Site and other operational locations throughout England. Due to the current operational restriction, HDM receives deliveries in the morning from 0700 hours onwards. This typically comprises up to 10 tonnes of metal. This has resulted in an operational inefficiency as HDM's team have to take delivery, store and/or pack the product for onward distribution during day-time hours. This leads to later deliveries to HDM's during the working day and often later than is required for their operational requirements.

To improve the operational efficiency of the unit and the level of service to their customers, HDM propose to operate earlier in the morning and later in the evening during weekdays. Their unit will be open and used to accept a delivery vehicle between 1900-2300 hours. This will then allow for

unloading and distribution earlier in the working day to improve the service and product availability to their customers. During these hours, HDM expects to operate as follows:

- From 1700 hours onwards, approximately 6 lorries would arrive and goods will be loaded on to them via forklift. The lorries then depart the site.
- A single lorry to arrive after 2100 hours and move straight into the building. The shutters will then be closed and the vehicle left until the morning shift.
- From 0500 hours, the lorry would be unloaded using a forklift. The lorry will then leave the building and site.
- The extended hours shifts will be operated by 2-3 members of staff. They will park at the top end of the Estate car park. There will be no increase in overall staff numbers.

The extension of operational hours is an important and essential business requirement of HDM which will secure their future occupation of the Site. This will also safeguard existing jobs and the Estate's contribution to the local economy.

## **Planning Assessment**

### ***Policy Context & Land Use Principles***

Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This is reflected in MDD Local Plan Policy CC01.

MDD Local Plan Policy TB20 states that planning permission will only be granted for commercial development proposals throughout the Borough that demonstrate compliance with stated criterion a) – d) which includes no harmful impact on the amenity of adjoining land uses in terms of noise, fumes and disturbance (criterion a). The Site does not lie within the defined Core Employment Areas but under CS Policy CP15, the redevelopment, refurbishment or minor extension of buildings in employment use is acceptable in principle.

The proposed extension of hours can be considered acceptable in principle against Policy CP15 as an improvement to the employment offer and operation of the Estate. It does however need to be judged primarily against Policy TB20 and related policies covering residential amenity due to its location, neighbours and the reason for the original operational restriction. The main policy requirement is MDD Policy CC06 which relates to noise. This requires proposals to demonstrate how they have assessed noise impacts to protect noise sensitive receptors (both existing and proposed) from noise impacts.

NPPF paragraph 191 is also an important requirement. This states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so criterion a) explains that they should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Further guidance is given in the Noise Policy Statement for England ("NPS") (2010) and Planning Practice Guidance ("PPG"). These are reviewed further in Section 2.2 and 2.3 of the submitted Acoustic Impact Assessment ("the Assessment").

## ***Residential Amenity***

It is recognised that the Estate has residential neighbours. The operational restriction was also imposed to protect residential amenity. The proposed extension for HDM therefore has to be carefully assessed and justified. This has been informed by acoustic surveys of the Site and an assessment of the existing and proposed noise levels/characteristics as a consequence of the proposed change. The results and an evaluation are presented in the submitted Assessment.

The submitted Assessment has been informed by on-site surveys undertaken in August 2023 and January 2024. This is to determine existing and proposed noise levels and the extent/impact of the proposed change. The locations of the survey equipment are presented in Figure 4.1 of the Assessment.

The noise survey findings are presented in Section 4 of the Assessment. The purpose of the surveys is to understand the noise levels of the Estate and the wider context. A focus is the closest residential properties, and how a change in noise levels will be experienced on the nearest sensitive receptor boundaries (i.e. on the north and south – as per the locations on Figure 4.1).

The Assessment identifies that the noise characteristics of the Site are variable with a mixture of continuous and impulsive noises. The Estate is typically quiet with a range of noise sources and events identified, as follows:

- Arrival and departure of light goods vehicles and HGVs.
- Car parking and movement.
- Plant equipment.
- Roller shutters.
- Movement of goods outside units.
- Passing road traffic on Basingstoke Road (cars and HGVs) and to a lesser extent Back Lane.

Section 5.2 of the Assessment specifically identifies the on-site working practices of HDM and the associated noise levels. The Assessment then continues by assessing the proposed change in operational hours on the nearest noise receptors and the area generally.

Section 5.5 of the Assessment identifies that the extension of the operational hours would be representative of a low impact. This is a positive indication that complaints are unlikely. A Noise Management Plan (“NMP”) is recommended to ensure that deliveries are carried out to minimise and mitigate noise from the proposed extended operational hours.

A final draft NMP is presented as Appendix 4 of the Assessment. This is an important mitigation and management document which can be secured by condition and will apply to HDM’s operations during the extended hours. The NMP outlines a series of management measures and responsibilities which are to be carried out by HDL to ensure that no noise and disturbance occurs which could have an adverse and unacceptable impact on surrounding residential amenity. It will also ensure that early morning and evening operations are carried out and controlled such that complaints from noise would be unlikely.

The requirements and permitted activities are outlined in Section 4 of the NMP. They entail the following:

- 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 HDM's 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.

For each delivery (either loading or unloading), the following activities would occur:

- Just prior to the arrival of the HGV, the roller shutter to Unit 8 will be opened.
- The HGV arrives uninterrupted and is able to drive directly towards Units 7/8 and straight into Unit 8, through the open shutter.
- The engine of the HGV will be turned immediately off and will not be turned back on until the vehicle is ready to be moved.
- Products will be loaded and unloaded from the HGV using a single LPG powered forklift truck.
- Once one side of the HGV has been loaded or unloaded, the HGV will reverse, and complete a 180° turn and then pull back into the warehouse.
- Products will be loaded and unloaded from the other side of the HGV.
- Once paperwork has been completed, the HGV will pull out of the warehouse and leave the site uninterrupted where the shutters of Unit 8 are then closed.
- No activities will take place at Unit 7/8 during the nighttime period (between 5am and 7am) or between 7pm and 11pm other than those listed above.
- No plant or machinery will be used within Unit 7/8 other than a single forklift.
- The shutters of Unit 7 will remain closed at all times during the nighttime period.

Section 5 of the NMP sets out how the noise management and mitigation measures will be delivered and the best practice measures to be implemented by HDM. These include specific operational and training measures. Sections 6 and 7 outline the complaints and record keeping/document review procedures to be implemented under the NMP.

Against this background, we recommend the current operational hours condition on the Estate should be revised as follows:

*No work of any sort shall take place and no machinery shall be operated on site between the hours of 0700-1900 on any weekday or after 12 noon on Saturdays, and not at all on Sundays and Bank Holidays. Units 7 and 8 as identified on Site Location Plan Reference: 6138 P01 can operate between the hours of 0500-2300 on any weekday. Unit 3 can operate between hours of 0700-1930 on any weekday.*

If planning permission is to be granted, we also recommend the following pre-commencement condition:

*Prior to comment of the extended hours, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan is to relate to operations in Units 7 and 8 of the Estate. The approved Noise Management Plan shall be fully*

*implemented and adhered to thereafter during the hours of 0500-0700 and 1900-2300 Monday to Friday.*

The imposition of these conditions will ensure adherence to the NMP during the proposed extended hours in accordance with MDD Policy CC06 and specifically criterion (c). This is achieved by securing the NMP to mitigate and minimise the number and amplitude of noise events which could have an adverse impact.

We understand from our pre-application discussions that should planning permission be granted, you will consider the imposition of a personal conditional restriction that is specific to HDM. This will mean that only this company can operate the extended hours from Units 7 and 8. If that company were to vacate, a new tenant would have to adhere to the current Estate wide restriction and/or re-apply for planning permission for the extended hours. You will be aware that such a condition is generally only used exceptionally. The applicant and HDM are both open to the imposition of such a condition, subject to the specific wording and all parties being satisfied it can be imposed based on the advice of the PPG.

### **Other Considerations**

During pre-application discussions, the following matters were also identified. It can be concluded that the application is satisfactory against these requirements and no specific technical justification is required for the reasons explained below.

- **Highway Access & Safety:** As no additional floorspace is proposed and the existing Estate already has an established and satisfactory access and lighting arrangement, it can be concluded that the proposed hours increase will have no adverse impact on highway safety.
- **Parking Provision:** The Estate is supported by an existing car park for tenants and visitors. As there is no increase in floorspace and material change in traffic generation, there is no requirement to re-visit parking provision. We understand this principle was accepted by your Council's Highways team during pre-application discussions.
- **Flooding & Drainage:** The Site and access are both within Flood Risk Zone 1 and the proposed change will not increase flood risk and/or alter sustainable drainage methods.
- **Contamination:** We note from the pre-application response that the Site is listed as potentially contaminated on your Council's inventory. The Applicant is satisfied that there is no residual risk of contamination following its purchase of the Site. The nature of the proposal also means there will be no invasive ground works and confirmation of ground conditions is therefore not a requirement for this application.
- **Atomic Weapons Location:** The Site is located within the Detailed Emergency Planning Zone ("DEPZ") for the Atomic Weapons Establishment site at Burghfield. The proposal will not increase employment on-site as HDM's existing employees will operate during the extended hours. On this basis, there is no requirement for an end user emergency and construction phase emergency plans as required by MDD Policy TB04.

On this basis, the proposed extension is considered to be acceptable against the Development Plan and NPPF in all other respects.

## Conclusions & Next Steps

From our assessment, we conclude the proposed extension of operational hours is acceptable in principle against CS Policy CP15 as it is consistent with the policy objectives for employment uses. More specifically, the proposed extension will have no adverse impact on residential amenity in compliance with MDD Policy CC06 by securing and operating the NMP. The scheme is also acceptable in all other respects.

As the scheme is in accordance with the Development Plan and there are no material considerations to indicate otherwise, the proposed hours extension should in our view be granted planning permission in accordance with the recommended conditions.

We look forward to receiving acknowledgement and registration of this application marked for the attention of Mark Harris ([mark.harris@freeths.co.uk](mailto:mark.harris@freeths.co.uk)) of this office. In the meantime, should you require any additional information or wish to discuss further, please do not hesitate to contact the aforementioned.

Yours sincerely

*This letter is approved but unsigned*

Freeths LLP

Please respond by e-mail where possible

Enc.