

Date: 23 October 2024
Application: 242575



WOKINGHAM
BOROUGH COUNCIL

WBC Environmental Health

Development Management &
Compliance

P.O. Box 157

Shute End, Wokingham

Berkshire, RG40 1BN

Tel: (0118) 974 6000

Minicom No: (0118) 974 6991

Dear WBC Environmental Health,

Variation/Removal of Condition Consultation

Application Number: 242575

Applicant: C/O Agent

Site Address: Units 7 & 8, Heron Industrial Estate, Basingstoke Road, Spencers Wood, Wokingham, RG7 1PJ

Parish: Shinfield

Grid Reference: Easting - 471456, Northing - 165756

Type of Development: Minor All other developments

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).

Case Officer: Kieran Neumann

Development Management has received the above application, and we require your comments on the proposal using the recommended memorandum below. The documents associated with this are available to view in NEC DM using the application number 242575. Alternatively, public documents are available to view on the Council's planning application search page: [Wokingham Borough Council Online Planning](#).

Please index your response into NEC DM against the application. If you are recommending conditions, you should give a reason with reference to relevant policies. A list of standard conditions can be found on the Z Drive at: [Z:\Standard Planning Conditions](#).

Your observations are required in respect of this application within **10 working days** of the above date or **15 working days** if the development type is classed as a major development.

Yours sincerely,
Development Management & Compliance

MEMORANDUM

From:	Chris Christofis Env Protection Officer		
Service	WBC Environmental Health	App No:	242575
Address:	Units 7 & 8, Heron Industrial Estate, Basingstoke Road, Spencers Wood, Wokingham, RG7 1PJ.		
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).		
Type of Development:	Minor All other developments		
Site Visit Made:	No		

Summary Of Recommendations

- ☐ No comment
- ☐ No objection
- ☐ No objection subject to conditions (and reasons) **stated below**
- ☐ Request further information before determination as **stated below**
- ☒ Objection due to the reason(s) **stated below**

Comments On Proposal

In providing environmental advice to planning, I am mindful of our responsibility under our policy on noise CC06 as well as accepted guidelines for environmental noise. We are a semi-rural borough where the conversion of former agricultural land to other uses, including commercial/industrial is frequent. Many existing distribution centres exist within the borough as we are ideally located just outside London.

In considering operation hours for a site, we will look at the location of nearby noise sensitive receptors and apply conditions accordingly. In this case Heron Industrial Estate was assessed and found to be suitable for operation hours from 07:00 to 18:00 Mon – Fri, 07:00 to 12:00 Sat and no noisy working on Sundays and Bank holidays.

These restricted operational hours were placed on the site due to the close proximity of nearby residential dwellings, to protect their amenity.

Since this restriction was applied 2 x new residential dwellings have been built south of the site increasing the close proximity of residential property to these units, 7 and 8 in particular. This application seeks to reassess the site with a revised noise assessment and vary those hours of operation to allow for an 05:00 start to meet the operational needs of some companies. My understanding is that the site has had a change of ownership in recent times, I noted on my recent visit to the site that at least one unit appears to be empty.

To review the operational hours as requested, I did in my initial comments for a pre app discussion, clearly raise the concern that nearby residential properties may be too close for the change of hours they were asking for, and I asked for more information on how the applicants intended to mitigate noise.

In reviewing the full application at this time, it is clear the acoustic consultant has made an effort to profile the site and offer a mitigation strategy based on a noise management plan, which is all well and good on the face of it, however, as with any predictive assessment the question we have to ask ourselves is, will the predictions be realised in real world operations? The BS4142 assessment is the industry standard and is universally used in England for predicted noise assessments of commercial activity. That is not to say that a predictive assessment 'proves' no nuisance, it predicts that nuisance is unlikely based on the information available. If the information available is flawed or not accurate, although infrequent, there may be times where a predicted BS4142 assessment fails to capture real world noise levels and nuisance may occur as a result

The predictive BS4142 noise assessment by Hawkins Environmental has followed valid methodology based on what they believe to be the likely noise levels from the onsite loading/unloading, and rightly point out that the company occupying units 7 and 8, Holmedodsworth Metals Ltd, are the most likely noise generating operation as they handle large amounts of heavy metals, their website states *'we pride ourselves on our vast range of metals, sizes, shapes and finishes. Our stocks include Brass, Copper, Bronze, Aluminium, Stainless Steel, Cast Iron, Nickel Alloys and more.'*

My role in giving advice to planning as a consultee is to review and make an assessment to determine if there is any environmental health factor (including noise) that may or is likely to have a significant observable adverse effect on the amenity of nearby properties or the proposal site.

The Noise Policy Statement for England (NPSE) states the following as a gauge of noise effects on receptors.

NOEL – No Observed Effect Level.

LOAEL – Lowest Observed Adverse Effect Level.

SOAEL– Significant Observed Adverse Effect Level

This is the level above which significant adverse effects on health and quality of life occur.

As with all predicted noise assessments there is a level of uncertainty, even when following the procedure correctly and measuring actual noise from the activity being proposed as purported to have been done for this assessment, that is how things were on the measurement day, things may be different the following day, vehicles

may change, whilst it is accepted for a predicted assessment to use such values to make predictions, it is in no way definitive, it does not 'prove' that a SOAEL will not occur, it is a prediction based on agreed protocols.

In many circumstances a BS4142 assessment delivers reliable predictions that we rely on in most circumstances, It is my experience that where residential is very close to commercial activity, we must also apply common sense and experience.

Unfortunately for reasons that will become clear as the reader continues, this may be a case where the predictions based on agreed methodology do not match up with real world noise levels. As with all predictive noise assessments there are limitations, there are potential exceedances of predicted levels, some uncertainty is expected, how much is very difficult to demonstrate in a predicted assessment. If the expected levels for noise are substantially and frequently exceeded, then all predictions fall away. The Hawkins Environmental assessment did apply penalties for intermittency and Impulsivity (table 5.3) 3dB for both, I am not convinced this is adequate having observed an unloading operation at the site in person.

Material to this application is that Holmedodsworth decided to begin early morning operations without planning permission in place, possibly in lieu of obtaining the appropriate permission for the site, so for some months now Holmedodsworth have been operating early morning (pre 06:00) loading/unloading at the site and we have been able to gauge the effect this has actually had on nearby residential properties amenity with real time observations.

Sadly, this has generated multiple complaints from nearby residents to the local authority. Naturally we are obliged under the EPA 1990 to investigate, consequently several unit operators on the site including Holmdodsworth were visited, Holme - dodsworth are indeed the only unit on the site generating a level of noise that may be considered a nuisance at this time, their operations are among the noisiest I have encountered in a commercial unit. I spoke in person to the applicant at the site who acknowledged that their deliveries were inevitably noisy being heavy metals and advised me he had ordered rubberised matting to try and mitigate the impact noise of heavy objects on concrete. I was obliged to formally write to the company as per procedure for our investigation.

Subsequently as part of that investigation I have obtained noise diary sheets from a nearby resident and installed a noise recording device in a nearby residential property to capture real world noise levels. The investigation is still ongoing at this time and a final course of action has not been decided, but I can state that I have just listened to noise recordings made by our equipment in a rear bedroom of one of the houses close to the site on Back Lane and I can clearly hear noise from loading/unloading pre 06:00 that in my view may disturb sleeping.

During a visit to site, I witnessed a lorry being unloaded outside of the building envelope in the roadway outside unit 8, albeit this was during the daytime it was still a noisy affair, I also noted that noise reflects off the various surfaces as this is a relatively small business park and the units are close together.

I have diary entries that describe being woken up between 05:00 and 06:30 and the negative effect this is having on children who are to attend school as well as their parents, we have had issues with lorries idling on the estate pre delivery, and the use of reversing beepers is much more frequent than one would hope or what would be considered in a predictive noise assessment, as the space is limited on this site, and there are a lot of vehicles parked, sometimes in awkward places, making manoeuvring difficult (this is apparent in noise recordings), even throwing pallets back onto trucks has been found to be a very noisy activity that again would not have been considered in a predicted assessment.

The bottom line is that even when on best behaviour when seeking to secure permission for a variation to operating hours, Holmedodsworth have not only failed to demonstrate that they can mitigate noise by adhering to a noise management plan but have clearly demonstrated, in my view, that were the authority to grant this variation the amenity of nearby noise sensitive (residential) properties would be significantly adversely affected.

In line with our policy on noise CC06, I must advise planning that although the predictive noise assessment suggests that with a noise management plan in place there should be a low observable adverse effect level (LOAEL) at nearby residential property, the reality is that, with loading unloading already happening at the times requested there has been a significant observable adverse effect level (SOAEL), and this is likely to increase if we were to grant this variation.

Holmedodsworth have been entirely open and honest through this process, which is commendable, I suspect beginning early operations was in the hope that no nuisance could be demonstrated as they would not wish to cause distress to nearby residents, but their business model is what it is, there is no way to get away from the fact it is a very noisy operation.

I am mindful of the needs of business in our borough and only recommend refusal of an application where I believe it is necessary to protect the amenity (and health) of our residents as is my duty.

I am also mindful that there are other sites where 24hr operations are available both in our borough and nearby.

Conditions & Reasons (if required)

Date:	11/11/2024	Signed:	C Christofis
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