

Item No. 2

Application Reference Number P/17/2467/2

Application Type:	Type	Date Valid:	27/02/2018
Applicant:	Mr Robert Bonam		
Proposal:	Installation of 4 internal spray booths with 4 external exhaust stacks and 4 external air intake stacks, plus associated equipment. Further outlets for internal paint mixing & abrasion room.		
Location:	Unit 1 Davey House Gelders Hall Road Shepshed LE12 9NH		
Parish:	Shepshed	Ward:	Shepshed West
Case Officer:	Pat Reid	Tel No:	01509 634747

This application is presented to the Plans Committee at the request of Ward Councillor Radford, who is concerned about the impact of the proposal upon the amenities of neighbouring residents due to noise and odour from the spray booths.

Description of the Application

The application site is located on Gelders Hall Road to the west of Shepshed. The site is a large unit on an industrial estate defined as a primarily employment area within saved policy E/7 of the Local Plan (2004). The applicants, Meggitt Polymers and Composites, manufacture composite structures for aerospace and defence customers.

It is located at the northern end of the industrial estate, with residential properties on Belvoir Way and Arundel Drive to the north. A former railway embankment, that now contains the Jubilee Path and a substantial landscape buffer, lies between the application site and residential properties. The area to the west is defined as countryside, outside of the development limits of the Shepshed, and the area to the south forms part of the wider industrial estate and employment area.

The application relates to the siting of four new spray booths within part of an existing building at the north-western end of the premises. These would replace existing spray booths which are currently situated elsewhere on the site. To enable the booths to operate, external alterations are proposed to the building, which is itself a modern silver coloured metal clad structure.

There are four exhaust stacks and four air intake stacks, which would all have a galvanised steel finish. The stacks would all have a diameter of 0.63 metres. Most of these stacks would be contained within the existing building which is 4.5 metres high to the eaves, with a 6.5 metre high ridge. The exhaust stacks would extend above the roof of the industrial unit by between approximately 3.8 metres and 4 metres. The air intake stacks would extend above the roof by approximately 0.6 metres. The exhaust stacks

would be approximately 2.8 metres taller than the ridge of the roof; the air intake stacks would be no higher than the ridge.

There would be minor alterations to the building to provide outlets for the internal paint mixing and abrasion room. It is considered that these would not result in the emission of any significant levels of noise or odour.

Development Plan Policies

Borough of Charnwood Local Plan 1991-2026 (adopted 12th January 2004) (saved policies)

The policies relevant to this proposal include:

Policy EV/1– Design requires high quality design.

Policy E/7 – Control of Employment Uses in Primarily Employment Areas sets out criteria for considering applications within Primarily Employment Areas and states that planning permission will be granted for B2 uses provided that in locations adjacent to existing or proposed residential areas residential amenities can be protected.

Policy TR/18 – Parking in New Development seeks an appropriate level of car parking having regard to the type of property and location in relation to shops and services.

Charnwood Local Plan Core Strategy 2011-2028

The following policies are relevant to this application:

Policy CS1 – Development Strategy sets out the spatial strategy for development in the borough. The priority location for growth is the Leicester Principal Urban Area, with the majority of our remaining growth, including employment development, being met at Loughborough and Shepshed.

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. It should respect the character of the area, having regard to scale, massing, landscape, layout, materials and access; provide attractive well managed public and private spaces; reduce the impact on climate change.

Policy CS6 – Employment and Economic Development supports economic development and providing opportunities for manufacturing businesses to develop, re-locate and expand; providing opportunities for small-scale, high quality business units and offices; promoting business and employment regeneration opportunities that are accessible to the Priority Neighbourhoods; and supporting major employment opportunities in locations where they reduce journeys to work by car.

Leading in Design Supplementary Planning Document (2006)

Encourages and provides guidance on achieving high quality design in new development. It indicates that the Council will approach its judgements on the design of new

development against five main principles: places for people, accessible places, safe places, sustainable places, and distinctive places.

Material considerations

National Planning Policy Framework (NPPF)

Whilst all proposals must be determined in accordance with the development plan, the National Planning Policy Framework, (The Framework), is a material consideration in planning decisions. The Framework contains a presumption in favour of sustainable development and defines 3 roles a development must fulfil in order to be sustainable:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services
- An environmental role – contributing to protecting and enhancing the natural, built and historic environment.

In addition, the Framework offers the following advice that is particularly relevant to the consideration of this proposal:

- Paragraphs 124 -131 emphasise the importance of good design.
- Paragraph 180 states that planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, living conditions, the natural environment or general amenity, and the potential sensitivity of the site or wider area to proposed development to adverse effects from pollution, should be taken into account.

National Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework.

Relevant Planning History

P/17/2096/2 Advice) Ducted outlet to a height of 2-3 m above roof level. Repositioning of dust extraction unit. – Advice given

P/97/1786/2 Extension to industrial unit and change of use of storage unit to industrial unit – Conditional permission

Responses of Statutory Consultees

Charnwood Borough Council Environmental Health

Noise – No objection subject to implementation of proposed mitigation measures, which would ensure that noise would not exceed 45 dB(A) 1 metre from each flue terminal and requests hours of use restriction.

Odour – No objection subject to hours of use restriction.

Shepshed Parish Council

Concerned about the impact of the development, particularly odour, upon the residents of Belvoir Way.

Response to consultation on Odour Assessment – Continue to express concerns about the impact of this business upon neighbours. Constant monitoring is required.

Other Comments Received

Ward Councillor Radford

Concerned about the close proximity of the proposed spray booths to neighbouring residents and impact of noise and odour which would exacerbate existing problems.

Neighbours

Objections received from Nos.1, 2, 4, 8, 10 and 17 Belvoir Way. An objection has also been received from one other neighbour, who did not provide their address. The grounds of objection are:

- Adverse impact of noise and odour from proposed development
- Site has a history of disturbing neighbours due to noise and odour
- 24 hour operation has resulted in loss of sleep with adverse impact upon health
- Fumes are toxic and unpleasant
- Charnwood Borough Council has been ineffective dealing with complaints
- Use of site has had an impact upon property values.

Response to consultation on Odour Assessment

Objections received from No.12 Belvoir Way and one neighbour who did not provide their address. The grounds of objection are:

- Adverse impact of noise and odour from site
- Disturbance at weekends
- Ugly building dominates their outlook
- Need for a noise assessment
- Question how site was first granted permission for general industry.

Consideration of the Planning Issues

The key planning issues to be considered are:

- Principle of Development
- Design, Scale and Appearance
- Residential Amenity

Principle of Development

The principle of development is guided by Policy CS1 of the Charnwood Local Plan Core Strategy (2015). This sets out the spatial strategy for development in the Borough. The priority location for growth is the Leicester Principal Urban Area, with the majority of the Borough's remaining growth, including employment development, being met in Loughborough and Shepshed. Core Strategy Policy CS6 supports economic development and businesses in sustainable locations.

These policies support the principle of employment development in Shepshed.

The proposal is for the construction of flues and extraction plant and therefore the key issues are the design, scale and appearance of the development and the impact on residential amenity, having particular regard to noise and odour.

Design, Scale and Appearance

Local Plan policy CS2 seeks to require high quality design where people would wish to live, through design that responds positively to its context. Policies CS2 and EV/1 also require that new development respects and enhances the character of the area in terms of scale, density, massing, height, landscape, layout, materials and access arrangements. Saved Policy CT2 of the Borough of Charnwood Local Plan also seeks to protect areas of countryside from development whereby it would harm the character and appearance of the countryside. Saved Policy E/7 also states that when considering applications within Employment Areas, the Council will take into account the environmental impact of the proposed development, including the visual intrusion.

The proposal would result in the construction of four exhaust stacks which would be approximately 9.3 metres from ground level and 2.8 metres above the height of the ridge of the building. They would extend above the roof of the industrial unit by between approximately 3.8 metres and 4 metres. While they would be higher than any other buildings or flues on this site, they would be seen in the context of an extensive range of industrial buildings, with a variety of vents and external additions. Nevertheless, this would result in greater visual intrusion, particularly when viewed from sections of the public right of way and the wider countryside to the west which connects Ashby Road to the south and Belvoir Way to the north.

The four air intake stacks would extend above the roof by approximately 0.6 metres and would have less impact than the exhaust stacks.

The industrial unit is built at a lower level than neighbouring residential properties on Belvoir Way and Arundel Drive, with substantial planting between the sites. While this

provides effective screening for the industrial buildings, the proposed exhaust stacks would be visible from these neighbours. As noted above, the new stacks would be viewed with existing smaller stacks and vents on an extensive industrial building. Existing planting would provide some screening for neighbouring residents. Given this context, the addition of the new stacks would not have a significantly adverse impact upon the character and appearance of the site.

It is considered that the proposal complies with Policies CS2, EV/1 and E/7. While it is accepted that the heights proposed are required to ensure adequate dispersion of odours, the stacks should be painted in a matt grey finish to mitigate the perceived visual impact.

The site is within the limits to development, adjacent to countryside. These relatively minor alterations to an extensive range of industrial buildings would not significantly alter the relationship between the site and the nearby countryside and would not conflict with Policy CT/2.

Residential Amenity

Policy CS2 of the local plan seeks to protect the amenity of existing and future residents. Saved Policy EV/1 states that planning permission will be granted which safeguards the amenities of adjoining properties. Saved Policy E/7 also states that when considering applications within Employment Areas, the Council will take into account the environmental impact of the proposed development, including the visual intrusion. Where adjacent to residential areas, that residential amenity can be protected by appropriate measures.

A key consideration is the impact of noise and odour on nearby residential properties. The relocation of the spray booths and associated extraction stacks to a position in closer proximity to residential properties on Belvoir Way needs to be assessed.

The existing spray booths are approximately 65 metres from the rear of houses on Belvoir Way. The proposed new location is 35-45 metres from the rear of neighbouring houses.

The application has been supported by noise and odour assessments, which have been considered by the Council's Environmental Health Officer.

The noise assessment demonstrates that the proposed model of spray booth and extraction plant is quieter and more efficient than the existing and will not increase background noise levels. The Environmental Health Officer has no objection to the proposal subject to implementation of proposed mitigation measures, which would ensure that noise would not exceed 45 dBA(A) 1 metre from each flue terminal. They recommend that the hours of use are restricted to the times proposed by the applicants. These are from 6am – 5pm Monday to Friday and from 6am – 12 noon at weekends and Bank Holidays.

The odours which would be emitted are closer to neighbours than the existing process. Properties on the southern side of Belvoir Way are approximately 35 -45 metres from the proposed development, with the ends of their gardens 20 – 30 metres from the building which would house the spray booths. The ground level of the factory is approximately 3 metres below the ground level of these neighbouring properties.

The Environmental Health Officer notes that the subjectivity of the human response to odour means that it is not easy to set objective odour exposure standards and there are no recognised environmental odour limits on which to base planning decisions. The modelling which has been submitted as part of the odour assessment calculates that the 98th percentile hourly odour concentration at the nearest residential property are well below the benchmark which has been established by the Institute of Air Quality Management. Overall, the assessment concludes that the proposed spray booths will not result in a significant effect on neighbours with regard to odour.

The Environmental Health Officer considers that the assessment methodology follows recognised good practice, is generally sound and the conclusions are reasonable based on the results presented. They have no objection to the proposal, subject to hours of use being restricted, as noted above, and the height of the exhaust stacks being increased slightly from the submitted plans to allow for appropriate dispersion.

The plans indicate that these stacks would be 2.8 metres above the height of the ridge of the roof on the factory. Best practice advises that these types of stack are most effective if they are at least 3 metres higher than the ridge of the roof. Consequently, it is recommended that a condition is applied to ensure that, notwithstanding the submitted plans, the exhaust stacks are built 3 metres higher than the ridge of the factory roof.

The Environmental Health Officer recommends that the stacks should terminate in non-restrictive cowl or jet caps to increase the speed of emissions. This can also be secured by the proposed condition.

Subject to the proposed mitigation, the above mentioned details, and restricted hours of use, it is considered that the proposal complies with Policies CS2 and E/7.

Other Matters

Neighbours have referred to a history of the use of the site having an adverse impact upon their amenities.

To date the applicants have worked with Environmental Health Officers to address any problems which have had an impact upon neighbouring residents. They note that they have made significant capital investment in the site to reduce the impact of their operation upon neighbours. The new spray booths are part of that continuing process. They have also stated that if problems arise in the future, they are willing to adjust their working hours or engineer a solution until the matter is resolved.

The enforcement of previous permissions is not a matter for consideration by the committee. It is the merits of the current proposal which should be considered and whether the proposed mitigation and conditions would ensure that noise and odour from the operation of the spray booths is acceptable in this location.

Conclusion

It is considered that the proposal would not have any significant adverse impact upon either the amenities of neighbours or the appearance of the buildings. The new plant

proposed would be quieter and more efficient than the existing similar facility and its proposed location, closer to residential property, is considered to be acceptable. The applicant has demonstrated that the dispersal rates at the height proposed are adequate to prevent any undue impact on residential amenity in terms of odours from the use of the spray booths.

Overall, there is no objection to the principle of development in terms of Policies CS1 and CS6 and the proposal would comply with policies CS2, EV/1 and E/7 with regard to the impact on the character and appearance of the area and the amenity of occupiers of nearby residential properties.

The consultation period for comments on the Odour Assessment ends on 21st August 2018. Any additional comments which are received will be summarised in the Extras Report. The Council's Environmental Health Officer has commented on this Assessment and their recommendations are reported above.

RECOMMENDATION

Grant Conditionally

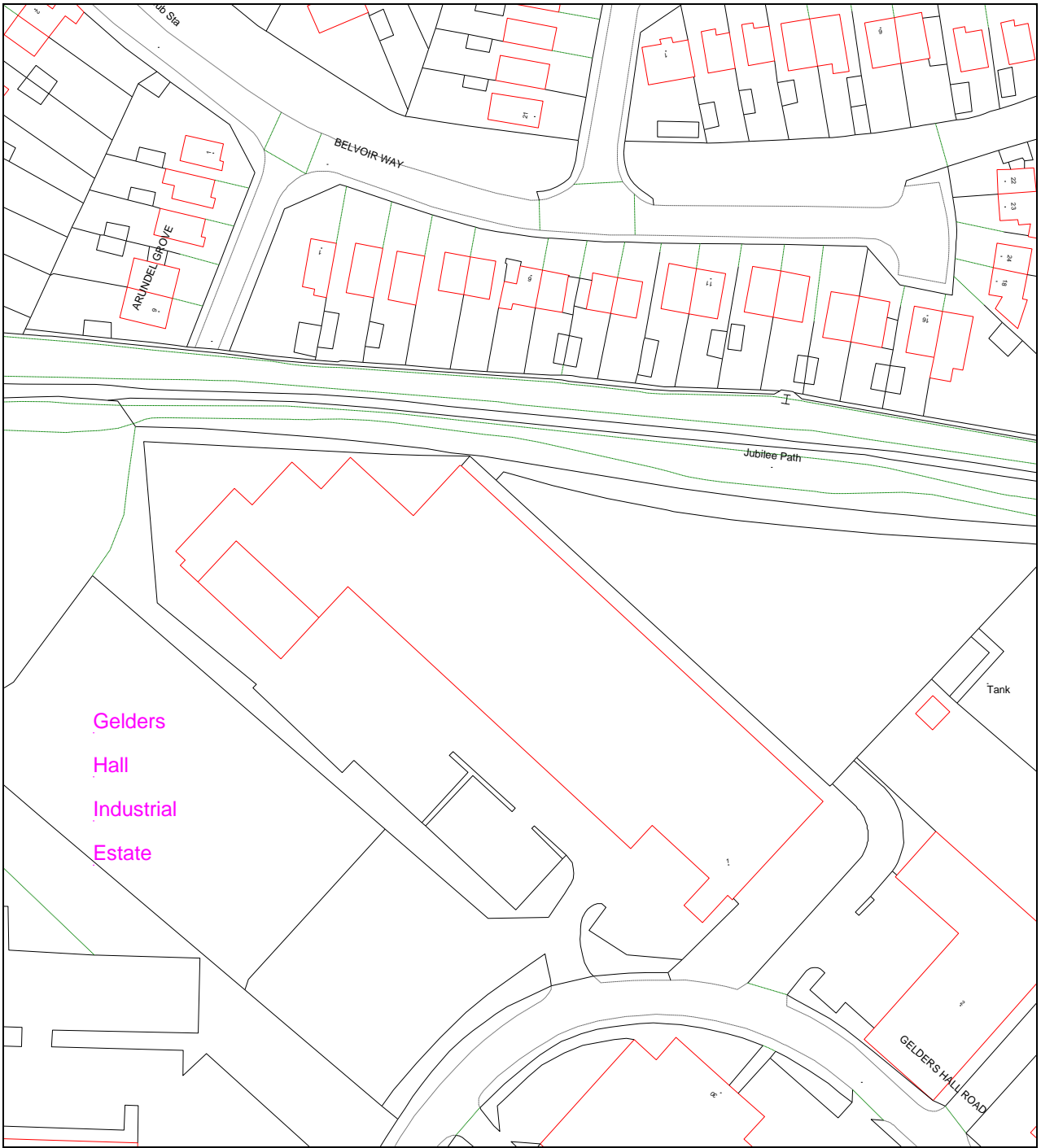
1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
2. The development hereby permitted shall be carried out only in accordance with the details and specifications included in the submitted application and as shown on the drawings below:
Location and Block Plans – Drawing number 007
Existing Front and Left Elevations – Drawing number 001
Existing Rear and Right Elevations – Drawing number 002
Existing Roof Plan – Drawing number 003
Proposed Front and Left Elevations – Drawing number 004
Proposed Rear and Right Elevations – Drawing number 005
Proposed Roof Plan – Drawing number 006
Received by the Local Planning Authority on 27th February 2018.
REASON : For clarity and the avoidance of doubt and to define the terms of the permission .
3. The eight number stacks hereby approved shall all have a dark grey finish. This approved development shall be thereafter retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of the visual amenities of the area.
4. Notwithstanding the details shown on the approved plans the four number exhaust stacks shall be constructed at a height of 3 metres above the ridge of that part of the factory roof containing the development hereby approved and shall terminate in either non-restrictive cowls or jet caps.
REASON: To ensure that the effective dispersal of fumes and odour.

5. The spray booths shall not be used other than between 06.00 hours and 17.00 hours Monday to Friday and between the hours of 06.00 hours and 12.00 hours on Saturdays, Sundays and Bank Holidays.

REASON: In the interests of the amenities of neighbours.

6. The spray booths shall not be used before all of the mitigation measures set out in Appendix 2 of the Noise Impact Assessment Report produced by Ramboll, dated 5th January 2018, have been implemented.

REASON: In the interests of the amenities of neighbours.



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.