

Item No. 8

Application Reference Number P/17/1543/2

Application Type:	Full	Date Valid:	16/10/2017
Applicant:	Mr Andrew Duncombe		
Proposal:	Erection of sound proof boarding around existing extraction unit		
Location:	Wreake Valley Craftsmen Ltd 25 Rearsby Road Thrussington Leicestershire LE7 4UD		
Parish:	Thrussington	Ward:	Wreake Villages
Case Officer:	Lewis Marshall	Tel No:	01509 634739

This application is before the Plans Committee at the request of the Head of Planning and Regeneration given the site history and level of public interest in this and associated applications.

Description of the Application

The application site is located at the southern entrance to the village from Rearsby and is within the Limits to Development and outside, but adjacent to, the Conservation Area as defined in the Borough of Charnwood Local Plan. The site is also located 80m to the south west of the Holy Trinity Church, a grade II* Listed building. The site is currently occupied by factory premises which pre-dates 1948 and makes items of timber household furniture from processing the raw material to assembling the end product. The site currently comprises a large workshop building within the central area of the site, which replaced a number of smaller workshops and temporary storage buildings following the grant of planning permission (P/15/2236/2) in February 2016. A more historic range of brick-built two storey buildings run parallel to the roadside and the northern site boundary. The site slopes from the south to the north with the rear of the site being approximately 2.5m higher than Rearsby Road.

To the north east, the site is bounded by Rearsby Road where there is a 2m wide grass verge and low hedge. The south eastern boundary runs alongside a driveway leading to backland dwellings (31 and 35 Rearsby Road) and is bound by a close board fence. Beyond the driveway is the dwelling and curtilage at 31 Rearsby Road. To the west is no. 23 Rearsby Road and its private rear garden.

The site contains a large dust extraction unit located close to the south western boundary approved as part of planning application P/15/2236/2. This planning permission also included a condition (11) that required the noise level to be no greater than the background noise level of 41dB(a) . It is accepted that the noise generated by the dust extraction unit is currently exceeding the background noise level and is therefore a breach of this condition.

The application currently under consideration proposes a 5.24m high enclosure consisting of sound proof boarding to be erected around the southern and eastern sides of the extraction unit, in addition to an existing lean-to outshot and concrete wall in place around the extraction unit. The purpose of the development is to reduce the amount of noise impact, particularly in the direction of the neighbouring residential dwelling at No. 31 Rearsby Road and attempts to achieve compliance with condition 11 of planning permission P/15/2234/2.

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9th November 2015)

The following policies are relevant to this application:

Policy CS1 – Development Strategy sets out the development strategy and directions of growth for the Borough.

Policy CS2 - High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS14 – Heritage seeks to conserve and enhance historic assets. It supports proposals which protect heritage assets and their setting and which prioritise refurbishment and re use of underused buildings as part of sensitive regeneration schemes.

Policy CS16 - Sustainable Construction and Energy supports sustainable design and construction techniques.

Policy CS25 - Presumption in favour of sustainable development echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

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

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy EV/1 - Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

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:

- Paragraph 17 sets out general principles
- Paragraph 58 lists a set of criteria that all development should seek to achieve, in order to ensure good design.
- Paragraph 66 states that applicants should work with local communities and that proposals that demonstrate this should be viewed more favourably
- Paragraph 109 seeks to minimise impacts on biodiversity and paragraph 118 states how this may be achieved in decision making as well as preventing new and existing development from being put at unacceptable risk of soil, air, noise or water pollution
- Paragraph 120 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, the natural environment or general amenity, and the potential sensitivity of the area or 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.

Planning (Listed Building and Conservation Areas) Act 1990

Requires that special regard shall be had for preserving or enhancing the character of the Conservation Area.

Thrussington Neighbourhood Plan

The Thrussington Neighbourhood Plan is in draft form and therefore, whilst it is a material consideration in the determination of this application, it is afforded only limited weight at this time. The following draft policies are relevant to the determination of this application:-

S1- Strategic Policy provides an overall guide to achieving sustainable development in the Parish, including through promotion of a Parish free from noise, air and light pollution and other harm.

B2 – New employment development encourages the creation and expansion of employment sites subject to certain criteria, including the protection of residential amenity.

D1 - Protection of Heritage Assets requires that new development must take account of its impact on heritage assets, designated and non-designated – seeking to protect and enhance them.

D2 - Design and Development Character promotes high quality design and offer a positive, contextually responsive contribution to Thrussington's historic built environment and landscape.

Thrussington Conservation Area Appraisal (March 2013)

This document examines the historical development of the Conservation Area and describes its present appearance in order to assess its special interest. It is intended to inform planning proposals and decisions within the area.

Leading in Design (2005)

Provides guidance on design standards.

Relevant Planning History

P/15/2236/2 - Demolition of two industrial buildings and office block. Erection of 2 extensions to industrial unit (Class B1c) and change of use of first floor of existing building from industrial (Class B1c) to offices (Class B1a). Formation of access route and car parking to rear of site and new vehicular access onto Rearsby Road. Approved

P/16/1528/2 - Discharge of Conditions 5, 6, 11, 12 and 13 of P/15/2236/2.

P/17/1544/2 - Retention of windows in side elevation of building and colour coating of the extraction and ventilation unit, lagging installed on the ducting pipe and ducting over the roof between buildings, wood burning flue and lighting currently installed on the building; to not install the timber cladding on building as approved in application P/15/2236/2 and proposed installing of polish shop extraction flue, additional low level lighting and provision of additional landscaping (Variation of P/15/2236/2). Pending consideration

Responses of Statutory Consultees

Charnwood Borough Council Environmental Health

No objection is raised and it is believed that the sound proof boarding is necessary to reduce noise impact on local residents from the operation of the extraction unit. It is also stated that the soundproof boarding is necessary in achieving compliance with condition 11 of planning permission P/15/2236/2. It is also stated that further assessment of the noise levels from the nearest residential properties would be required following the implementation of the sound proof boarding, if approved, in order to confirm compliance with condition 11. Further noise mitigation measures may be required should the current proposal be insufficient in reducing the noise level emanating from the extraction unit.

Thrussington Parish Council

Requested confirmation on the following points:

- Confirmation that the sound proof board has been assessed to ensure that it is fit for purpose.
- To be reassured that installing the sound proof board will ensure that the noise level conditions that were established in planning application P/15/2236/2 are achieved.
- To insist that a maximum 3 month timescale for implementation of the approved works be conditioned, and that failure to either meet the noise levels or complete the work within that period will result in enforcement action being taken.

Other Comments Received

The residents of 23 Church Lane, Thrussington, raised the following points:

- Stated concern that only two sides of the extraction unit is to be screened and whether this would be sufficient in mitigating noise.
- Requested that should the soundproof boarding be insufficient in mitigating the noise level, that the existing extraction unit be replaced with a unit that is less impacting.
- Stated ongoing concern that the noise level generated by onsite machinery is in breach of condition 11 of planning permission P/15/2236/2.

The residents of 31 Rearsby Road, Thrussington, raised the following points:

- Stated that whilst attempts to reduce the noise level are welcomed, expressed doubts that the erection of wooden boarding as proposed would be sufficient in mitigating the noise impact.
- Stated concern that the application is not accompanied by a noise impact assessment.
- Disputed the lawfulness of the extraction/filtration plant approved as part of planning permission P/15/2236/2.

- Expressed the ongoing distress and harmful impact on the quality of their life resulting from the noise and other activities associated with the use of the site.
- Expressed concern at the length of time taken to resolve the ongoing noise issue.

Consideration of the Planning Issues

The key issues in assessing this application are considered to be:

- Principle of Development
- Design, Scale and Impact on the character of the area
- Residential Amenity
- The Planning Balance and Conclusion

Neighbouring objectors have disputed the lawfulness of the previously approved application (P/15/2236/2). However, the local planning authority is content that P/15/2236/2 is a lawful planning permission. The application before members detailed in this report seeks planning permission for the erection of sound proof boarding only, and therefore should be determined on its individual merits.

Principle of Development

The application proposes a means of enclosure with the purpose of mitigating the noise impacts of an existing dust extraction unit and therefore the principle of development as defined within policies CS1 and ST/2 is not a key consideration in the determination of the application.

Policy CS10 supports the broad principle of Rural Economic Development provided that in all cases the scale and character of the development is designed and operated so as to cause no detriment to the character and appearance of the countryside. Whilst the current proposal does not seek to expand the business operations, it does seek to reduce the impact of the existing operations in terms of the noise and disturbance and therefore seeks to better comply with CS10. On this basis there is no objection in principle to the development and the key issues for consideration are the design and appearance of the proposed structure, the impact on the character of the area and the amenity of neighbouring properties.

Design, Scale and Impact on the Character of the Area

Local Plan policy CS2 seeks to require high quality design that responds positively to its context. Policy CS2 and saved policy 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.

The site is outside of the Thrussington Conservation Area, however, it can be seen from within the Conservation area and therefore the impact on the Conservation area is a material consideration in the determination of the application. Section 72 of The Town and Country Planning (Listed Building and Conservation areas) Act 1990 requires that special regard should be had for preserving or enhancing the character and appearance of the

Conservation area. Policy CS14 of the Core Strategy also seeks to conserve and enhance heritage assets and their settings.

The proposal is for the erection of sound proof boarding to enclose the south-easterly and north-easterly sides of the existing extraction unit. The horizontal section submitted as part of the application plans show the structural composition of sound proof boarding will consist of 100mm sound insulation, 18mm marine ply painted black and 25mm untreated timber boarding left to weather naturally. The height of the existing extraction unit measures 7.8m. An existing 2.6m concrete wall encloses the extraction unit together with a small lean-to structure housing additional plant to the south east side. The proposal is to erect the sound proof boarding within the existing structure and enclosure to form a means of enclosure around the extraction unit of a cumulative height of 5.26m. The sound proof boarding is to be externally clad in a vertical timber boarding left untreated to for a natural authentic timber finish.

It is considered that as the height of the sound proof boarding is not to exceed the height of the extraction unit, and is to be externally finished in lightweight vertical timber, it will not appear any more visually intrusive than the existing extraction unit it encloses and as such will not be detrimental to visual amenity or the character of the nearby Conservation area or the setting of any nearby Listed buildings.

It is therefore considered that the proposal complies with policies CS2 and CS14 of the Core strategy (2015) and Saved Policy EV/1 of the Borough of Charnwood Local Plan (2004). It is also considered that the proposal preserves the character of the nearby Thruslington Conservation Area as required by Section 72 of The Town and Country Planning (Listed Building and Conservation areas) Act 1990.

Residential Amenity

Policy CS2 requires new development to protect the amenity of people who live or work nearby. Saved Policy EV/1 states that planning permission will be granted for new development which safeguards the amenities of adjoining properties, particularly the privacy light enjoyed by adjoining residential areas.

The comments of residents and the Parish Council have been carefully considered. In relation to background noise levels, Condition 11 requires the extractor plant to operate at or below background noise levels, which is 41dB. It is noted that complainants have referred to the noise report submitted by the applicant and claimed noise should be mitigated to 36dB rather than 41dB. However, the noise reduction measures that were recommended in the applicant's report aimed to ensure the 'rating level' of the new plant, (calculated as 36 dB_{LAeq}) would not exceed existing background levels (measured as 41 dB_{LA90}). The reduction measures were, however based on meeting a more stringent noise criteria than the planning condition actually required as this assumed the fan would have tonal and intermittent characteristics which needed to be addressed. It is not therefore considered that noise reduction to 36dB can be insisted upon.

In relation to the concerns raised that the application should be accompanied by a noise report demonstrating the works will address the breach, it is considered that the full effect of the noise mitigation measures cannot be established until the works are undertaken.

Furthermore, by monitoring after the works are undertaken, it makes clear that it is for the applicant to meet the condition and to prove that he has met it.

The impact of the proposal on residential amenity and the cumulative height of the structure is a consideration having particular regard for the impact on light and outlook to the nearest neighbouring property at 31 Rearsby Road.

The sound proof boarding is to be no greater in height than the existing extraction unit and therefore would not result in any additional impact in terms of overshadowing or overbearing presence. It is considered that the proposed height of the structure and the noise mitigating effect of the sound proof boarding will reduce the overall impact on the nearest residents at 31 Rearsby Road as it is intended to reduce the noise levels currently experienced from within the curtilage of this nearest residential property. It is not considered that screening the entire unit on all sides is required. Screening to the south and east will prevent noise travel in the direction of the nearest neighbouring property whereby the noise level is currently exceeding the limit imposed by condition 11 of permission P/15/2236/2.

Furthermore, it is considered that the sound proof boarding as a form of enclosure would not result in any harmful impact with regards to privacy or overlooking and overall, the proposal represents a positive opportunity to reduce the noise level generated by the extraction unit which would improve the standard of amenity and quality of life for the occupiers of neighbouring residential properties. Further still, the proposal, if approved and implemented, would be effective in working towards achieving compliance with condition 11 of P/15/2236/2, which requires that the noise generated by any fixed machinery to be equal to or below the background noise level of 41dB(A). However, it should be noted that further noise assessment is to be carried out following implementation of the proposed sound proof boarding to ascertain the effectiveness of the noise mitigation and to establish if further noise mitigation works are required.

Conclusion

In conclusion it is considered the proposal would not result in any greater adverse visual impact than the presence of the existing extraction unit due to its cumulative height and therefore its impact being recessive compared to that of the existing extraction unit.

It is also considered that the proposal would not result in any additional harm in terms of overshadowing or overbearing impacts and is required in order to mitigate the existing noise impacts affecting the nearest residential property. The proposal if approved would also be effective towards achieving compliance with condition 11 of planning permission P/15/2236/2 of which there is currently a breach due to the noise levels exceeding that required by this condition.

Overall therefore, there is no objection to the principle of development in terms of Policy CS1 and CS10 and the proposal would comply with policies CS2 and EV/1 with regard to the impact on the character and appearance of the area and the amenity of surrounding residential properties. The proposal is also considered to meet Policy CS14 with regard to its relationship with the character and setting of the conservation area.

RECOMMENDATION

Grant Conditionally

1. The sound proof boarding is to be erected in accordance with drawing 6786P-103 Revision N within two months of the date of this permission. The approved development shall be thereafter retained and maintained as approved unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of protecting the amenity of nearby residential properties

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:

Approved Drawings:-

6786P-103 Revision N received on 14/11/2017

6786P-100 and 6786P-101 received on 16/10/2017

REASON: For clarity and the avoidance of doubt and to define the terms of the permission.

