

Planning and Rights of Way Panel 14th November 2017
Planning Application Report of Service Lead – Infrastructure, Planning & Development

Application address: Former Ford Motor Co, Wide Lane, Southampton			
Proposed development: Application for removal of condition 2 (Restricted Use and Operational Hours) of planning permission 16/02035/NMA to allow Unit 2 for use as an industrial laundry on a 24 hour basis			
Application number	17/01461/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	5 minutes
Last date for determination:	12.10.2017	Ward	Swaythling
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Mintoff Cllr Painton Cllr Vassiliou
Referred to Panel by:	N/A	Reason:	N/A

Applicant: Mountpark Logistics	Agent: Oxalis Planning Attn. Mr Steve Harley
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has considered the proposal in the context of the site allocation for industrial and warehousing development as set out in the Development Plan, and the importance of the additional employment to be created by this development. The development would have an impact on the surrounding area in terms of character and appearance, traffic and noise but this impact can be mitigated by Section 106 obligations, and planning conditions, and has been assessed in the context of the site's former historic use for significant manufacturing. Other material considerations have been considered, as set out in the report to the Planning and Rights of Way Panel (14.11.17), and are not judged to have sufficient weight to justify a refusal of the application. The scheme is therefore judged to be in accordance with the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and

proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP17, SDP19, SDP22, NE4, NE5, TI2, HE6 and REI9(ii) of the City of Southampton Local Plan Review (LPR - as amended 2015) and CS6, CS7, CS13, CS18, CS19, CS20, CS22, CS23, CS24 and CS25 of the Local Development Framework (LDF) Core Strategy Development Plan Document (as amended 2015) and guidance in the NPPF (2012).

Appendix attached			
1	16/00885/FUL Panel Report	2	16/00885/FUL Panel Minutes
3	16/02035/MMA Decision Notice		

Background

The Planning and Rights of Way Panel considered and approved a speculative planning application in October 2016 for the part-redevelopment of the former Ford factory site in Swaythling (LPA ref: 16/00885/FUL). This approval relates to the southern part of the site and comprises of 4 buildings for B2 (manufacturing and general industrial) and/or B8 (storage and distribution) uses. A 24 hour operation was approved but with limits on the extent of B2 operations that could occur, and further controls regarding acoustic treatments and night time management. A copy of the Panel report and relevant minutes are attached to this report at **Appendix 1 and 2** respectively.

Permission 16/00885/FUL was then amended by LPA ref: 16/02035/MMA ahead of the commencement of development to rearrange the approved floorspace within 5 buildings (rather than 4). The first three buildings along the site's southern boundary have been constructed and are close to occupation with strong interest from tenants.

The current application concerns Unit 2 from this amended permission, which is the middle of the 3 buildings along the southern boundary. As worded the revised permission restricts the extent of B2 operations. The prospective tenant for this unit operates a commercial laundry business serving the hotel industry and cruise business. The operator is keen to take Unit 2 but requires a 24 hour B2 operation. An application has, therefore, been submitted to relax the following planning condition to facilitate their commercial needs:

16/02035/MMA – Condition 2 - Restricted Use & Operational Hours (Performance)

The maximum floorspace of the development hereby approved shall be 35,371 square metres (gross external), and the buildings shall not be sub-divided into separate units without the first written approval of the Local Planning Authority. Furthermore, this permission does not allow for the installation of additional mezzanine floorspace (other than those shown) within the buildings to serve the development.

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details (namely B1c, B2 and/or B8) and not for any other purpose.

Any office space provided to serve the development shall be ancillary to uses specified and shall not be let, leased or sold separately.

The B2 use hereby approved shall be limited to 45% of the total operational floorspace as assessed through the planning application submission.

*Whilst any B8 use may operate on a 24 hour/day basis **any non B8 use (excluding the ancillary office space) shall be restricted to the following hours, as submitted and hereby approved, unless otherwise agreed in writing with the Local Planning Authority: 7am - 7pm (7 days/week) as set out in the planning application form***

The applicant proposes to delete the final sentence (in bold), as it relates to Unit 2, to then allow a commercial laundry facility operating a 3 shift, 24 hour (7 days per week) operation to service the hospitality sector (Use Class B2: General Industrial).

A full copy of permission 16/02035/MMA is attached to this report at **Appendix 3**. The Panel will note that if the change is accepted all conditions, and their ongoing control over the development, will still apply.

The reason for imposing condition 2 in the first place is cited as:

In the interest of the amenities of neighbouring occupiers, to ensure that the site is retained for employment generating uses, to ensure that the office space provided is integral to the principal uses due to the out of centre location and in the interests of highway impacts that have been determined.

The issues raised by this reason for the planning condition are the key considerations, alongside the third party response to the application (set out below), for the Panel. The proposed layout, building heights and design, quantum of development and land use have been agreed with the grant of the original planning permission (16/00885/FUL). At the time of writing negotiations are ongoing between the applicant and the Council's Environmental Health Officer (EHO), although significant progress is being made with the applicants now committing to a noise level from the building that would be 10Db below existing background noise, and a verbal update will be given at the meeting. Without the support of the EHO officers would be reluctant to extend the operational hours for the laundry as proposed.

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant conditional planning permission subject to:
 - i. The Environmental Health Officer (EHO) removing their current holding objection to the change in hours – *verbal update to be given at the Panel meeting following most recent submission*; and
 - ii. The completion of a S.106 legal agreement Deed of Modification to ensure that Unit 2 is bound by the terms of the 16/02035/MMA permission (as set out in the Panel report attached at **Appendix 1**).
2. In the event that the Council's EHO maintains their objection to the proposals following the Panel's decision the Service Lead – Infrastructure, Planning & Development be authorised to refuse permission on the basis of their concerns and defend an appeal on that basis (should one arise).
3. In the event that the legal agreement is not completed within two months of the Panel the Service Lead – Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

4. That the Service Lead – Infrastructure, Planning & Development be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1.0 The site and its context

- 1.1 The application site is largely as described in the Panel report attached at **Appendix 1**. Following the grant of planning permission for redevelopment the first 3 employment buildings, and their associated hardstanding and landscaping, have been erected on site. This application relates to the middle building (Unit 2). The building is set away from the boundary with the rear gardens of Walnut Grove by approximately 10 metres. A back to back distance between buildings of between 23 and 30 metres is achieved along this boundary.

2.0 Proposal

- 2.1 Planning permission is in place for Unit 2, which has been constructed in accordance with the approved plans. Permission was granted before an end tenant had been secured.
- 2.2 Condition 2 of permission 16/02035/MMA, as set out above, allows for Unit 2 to be operated on a 24 hour/day basis for a B8 (storage and distribution) use.
- 2.3 Condition 2 also allows for Unit 2 to be operated between 7am and 7pm for a B2 (general industrial) use. The Panel will note, however, that the Ford factory evolved its manufacturing (B2 use) over decades and was unrestricted in planning terms with regards to its operational hours.
- 2.4 The prospective tenant for Unit 2, Berendsen plc, operates a commercial laundry business serving the hospitality sector. They require a building on the south coast with an authorised B2 use. They also require a 24 hour unrestricted permission for their laundry business (B2 use) to be viable and competitive. The applicants have, on behalf of Berendsen plc, applied to vary condition 2 of permission 16/02035/MMA to remove the 7am to 7pm restriction thereby allowing a 24 hour operation for the intended business from Unit 2. The B2 restriction would remain in force for the remaining units. The applicants have updated their acoustic assessment of the building, and the intended operation, and this is currently under review by the Council's Environmental Health Officer. A verbal update will be given at the meeting, although a commitment by the applicant to secure noise levels below existing background levels is noted and welcomed and should assist in securing the support of the EHO.
- 2.5 In terms of the processes undertaken by the proposed use the application submission explains that Berendsen currently service Southampton from their Bournemouth facility and further expansion into Southampton is, therefore, desirable. They would operate a 3 shift pattern (6am-2pm, 2pm-10pm and 10pm-6am) with the night shift being the least intensive, and Summer months the busiest. These shift patterns will avoid peak traffic times. External lighting of the yards is again proposed (albeit sensorised) and the yards are separated from the nearest residents by the buildings themselves (as approved). The laundry uses the latest technology with all processes internal to the building. It is expected that up to 25 lorries will operate from the site, plus up to 10 supplier vehicles per week.

The Berensden vehicles are typically parked up and remain inactive from around 6pm. Some 40 cars per shift are expected (around 120 per day in total), which is less than was assumed by the original Transport Assessment for Unit 2. The laundry is steam free and is not 'dry cleaning' but water based. The detergent used is PH neutral and odour free unlike a domestic laundry, and is used within the building's controlled environment. 150 jobs are expected to be created.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton hasn't changed since applications 16/00885/FUL and 16/02035/MMA were approved (as set out in the Panel report attached at **Appendix 1** of this report).

3.2 In summary the application site is designated for employment development under Local Plan Review (LPR) Policy REI9(ii) which reads as follows:

Policy REI 9 Major Employment Sites

The major employment sites are defined on the Proposals Map and will be safeguarded for employment use. Development proposals will be permitted as follows:...

(ii) Ford's, Wide Lane for light or general industrial (Classes B1c and B2), research and development (Class B1b), storage or distribution (Class B8) and ancillary office use.

3.3 Of particular relevance to this application, in light of the third party objections and the comments made by the Council's Environmental Health Officer, is LPR Policy SDP16 (Noise), which states that:

Proposals for:

- i. noise-generating development will not be permitted if it would cause an unacceptable level of noise impact;*
- ii. noise-sensitive development will not be permitted if its users would be adversely affected by significant noise from existing or proposed noise-generating uses.*

Applicants may be required to submit a noise impact report to assess the effect of the proposed development on existing noise source(s) upon the existing or proposed noise-sensitive development prior to the determination of a planning application.

3.4 The supporting text adds that 'developments which in themselves are not normally considered to be noise generating, increasingly incorporate air handling fan or ventilation plant for heating and cooling. This type of plant can be a significant source of noise. To ensure that these noise sources do not increase the existing background level, their design noise emission specification should be designed at 10 decibels... below pre-existing background levels.'

3.5 At the time of writing the applicants have committed to this requirement with further details to be submitted and verified. A verbal update will follow at the meeting.

4.0 Relevant Planning History

4.1 The site's evolution is as set out in the Panel report attached at **Appendix 1**. Of more relevance to this application is the recent planning history that can be summarised as follows:

4.2 16/00885/FUL – Approved 14.12.2016

Development to provide new industrial and warehouse buildings for business use (class B1c), industry (class B2) and storage/distribution (class B8) with landscaping, tree planting and new boundary treatment, new car parking and service areas, new vehicular access from Wide Lane and associated works-description amended following receipt of amended plans showing the removal of a proposed footpath through the site to Stoneham Cemetery Road and an increase to the acoustic fence between unit 1 and 4 along the southern boundary from 2.1 to 4 metres.

16/02035/MMA – Approved 23.02.2017

4.3 Minor material amendment sought to planning permission 16/00885/FUL for the sites redevelopment to provide new industrial warehouse buildings for business use (class B1 c), industry (class B2) and storage/distribution (class B8). Amendments sought to the layout and number of the buildings along the southern boundary of the site (with no change to Units 2 and 3 along the northern boundary) and planning conditions 3 (construction phasing), 9 (Landscaping and Boundary treatment) and 34 (Approved plans) to accommodate the change. No increase in the approved floor space proposed.

17/00834/NMA – Approved 27.06.2017

4.4 Non material amendment sought to planning permission ref: 16/02035/MMA affecting layout and external appearance to units 1 - 3 including a reduction in height, the removal of roof overhangs and a change to the landscape bund

4.5 17/01470/FUL– Pending Consideration

Development to provide new industrial and warehousing buildings for business use (class B1c), industry (class B2) and storage/distribution (class B8) with landscaping, tree planting, new car parking and service areas, vehicular access to Wide Lane via the approved employment site (Phase 1) to the south and other associated infrastructure.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (05.09.2017) and publishing a press notice (08.09.2017). At the time of writing the report **5 objections** (all from Walnut Avenue). The following is a summary of the points raised:

5.2

- Noise Impact – machines, extractor fans etc. operating on a 24 hour basis this close to existing residential property will affect residential amenity and cause sleep disturbance.

Response

Concerns noted. This is the key issue in the determination of this planning application and is discussed further in the Planning Considerations section of this report. At the time of writing the Council's Environmental Health Officer has

lodged a holding objection to the application and further information has been sought (as set out below). A verbal update will be given at the meeting following the applicant's commitment to meet the requirements from adopted LPR Policy SDP16 (as set out above).

- 5.3 • Odour and fumes from a laundry will be excessive and harmful to neighbours health.

Response

The Council's Environmental Health Officer has no objection to the impacts of the proposed change on odour impacts. A planning condition is requested to limit the use of solvents and this can be added should an approval be supported.

- 5.4 • Local roads and bridges cannot accommodate the additional lorry movements.

Response

The quantum of development does not change with this application and nor does the associated impacts on the highway network. The permission is flexible in terms of the type of employment use that occupies each building, and the associated impacts from this quantum of development was found to be acceptably mitigated with a s.106 legal agreement secured ahead of permission 16/00885/FUL being granted. The Panel report at **Appendix 1** sets out the terms of this agreement, and includes a contribution towards the local highway network and bridges. No further action is needed on this matter ahead of considering the impacts of extending the hours of operation for this B2 use (as proposed).

- 5.6 • The existing landscape bund between the approved buildings and the rear of property in Walnut Grove is too high leading to a loss of privacy. Full access into the bund is possible meaning that residents have lost security to the rear of their houses.

Response

The applicants have agreed to erect further fencing to prevent access onto the landscaping bund. A condition is recommended. Access into the landscaped buffer will be for maintenance only.

- 5.7 • The design of the buildings are not aesthetically pleasing and block out sun in the morning.

Response

The external appearance and layout have planning permission, and were found to be acceptable when application 16/00885/FUL was approved. The buildings have been constructed in accordance with that permission.

- 5.8 • The laundry business should wait for buildings in Phase II to be approved and built as these are located away from existing residential neighbours.

Response

Phase II of the Ford site doesn't have planning permission, whilst Unit 2 of Phase I does and is ready for occupation. Whilst there is some merit in the suggestion this is a commercial decision rather than a matter for the planning process, providing that the impacts are found to be acceptable.

- 5.9 • The buildings are not 30 metres from existing residential neighbours

Response

The buildings are located between 23 and 30 metres from the rear of those

dwellings fronting Walnut Avenue as per the approved plans.

5.10 **Consultation Responses**

5.11 **SCC Highways** – No objection

5.12 **SCC Environmental Health** – Holding Objection

Mechanical Services - The noise level in the garden has not been demonstrated, but will likely to be above levels set in BS5228 for gardens, of a level of an Leq of 50dB(A) (max 55 dB(A)) The external noise levels to the rear of the house is at background levels at night, and so will be the dominant sound during the night and will be audible inside the bedrooms. Although the level at the house is in compliance with national planning policy, with the proximity of the outlets, as much attenuation should be applied as reasonably possible. It is also not clear if the noise level has been calculated from all the outlets affecting a house, or just one. It is also not clear what other services may be discharging from the building and may be adding to the external noise climate.

5.13 Paragraph 2.88 of the local plan says “developments which in themselves are not normally considered to be noise generating, increasingly incorporate air handling fan or ventilation plant for heating and cooling. This type of plant can be a significant source of noise. To ensure that these noise sources do not increase the existing background level, their design noise emission specification should be designed at 10 decibels (A weighting) (dB(A)) below pre-existing background levels. This specification has regard to the prevention of a ‘creeping’ increase in background noise levels in the city”. It is for this type of noise that this policy was developed

5.14 Service yard - Is this site to be operated with docking system as in Reading? If the yard is to be operated at night, I would want to see a noise management plan, to control any potential issues from noise, including docking and reversing alarms.

5.15 Internal Activity Breakout - The report recognises the need to line the building to reduce the breakout of noise, but does not give detail of the design, nor the noise levels at the receiver once designed

5.16 Odour report - I am not sure if the outlets described in the noise report and the odour report are the same, as they appear different to me. Can this be clarified? The odour report shows a 1.5 odour contour through the rear gardens in Walnut Avenue. This is at a level that is just detectable, for 2% of the time or 7 days a year. This will not be at nuisance levels so I do not object to this application. This does rely on no solvents or odorous detergents being used, and I would ask for this to be conditioned.

5.17 **Response from Applicant’s Noise Consultant to EHO Commentary:**

Mechanical Services - With regard to your comments, I assume you mean BS 8233 rather than BS 5228 which relates to construction noise, however when assessing noise from mechanical services plant neither standard is the main assessment method. Instead as detailed in our report we have carried out an assessment in accordance with BS 4142:2014 ‘Method for rating and assessing industrial and commercial sound’ As you aware this assessment compares the impact of noise from industrial sources (including feature correction) against the existing background noise level.

5.18 *The 2014 version of the report states that ‘subject to context’ a difference between*

the rating level and background level of around +10 dB is an indication of significant adverse impact, a difference of +5 dB is an indication of adverse impact whilst in situations where the rating level does not exceed the background sound level, this is an indication of having a low impact. This can be related to the national policy aims of the NPPF and Noise Policy Statement for England, which are to avoid significant adverse impacts and where there is an adverse impact to mitigate and minimise noise as far as possible. There is no requirement in national policy for inaudibility and such a requirement would be considered unreasonable.

- 5.19 *I understand your concerns regarding the lack of an assessment in the garden of the properties but am confused that you relate this to night time noise levels. Given the potential 24 hour operation of the laundry, I understand your concerns regarding night time working however during these periods people will not be in gardens and therefore as assessment of night time impact in the garden is irrelevant. This is point picked up in the examples within BS 4142:2014 (Example 6 and 8).*
- 5.20 *You are correct that a full assessment of the plant has not been carried out this was due to full plant details not being available, however based on the site visit to the existing site in Reading the main sources of noise from mechanical plant were the discharge to the driers. These have been assessed and recommended that they are fitted to with attenuators to meet the proposed noise criteria not to exceed background levels or 'low impact subject to context.' I note your comments in relation to background creep and requiring noise to be at least 10 dB below background noise levels however I do not think it is applicable in this case. Background creep occurs can occur in built up areas like city centres where there is a proliferation of mechanical services plant each contributing to the overall noise level at a certain receptor. If each piece of new plant was designed to meet background noise levels, this would result in the background level to creep upwards. At the site there is currently no plant, so the issue of background creep is not applicable and therefore as described above the plant has been designed not to exceed background levels.*
- 5.21 *Although I note your local policy does refer to ensuring plant is 10 dB below background as described above this is not consistent with national policy aims to avoid significant adverse impacts.*
- 5.22 *Moving this forward I would suggest the in the absence of a plant details, noise from mechanical services plant could be controlled by planning condition.*
- 5.23 *Service Yard - A detailed assessment of delivery activity has been carried out based on observations and measurements of service yard activity at the site in Reading. The nearest residential properties are significantly screened from the service yard by the building and as shown in our assessment service yard activity will be negligible. However if you still consider that a service yard management plan is required this can be controlled through the planning condition.*
- 5.24 *Internal Activity Breakout - As above full details of the unit construction will not be determined until later in the design process, however an indicative assessment based on measurements with an existing laundry has been carried out. This has identified that in the washing area further sound insulation up and beyond that which would expect from a composite metal clad industrial building may be required. We have identified the type of construction methods required to ensure that noise levels do not exceed background levels at the nearest residential*

properties however the final scheme will depend on the final layout and detailed design requirements. As above these issues can be controlled by planning condition.

5.25 **Note from Officer:**

At the time of writing it has not been possible for the applicant, their noise consultant and the Council's Environmental Health Officer to reach agreement on the true impacts of extending a B2 use into the hours (currently restricted) of between 7pm and 7am (ie. 24 hours). Discussions are, however, ongoing and it is entirely possible, following the commitment from the applicants to satisfy the 10Db requirement, that agreement can be reached by the time the Panel meeting is held. The current recommendation seeks further delegation back to officers in the event that agreement is not achieved by 14th November and a verbal update and (possible) amendment to the recommendation and associated conditions will be given at the Panel meeting.

6. Planning Consideration Key Issues

6.1 As planning permission is in place for the quantum and type of development, its physical form and their highway impacts (as reconfirmed by SCC Highways above) the key issue for consideration in the determination of this planning application is the impact of proposed extended hours to serve a commercial laundry business; and its additional noise impacts upon the residential amenity of nearby residents, and particularly those living adjacent to the site in Walnut Avenue (5 of whom have objected to the proposed change).

6.2 Noise and Residential Amenity

6.2.1 This site is synonymous with employment uses, and particularly manufacturing, and is protected by existing local planning policy for such uses. In this instance, however, the Panel need to consider the likely impacts that a change to the operational hours of Unit 2 will have on the residential enmity of neighbours. There are no affected residential neighbours to the east, north or west. Any change from that consented will result in some form of impact, particularly to residents in Walnut Avenue, but it is the significance that is relevant and whether or not further mitigation can be used to reduce the impacts to within acceptable tolerances. As the proposed commercial laundry could operate from Unit 2 between the hours of 7am and 7pm under the current consent it is now for the Panel to decide whether extending these hours to enable a three-shift pattern, including the extended period from 7pm to 7am (ie. 24 hours), will be acceptable.

6.2.2 The approved layout reduces residential outlook but improves the noise environment. The local area is already characterised by relatively high levels of background noise as a consequence of the M27, railway and airport beyond. There is likely to be a noise impact resulting from vehicle movements on site, including manoeuvring and reversing into loading bays. In response to this context the proposed buildings turn their backs on the residential neighbours to the south, and will then act as a barrier to noise from their associated operations (which, as with the Ford factory, could be on a 24 hour basis), the M27 and the airport.

6.2.3 The Council's Environmental Health Officer (EHO) previously assessed the applicant's noise report and air quality assessments, when asked to consider the first application (LPA ref: 16/00885/FUL), and was satisfied that a 24 hour

employment use would be appropriate for this site despite the proximity of existing residential neighbours. Controls were however sought and added to the permission. Condition 2 relates.

- 6.2.4 At the time of writing the EHO has not removed their holding objection to the amended hours proposed and negotiations continue. Until the EHO does so it is not possible for officers to conclude that the development will fully satisfy LPR policies SDP1(i) and SDP16, which seek to protect the existing amenity of residents living in the city. Further discussions are ongoing between the relevant parties and a verbal update will be given at the meeting; at which point the Panel can decide whether or not the introduction of the proposed laundry business, albeit on a 24 hour basis, will be harmful or acceptable to residential amenity.

6.3 Off-site Mitigation

- 6.3.1 LDF Policy CS25 seeks to ensure that all new development mitigates against its direct impacts and this scheme is no different. The proposed uses do not attract the Community Infrastructure Levy (CIL), but any approval of this application would need to link the revised use back to the mitigation secured under permissions 16/00885/FUL and 16/02035/MMA. A S.106 Deed of Modification is recommended to secure this as set out at the start of this report.

7. Summary

- 7.1 The redevelopment of the Ford site with employment buildings is welcomed and gained planning permission last year. The applicants are in the process of finding tenants and require a change to the hours imposed for a B2 (general industrial) use within Unit 2. A commercial laundry operator is interested in this unit and has applied to extend the hours of operation from 7am to 7pm to 24 hours per day. They estimate that 150 jobs will be created. This potential change in hours has implications for the local noise environment and the possible disturbance of nearby residents.

- 7.2 The land is identified in the Council's Local Plan for employment development of the type proposed in this application. The economic development and employment opportunities weigh in support of the proposal, however, at the time of writing the Council's Environmental Health Officer (EHO) is maintaining a holding objection to the revised acoustic report, and scheme of mitigation offered to enable the extended hours. Until this objection is removed officers cannot confirm that the proposed change will be acceptable, but are mindful that the applicant needs to progress their interest in taking the unit which is why this report has been prepared. As such, the above recommendation is made to enable further discussion between the Council's Environmental Health Officer and the applicant's noise consultant, in anticipation that common ground can be established ahead of the Planning Panel meeting. A verbal update will be given at the meeting.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to the EHO's holding objection being resolved, and a Section 106 Deed of Modification being completed. Rather than remove condition 2 (as suggested by the Description of Development) amended wording is recommended as set out below. A delegation back to officers is sought on this basis.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

1a-d, 2b,d,f, 4b,f,vv, 6a-b & 7a

SH2 for 14/11/2017 PROW Panel

PLANNING CONDITIONS to include:

Those listed on permission 16/02035/MMA, as updated by any applications that have discharged the requirement, and the following:

16/02035/MMA – Condition 2 - Restricted Use & Operational Hours (Amended)

The maximum floorspace of the development hereby approved shall be 35,371 square metres (gross external), and the buildings shall not be sub-divided into separate units without the first written approval of the Local Planning Authority. Furthermore, this permission does not allow for the installation of additional mezzanine floorspace (other than those shown) within the buildings to serve the development.

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details (namely B1c, B2 and/or B8) and not for any other purpose.

Any office space provided to serve the development shall be ancillary to uses specified and shall not be let, leased or sold separately.

The B2 use hereby approved shall be limited to 45% of the total operational floorspace as assessed through the planning application submission.

Whilst any B8 use may operate on a 24 hour/day basis any non B8 use (**excluding the ancillary office space, and Unit 2 that shall operate as a commercial laundry in accordance with the planning submission 17/01461/FUL on a 24 hour basis**) shall be restricted to the following hours, as submitted and hereby approved, unless otherwise agreed in writing with the Local Planning Authority:

7am - 7pm (7 days/week) as set out in the planning application form

Reason:

In the interest of the amenities of neighbouring occupiers, to ensure that the site is retained for employment generating uses, to ensure that the office space provided is integral to the principal uses due to the out of centre location and in the interests of highway impacts that have been determined.

New Condition – Security Fencing to Rear

New Condition – Solvents

Prior to the use of the site for manufacturing and/or industrial processes involving solvents an odour mitigation plan shall be submitted to and agreed in writing with the Local Planning Authority. The development shall proceed only in accordance with these agreed details.

Reason:

As the application has not been supported by an odour nuisance mitigation strategy in the event that the manufacturing process includes plastics and solvents.

New Condition – Security Fencing

In addition to the boundary treatment(s) approved under LPA ref: 16/02035/MMA additional fencing shall be provided to the rear of Units 1-3 to further secure the rear boundary to those neighbours in Walnut Avenue. The fencing shall be erected as agreed by Wal Groves in his email to the LPA dated 17th October 2017 prior to the first occupation of the development hereby approved and shall be retained as agreed.

Reason:

In the interests of site and neighbour security