

Application No: 20/1132N

Location: Weston Hall Commercial Complex, MAIN ROAD, WESTON

Proposal: Removal of condition 9 on approval 18/4123N – Change of use of buildings and areas of hardstanding to B8 (Storage & Distribution) use, replacement of redundant buildings and erection of new buildings and areas of hardstanding for B8 (Storage & Distribution) use, ancillary offices, and associated works

Applicant: c/o WSP Indigo

Expiry Date: 07-May-2020

SUMMARY

The application site comprises the Weston Hall Commercial Complex which extends to approximately 2.7 hectares and is accessed from Main Road. It has a longstanding history of commercial use. The proposals approved under 18/4123N related to the re-use of existing buildings and provision of new warehouse buildings associated with B8 employment use.

The Highway Officer has advised that the operation of the Weston Hall on a 24/7 basis will not result in traffic generation which will have an adverse highway impact on the local highway network or increased risks to highway safety. Furthermore, the potential cumulative impact with HS2 construction and other development may have on the local highway network in the future, is not a reasonable basis on which to withhold planning approval.

From an economic sustainability perspective, it is recognised that increased flexibility of 24/7 operations will potentially assist in attracting companies to locate to approved storage and distribution facilities (Class B8) at Weston Hall and sustain the long-term operation of the site. This would secure employment opportunities in the local area, and together with other economic benefits which would derive from that employment provision, is an important material consideration.

The Council's Environmental Health Officer has advised that the submitted Acoustic Report is satisfactory in its assessment of noise levels which would result from the 24/7 operation of the site. This is subject to the mitigation measures recommended by the acoustic report being fully undertaken to mitigate impact upon the amenity of neighbours and locality by virtue of the noise disturbance.

Although the applicant considers that this will cause "potential" difficulties" in securing long term tenants for the premises, it is nevertheless considered that a condition limiting 24/7 working to a 2 year temporary period provides the

appropriate balance between economic benefits of allowing the operation of this (Class B8) with unrestricted operating hours and the need to safeguard the amenities of nearby properties. This condition will enable a review of the effectiveness of noise mitigation measures from site operations over a sustained period and thereby ensure that amenity is safeguarded over the longer term .

On this basis, the proposed condition is considered to pass the tests of Paragraph 55 of the NPPF and is considered reasonable, necessary and enforceable in planning terms.

This ensures that the proposals will accord with the Development Plan and national policy and there are no material planning considerations which would outweigh that assessment.

RECOMMENDATION: APPROVE Subject to conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Steven Edgar and Cllr Janet Clowes for the following reasons;

Cllr Steven Edgar

The 24-hour operation from this site will seriously affect the residents of the houses at the entrance and also to residents of the new houses being built to the north.

It is another attempt to industrialise the rural locations within the Parish of Weston.

We have a very similar problem at the Basford Creamery site in Hough, it is now a major industrial site. This one has progressed without proper permission for over 4 years

Cllr Janet Clowes

Summary

i) this application lacks sufficient information regarding the proposed future uses of this site for any informed decision to be made and so should be refused.

ii) this lack of material information undermines the weight that may reasonably be placed on what is effectively an incomplete noise impact assessment. The application should be refused.

iii) the lack of evidence of a full, two-year marketing strategy suggests that this application is premature and so should be refused.

iv) No consideration has been addressed to the impact of 24/7, 365 days a year operations on the wider rural area in terms of nocturnal noise (tonality, impulsivity and intermittency), or HGV movements throughout the 24 hour period (of variable intensity yet to be defined).

v) No consideration has been addressed to the cumulative impacts of this site and others in close proximity, on the immediate and wider rural environment and its communities, should this Condition be removed. We believe these to be significant adverse.

I ask that this Application be refused.

The call-in requests can be viewed in full on the Councils website

DESCRIPTION OF SITE AND CONTEXT

The site comprises the Weston Hall Commercial Complex which extends to approximately 2.7 hectares, and is accessed from Main Road (A531).

Planning approval 18/4123N was granted on 30th November 2018 for the redevelopment of the existing complex with a storage and distribution development (Class B8). This included the change of use of existing buildings and areas of hardstanding to B8 (Storage & Distribution) use, the replacement of redundant buildings and erection of new warehouse units with areas of hardstanding and ancillary offices.

An extensive belt of woodland lies alongside Basford Brook beyond the western site boundary. The site is bound by agricultural land to the north, whilst the eastern site boundary is adjoined by the residential curtilage of The Cottage and the former grounds of Weston Hall which was burnt down in 2005. Dense areas of tree planting lie between the southern boundaries of the site with Newcastle Road and Main Road.

A pair of semi-detached houses (1 & 2 Weston Hall Cottages) are located to the south of the complex.

The existing access to the complex from Main Road was retained to serve the development. A total of 52 parking spaces and parking bays for 18 no. HGVs are proposed throughout the site. In addition, 20 No. covered cycle parking spaces will be split evenly and provided adjacent to the two new build warehouses

DETAILS OF PROPOSAL

The current occupier of the site is Van Merksteijn Fencing Uk Ltd for operations relating to the storage and distribution of security fencing. The approved development under 18/4123N provided increased floor space and hardstanding, and particularly the creation of fit-for-purpose warehousing which was critical in meeting immediate and longer-term needs of the company (Use Class B8) .

Following the implementation and completion of new buildings (units 1 and 2) of planning approval 18/4123N, the supporting statement explains that the existing operator's commercial aspirations have changed and consequently a marketing exercise has been undertaken to secure occupiers for the approved warehouse units. However, the applicant considers that the marketing exercise reveals that the restricted operating hours for the Weston Hall complex permitted under condition 9 has resulted in a lack of interest from B8 operators to occupy vacant floorspace here.

The applicant states that “unrestricted operation is required to attract a long-term operator to the site and also safeguard the landowner's interests in the site”.

Permission is therefore sought to remove condition 9 (hours of operation) in respect of the warehouse development and Class B8 – storage & distribution use of Weston Hall Commercial complex which is subject to planning approval 18/4123N.

Condition 9 requires;

Operations on the site including deliveries shall be restricted to the following hours:

| | |
|-----------------------|----------------------------------|
| <i>Monday- Friday</i> | <i>07.30 hrs until 19.00 hrs</i> |
| <i>Saturday</i> | <i>08.00 hrs until 17.00 hrs</i> |
| <i>Sunday</i> | <i>08.00 hrs until 17.00 hrs</i> |

Reason: To avoid noise from giving rise to significant adverse impacts on health, quality of life and amenity.

In summary, this application seeks the removal of condition 9 to facilitate the 24-hour operation of the approved development (Class B8 Storage and Distribution) on this site, 7 days a week, 365 days a year.

RELEVANT HISTORY

18/4123N - Change of use of buildings and areas of hardstanding to B8 (Storage & Distribution) use, replacement of redundant buildings and erection of new buildings and areas of hardstanding for B8 (Storage & Distribution) use, ancillary offices, and associated works. Approved 30 November 2018

P03/0369 - Change of Use From Agricultural Storage to General Storage/Distribution. Approved 28 August 2003

P06/0203 - Change of Use from Agricultural Storage to General Storage/Distribution. Approved 20 April 2006

POLICIES

Cheshire East Local Plan Strategy

Policy SD 1 - Sustainable Development in Cheshire East
Policy SD 2 - Sustainable Development Principles
Policy SE 1 - Design
SE2 - Efficient use of land
SE3 - Biodiversity and Geodiversity
SE4 - The Landscape
SE5 - Trees, Hedgerows and Woodland
SE12 - Pollution, Land Contamination and Land Instability
SE 13- Flood Risk and Water Management
PG6 - Open countryside
PG7 - Spatial distribution of development
EG1 - Economic Prosperity
EG2 - Rural economy
CO1 - Sustainable travel and transport

Crewe and Nantwich Replacement Local Plan

The relevant Saved Polices are: -

NE5 (Nature conservation)

NE.9 (Protected Species)

NE13 (Rural diversification)

NE.15 (Re-use and adaptation of a rural building for a Commercial, Industrial or recreational use)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.6 (Development on Potentially Contaminated Land)

Weston and Basford Neighbourhood Plan

The Weston and Basford Neighbourhood Plan was Made on the 16 November 2017. The relevant Polices are;

E1 – New Business

E3 – Use of Rural Buildings

LC2 – Landscape Quality, Countryside and Open Views

LC3 – Woodland, Trees, Hedgerows and Walls

LC6 – Weston and Basford's Wildlife Corridors

LC8 – Biodiversity

D2 – Environmental Sustainability of Buildings

D3 – Employment Development

D5 – Adapting to Climate Change

T2 – Traffic Congestion

T3 – Improving Air Quality

Other Considerations:

National Planning Policy Framework (NPPF)

CONSULTATIONS (External to Planning)

Environmental Health - No objection subject to conditions

Highways - No objection

VIEWS OF THE PARISH/TOWN COUNCIL

Weston Parish Council – Object, and comments as follows;

- The Parish Council was content with the original conditional approval which tightly controlled this use;

- the removal of Condition 9 which restricts the hours of operation including deliveries, to a situation which would enable a 24 hour operation, 7 days a week and 365 days per year would be the thin end of the wedge and totally unacceptable. The Parish Council considers this to be a very sensitive

site and does not want to see a repeat of the nearby uncontrolled Basford Creamery operation which is still unresolved in planning terms;

- The application should be refused due to the following;

- *The details of the types of proposed warehousing / distribution uses are currently unknown which means that unrestricted access to this site would be highly detrimental to amenities of the occupiers of the three dwellings living in the immediate vicinity. Given the prevailing south/ south-westerly wind this would also be potentially detrimental to the residents of Weston Village - witness the problems constantly experienced with Basford Creamery.*
- *Unrestricted access would in the Parish Council's opinion only exacerbate the already fraught situation relating to traffic movements and consequent noise and nuisance caused as a result of the extensive construction and infrastructure works already taking place and shortly to take place within the vicinity of this site - land off East Avenue Weston and the forthcoming HS2a construction routes in the vicinity of Chorlton. There would also be nothing to prevent or control HGVs from passing through Main Road Weston at any hour of the day or night, again much to the detriment of the amenities of local residents.*
- *Local residents of this area have already experienced to their detriment the results of uncontrolled activities relating to Basford Creamery, and consider that the tightest controls should continue to be exercised in relation to this proposed use.*

Hough & Chorlton Parish Council – Objects and comments as follows;

- Removing these conditions means that the site can operate for 24 hours everyday throughout the year. This extra traffic noise and activity would impact significantly on the developments of Wychwood Park, Wychwood Village, Weston village and the future HS2a construction routes. Also the site is abut to a long distance footpath “Two Saints Way” the quality of which needs to be kept intact.

- Nearby on the Newcastle Road is the village of Hough whose Parish Councillors have previously objected to the Basford Creamery which is operating in an uncontrolled way without approved planning constraints. This development is extremely close to the Weston Hall development. The Parish Council considers that the current proposal could be of a similar scenario.

- Hough and Chorlton Parish Council fully endorse Weston and Basford Parish Council and we would urge the Local Planning Authority to refuse permission for this Planning Application.

REPRESENTATIONS

A total of 4 representations have been received from the residents of neighbouring properties.

Two representations have been received from The Cottage, Weston Hall, Main Road in objection to the application and raise the following issues and concerns;

- Constant noise and air pollution from heavy goods vehicles;
- Condition 9 should not be removed as noise intrusion is a significant issue;
- The Noise Impact Report appears to rely on assumptions that may not prove correct;
- Whilst background noise levels were measured over the period of 26th – 29th January 2018 (over a week-end prior to the original application) all actual noise levels and predictions appear to be

entirely derived from theoretical calculations with no attempt made to record the actual levels from HGVs and fork lift trucks whilst the plant is at maximum intended operation;

- The noise report makes reference to a theoretical 'attenuation' from a partially open bedroom window, but every HGV that arrives on site and every Forklift truck reversing warning can be heard from bedroom of The Cottage;

- On occasions significant noise preventing sleep has been experienced (specific examples provided);

- The noise report makes no reference to the level of activity on the site, but these have varied hugely over the last couple of years from virtually no traffic and imperceptible noise on some weekdays to almost continuous vehicle movement and fork lift operations on others;

- The noise report makes reference to day & night, and appears to assume 'day' operation between the hours of 07.00 – 23.00 (even though existing Condition 9 specifies 07.30 to 19.00);

- The report mentions that *"The precise location of fork lifts and HGVs on Site is not known so calculations have relied upon fork lifts being located in the centre of the yard areas which represents an average scenario"* Fork lifts work all over the site and the impact of those that work close to site boundary are much more intrusive than those elsewhere such as the far side or the 'average' middle;

- Most fork-lifts have been modified to 'white-noise' reversing warnings, but are still clearly audible from The Cottage and bleeper noise is extremely irritating during loading and unloading operations;

- The noise report makes reference to the site's previous farm use. whilst the noise from tractors etc during the day was at a similar level to existing site use, there were seldom vehicle movements during the night. The only night-time noise occurred on a very few days in the year (normally no more than a week at the most) when the grain driers had to run continuously if the weather was poor at harvest time. As this was a continuous steady noise it was considerably less intrusive and annoying than the intermittent noise from HGVs and particularly Fork Lift trucks reversing. Even during daytime the farm had no beepers or white noise, so the overall impact was much less than that from current operations;

- Mitigation recommendations remain unchanged from the original January 2018 report;

- The recommendation that reversing alarms be disabled during night-time operation is welcomed albeit subject to acceptance of Health and Safety Executive;

- A Health and Safety report is not included in the application;

- Acoustic fencing is not provided alongside the site boundary with The Cottage

- Existing daytime operations have a significant 'impact on quality of life' and unable to enjoy garden;

- Potential for increased operation of plant within the site at night including more frequent movements forklift trucks with intrusive reversing warnings;

- The objective of this application is to make the site more marketable. The requirements of future occupiers are unknown with the potential for significantly increased vehicle movements;

- Main Road not suitable for heavy HGV use;

- damage to road surface;

- HGVs continue to use Main Road as a short cut through Weston which will be exacerbated by movements during the night resulting in noise and inconvenience for residents;

- Increase in light pollution from 24-hour operations;

- 24 hour working on this site would have adverse impact on securing a replacement of Weston Hall;

Representations have been received from Nos. 1 & 2 Weston Hall Cottages in support of the application and are summarised below;

- As the closest neighbours to the new development, no concerns are raised regarding any loss of amenity from the removal of condition 9. The site is well screened and acoustic fencing has been installed between these properties and the commercial site;
- Employment opportunities resulting from new buildings are welcomed;
- Comments in the letter of objection from Weston & Basford Parish Council, including that removal of Condition 9 “would be highly detrimental to amenities of the occupiers of the three dwellings living in the immediate vicinity” do not represent the views of the occupiers of 1 & 2 Weston Hall Cottages.

APPRAISAL

Principle

The application site has a longstanding history of commercial use. The proposals approved under 18/4123N related to the re-use of existing buildings and provision of new warehouse buildings associated with the expansion of B8 employment use at the Weston Hall commercial complex.

The B8 storage and distribution use of this site was therefore established under planning permission 18/4123N and determined to be acceptable planning policy terms. Consequently, given the principle of the development has already been established, this application does not present an opportunity to re-examine issues relating to the B8 use of the site.

Policy EG2 of the Local Plan Strategy supports developments in rural areas but seeks to ensure that economic activity in such areas complies with various criteria including not detracting from the amenity of adjacent residents.

It is important to note that in respect of the need to protect employment sites policy EG 3 states;

1. Existing employment sites will be protected for employment use unless:

- i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or*
- ii. The site is no longer suitable or viable for employment use; and*
 - a. There is no potential for modernisation or alternate employment uses; and*
 - b. No other occupiers can be found*

In respect to clause (ii) (b) footnote 43 states that, “to demonstrate that no other occupiers can be found, Policy EG 3 requires the site to be marketed at a realistic price reflecting its employment status for a period of not less than 2 years. The council will require evidence that a proper marketing exercise has been carried out including a record of all offers and expressions of interest received”.

However, this application is not proposing the loss of an employment site but is proposing that it operate on 24/7 basis to assist in attracting occupiers to vacant floorspace within this existing employment site. Therefore, a two-year marketing strategy is not required to support these proposals.

A marketing exercise has been undertaken to secure occupiers for the approved warehouse units. However, given limited interest from B8 operators, the applicant has determined that the restricted operating hours of these premises under Condition 9, “makes the commercial operation of this

level of floorspace in this semi-rural location complete unviable". Therefore, the removal of condition 9 is required by the applicant to enable "maximum flexibility to potential operators and therefore substantially enhance marketability of the development".

Details of the ongoing marketing exercise undertaken since February 2002 have been provided but for reasons of commercial confidentiality are not in the public domain. This information does however include a marketing opinion from Legat Owen which comments that;

"We are now in a position where the B8 sector, driven by e-commerce and the move away from "just in time" delivery is experiencing serious supply shortages. The market must deliver more units in all size ranges. These units need to be flexible in their offer as possible. This should include unencumbered operational restrictions, such as hours of operation."

In addition, feedback received from a national distribution operator agrees with the applicant's and marketing agent's assessment of the difficulty in attracting occupiers to these premises (Use Class B8) due to the restricted operating hours of condition 9 .

Concerns have been raised by the Parish Councils and Ward Members as regards issues arising from the operation of the Basford Creamery premises located nearby. However, there is no interrelationship or operational connection between the application site and the Basford Creamery. Furthermore, the Weston Hall complex is restricted to B8 storage and distribution use and Basford Creamery is not permitted to operate on a 24/7 basis. Consequently, issues of "cumulative impact" from the operation of Weston Hall and other sites would not therefore arise. As a result, issues at Basford Creamery have no bearing on the consideration of this application, which should be assessed on its own individual merits.

The main issue in the consideration of this application is whether the operation of the premises on a 24 hour/7day basis would have an unacceptable impact on the agents of nearby residents. In addition, other matters relating to traffic generation and HS2 are also addressed below.

Planning legislation requires every planning application to be determined on its own individual merit having regard to all material planning considerations. This means that this variation of planning condition application can be considered afresh on its own individual merit and a judgement reached on the merits of this proposal.

Noise Impact

NPPF (para 180) states that, "*decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life "

Saved Policy BE.1 requires that proposals for new development will be permitted provided that do not prejudice the amenity of the occupiers of adjacent properties by reason of noise or disturbance.

Residential properties are located adjacent to the site access from Main Road (1 & 2 Weston Hall Cottages) and adjoin the western site boundary (The Cottage).

An Addendum Acoustic Report (AC105005-2r0 dated 29/11/2018) has been submitted in support of the application to assess the noise impact arising from the operation of these storage and distribution premises (Use Class B8) on a 24 hour/7-day basis on residential amenity and within a rural area.

The Environmental Health Officer has advised that impact of the noise from warehousing operations has been assessed in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound. This is an agreed methodology for assessing noise of this nature.

The acoustic report recommends mitigation designed to ensure that occupants of nearby properties are not adversely affected by noise from the development. To ensure the noise levels from the site are kept to a minimum, the following mitigation measures are proposed in respect of effective site management;

- All HGV engines should be switched off when not in operation;
- Reversing alarms should be disabled during the night-time period or replaced with an alternative low noise model;
- Whilst unloading/loading operations are taking place, the service bays/dock leveller furthest from the receptors should be used, where practicable, i.e. when only one HGV is present;
- Signage installed along the perimeter of the yard reminding HGV drivers and yard;
- Operatives to keep noise levels to a minimum particularly during the night-time period;
- Staff and operatives who work in the yard area should be informed, as part of on-going inductions and on-going training to keep noise levels to a minimum.

The Environmental Health Officer has confirmed that the conclusions of the acoustic report and methodology used are acceptable. In particular, it is further pointed out that the background noise readings (Fri – Mon) have been taken at the quietest time to show the potential impact of noise i.e. comparing difference of site at noisiest (calculated) against quietest (actual readings). The acoustic assessment has endeavoured to consider the “worst case scenario” in terms of the anticipated nature and extent of traffic movements generated and on-site operations, given the number of unknowns/variables.

The EHO has concluded that the proposed mitigation as set out by the acoustic report have been designed to achieve BS8233: 2014 and WHO guidelines; to ensure that occupants of nearby properties are not adversely affected by noise from the development use/ transportation noise sources. To safeguard amenities of neighbouring properties, and in accordance with the recommendations of the acoustic report, a condition is required to secure the following;

- The mitigation recommended in the acoustic report AC105005-2r0 dated 29/11/2018 shall be implemented in full prior to use.
- The above is supplemental to the mitigation previously recommended in acoustic report AC105005-1r3.

- The agreed mitigation scheme shall be maintained for the purpose originally intended throughout the use of the development.

However, it is recognised that the proposed mitigation measures depend on effective site management. Given that new occupiers will operate from this site, it is clearly important and reasonable that the effectiveness of noise mitigation measures are reviewed after a sustained period of time. The Environmental Health Officer has agreed that a condition limiting 24/7 operation to a temporary period of 2 years should be imposed to enable the noise impact to be re-assessed. The two-year period will also allow sufficient time for the premises to be occupied and operate on a 24-hour basis.

After the 2 year period, operating hours will revert back to those permitted under condition 9. A further application will be required to demonstrate that the noise mitigation measures are effective in safeguarded the amenities of nearby dwellings and the locality from operations at the Weston Hall complex.

In terms of wider impact of 24/7 hours operations, it is important to note, that site access is close to the roundabout junction of Main Road, A531 and Newcastle Road. The A531 provides direct access via the A500 (Bathomley link) to Junction 16 of the M6. It is also considered that the level of vehicle movements generated by the premises during the late evening, night and early morning would not have an appreciably greater noise impact on the wider area than traffic already using the road network at this time.

Furthermore, an approved Site Management Plan required under Condition 20 of 18/4123N and which was subsequently discharged under 20/3423D specifically requires drivers to enter the site by turning left off Main Road and exit the site by turning right (with appropriate signage installed) onto Main Road, therefore avoiding HGVs travelling through the village of Weston. A condition is recommended requiring the Site Management Plan to be updated in order that it takes account of the temporary period of 24/7 operations.

Highways

Following consideration of the Transport Assessment accompanying Planning approval 18/4123N, the Highway Officer was satisfied with its methodology, analysis and findings. The site access from Main Road was considered to be of an appropriate standard of design to accommodate HGV vehicle movements. Furthermore, given the location of the site, the level of generation from the premises can be accommodated on the local highway network without causing capacity or safety problems.

The Highway officer has further advised that change to 24hr working would not change the capacity impact of the site, as most movements will occur during daytime hours. It is therefore considered that traffic generation resulting from the 24/7 operation of the site would not have an adverse highway impact. The applicant has also pointed out that it is the operation of plant and workers within the site which requires unrestricted operating hours.

Furthermore, Main Road is a public highway, and as such normal traffic use including that of large commercial vehicles cannot be restricted. Representations have nonetheless raised concerns that Main Road through Weston is not suitable for heavy HGV use. However, as referred to above, this issue was addressed in the consideration of planning approval 18/4123N and a condition (20) was

imposed requiring a Site Management Plan for the complex. The Site Management Plan has been approved under discharge of conditions application 20/3423D. This includes measures to ensure that HGV drivers enter the site by turning left off Main Road and exit the site by turning right (with appropriate signage installed) onto Main Road, therefore avoiding travelling through the village of Weston. Also, all HGV drivers will be advised of the access and egress requirements for the site in advance of journeys to the site. It recommended that a condition is imposed to ensure that an updated Site Management Plan which takes account of the temporary period of 24/7 operations is submitted and approved.

HS2

The site is located outside the safeguarded zone for HS2 (phase 2A) which extends to the western bank of Basford Brook.

Concerns have nevertheless been raised by Hough & Chorlton and Weston & Basford Parish Council regarding the impact of “unrestricted” operation of the site and additional traffic from these premises on future HS2a construction routes and resulting cumulative traffic implications of HS2 construction.

This issue was addressed in the determination of 18/1423N. It was accepted that as HS2 construction is projected to take place well into the future, and over several years, the extent of such cumulative traffic or highway impact cannot yet be accurately quantified. In these circumstances, this would not therefore be a reasonable basis on which to withhold approval of this application which relates to the extended operating hours of the site.

Air quality

The air quality impact of the development and B8 use of the Weston Hall complex was assessed at in the consideration of planning approval 18/4123N. The Council’s Environmental Protection officer considered the supporting Air Quality Assessment to be satisfactory and the provision of an electric vehicle charging point for each unit would be sufficient to mitigate the impact on local air quality. A site plan identified five parking spaces suitable to accommodate charging for electric vehicles and a condition was imposed to ensure these were installed to the appropriate specification prior to the occupation of Buildings 1 and 2 and thereafter retained.

It is considered that the 24/7 operation of the site will not have any appreciably greater impact on air quality and no objections have been raised by the Environmental Protection Officer. Although there will be a small increase in overall vehicle movements, as the applicant points out that it is the operation of plant and workers within the site which essentially requires unrestricted operating hours.

Other Issues

Given that premises will operate during the night-time, to safeguard the impact on nearby properties a condition is recommended that prior to its installation details of additional external lighting are submitted to and approved by the LPA.

PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan; the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

The principal of the development of the site for Warehouse development and B8 storage and distribution use is already accepted and this application is not an opportunity to revisit that principle.

The Highway Officer has advised that the operation of the Weston Hall on a 24/7 basis will not result in traffic generation which will have an adverse highway impact on the local highway network or increased risks to highway safety. Furthermore, the potential cumulative impact with HS2 construction and that other development may have on the local highway network in the future, is not a reasonable basis on which to withhold planning approval.

From an economic sustainability perspective, it is recognised that increased flexibility of 24/7 operations will potentially assist in attracting companies to locate to approved storage and distribution facilities (Class B8) at Weston Hall and sustain the long-term operation of the site. This would secure employment opportunities in the local area, and together with other economic benefits which would derive from that employment provision, is an important material consideration.

The Council's Environmental Health Officer has advised that the submitted Acoustic Report is satisfactory in its assessment of noise levels which would result from the 24/7 operation of thy the site. This is subject to the mitigation measures recommended by the acoustic report being fully undertaken to mitigate impact upon the amenity of neighbours and locality by virtue of the noise disturbance.

Although the applicant considers that this will cause 'potential difficulties' in securing long term tenants for the premises, it is nevertheless considered that a condition limiting 24/7 working to a 2 year temporary period provides the appropriate balance between economic benefits of allowing the operation of this (Class B8) with unrestricted operating hours and the need to safeguard the amenities of nearby properties. This condition will enable a review of the effectiveness of noise mitigation measures from site operations over a sustained period and thereby ensure that amenity is safeguarded over the longer term.

On this basis, the proposed condition is considered to pass the tests of Paragraph 55 of the NPPF and is considered reasonable, necessary and enforceable in planning terms.

This ensures that the proposals will accord with the Development Plan and national policy and there are no material planning considerations which would outweigh that assessment.

RECOMMENDATION:

APPROVE Subject to the following conditions;

- 1. Development in accordance with approved plans on 18/1432N except as varied by this permission**
- 2. Provision of noise mitigation**
- 3. Hours of operation - 24 hour/7-day operation temporary for 2 years**
- 4. Electric Vehicle Charging provision and retention**

- 5. Provision of features for breeding birds as approved under 19/5120D**
- 6. Surface water drainage as approved under 19/0423D**
- 7. Implementation of landscaping as approved under 20/3423D**
- 8. Site to operate in accordance with an updated Site Management Plan**
- 9 Details of external lighting**

In order to give proper effect to the Southern Planning Committees intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

