

Agenda Item 7.

Development Management Ref No	No weeks on day of committee	Parish	Ward	Listed by:
VAR/2014/2499	32	Winnersh	Winnersh	

Applicant Winnersh Midco Sarl c/o Barton Willmore
Location Plot 700 Wharfedale Road, Winnersh **Postcode** RG41 5RB
Proposal Application to vary condition 12 of planning consent RM/2014/0366 to allow the movement of goods 24 hours per day every day
Type
PS Category 18
Officer Laura Ashton

FOR CONSIDERATION BY Planning Committee on 24th June 2015
REPORT PREPARED BY Head of Development Management and Regulatory Services

SUMMARY

This planning application seeks to vary condition 12 of planning consent RM/2014/0366. Condition 12 reads “No goods shall be taken, either departing or received, between the hours of 2000 and 0700 on any day.” The applicant, to afford flexibility to the future business occupiers, seeks to remove condition 12 to allow the movement of goods on site 24 hours a day every day.

The acoustic report submitted in support of this application has demonstrated that the proposed 24 hour operation of the site for deliveries will not be harmful to the amenities of neighbouring residential occupiers. The Environmental Health Officer is satisfied with the assessment and conclusions set out in the acoustic report.

A Delivery Management Plan has also been negotiated that contains a package of measures to further ensure that the occupiers of neighbouring residential properties are not disturbed by activities on the site.

It is therefore recommended that this application is approved and a substitute condition is applied to the RM consent to ensure that the Delivery Management Plan is adhered to, as set out in the recommendation below.

PLANNING STATUS

- Major Development Location
- Core Employment Area
- Flood Zone 2
- Sand & Gravel Extraction
- Aerodrome Safeguarding for Wind Turbines

RECOMMENDATION

Approve with replacement condition

1. All deliveries either departing or received at the approved building and activities relating to these deliveries will comply with the measures set out in the Delivery

Management Plan dated XX June 2015.

2. This application shall supersede Condition 12 on planning permission RM/2014/0366 and all other conditions on this planning permission still apply

Please note that conditions 3 & 5 of RM/2014/0366 have been discharged. A decision notice will be prepared to reflect this. Conditions 1-2, 4, 6-11 & 13-14 will remain unchanged.

PLANNING HISTORY

O/2006/9071 - Outline planning application with all matters reserved except details of means of access to the site for development providing up to 191 100 sq m gross external area of built floorspace (in total) for Class B1 (a) (b) and (c) (including data centre use); Class D1; Class D2; Class C1; Class A1 A2 A3 A4 A5. Such development to include: Highways and public transport facilities; Pedestrian cyclist and vehicular ways; Pedestrian footbridge; Vehicle parking; Laying out open space; Landscaping; Ground works; Drainage works; Provision and/or upgrade of services and related media and apparatus; Miscellaneous ancillary development (including security office bin stores and cycle stores) and associated engineering and other operations. – Approved 2nd August 2007

RM/2014/0366 - Reserved Matters details comprising access appearance landscaping layout and scale for development to provide a building of 8 599 sqm GEA comprising up to 2 954 sqm for use class B1(a) offices with the remainder of the floorspace to be used for Class B1(c) light industrial floorspace and ancillary storage and distribution and car parking spaces pursuant to Outline Planning Permission O/2006/9071 – Approved 27th June 2014

C/2014/1740 - Application for submission of details to comply with the following conditions of planning consent RM/2014/0366 and O/2006/9071: 3. Construction Method Statement (RM) 20. Construction Method Statement (O) – Replied 10th March 2015

C/2014/1741 - Application for submission of details to comply with the following conditions of planning consent RM/2014/0366 and O/2006/9071: 4. Arboricultural Works Scheme (RM) 17. Tree Protection Measures (O) – Replied 10th March 2015

C/2014/1793 - Application for submission of details to comply with the following conditions of planning consent

RM/2014/0366 and O/2006/9071: 5. Surface Water Drainage Scheme (RM) 11. Surface Water Balancing Works (O) 12. Drainage details and assessment of hydrogeological context (O) – Replied 13th March 2015

NMT/2015/0349 - Application for a non-material amendment to planning consent RM/2014/0366 to allow an extension to the existing mezzanine – Replied 2nd April 2015

NMT/2015/0384 - Application for a non-material amendment to planning consent RM/2014/0366 to allow gatehouse to be relocated and enlarged; visitors' car parking to be relocated and car parking layout amended; second bin store added; bin store relocated; break out space extended; electric charging point added; gas metre relocated; disabled visitors' space relocated; amendments to location and number of windows; footpath added to front of building; and bases for sprinkler tank and pumps relocated to suit Thames Water service zone – Replied 17th April 2015

C/2014/2126 - Application for submission of details to comply with the following condition of planning consent O/2006/9071:35 Details of the existing and proposed finished floor levels. – Replied 17th April 2015

C/2015/0474 - Application for submission of details to comply with condition 23 of planning consent O/2006/9071.23. External Lighting. – Replied 1st May 2015

SUMMARY INFORMATION

For Commercial

Site Area	1.42 hectares
Previous land use(s) and floorspace(s)	Not applicable to current application but prior to the building being constructed, under the reserved matters application, the site was home to the Parcel Force building which was demolished prior to submission of the reserved matters applications (RM)
Proposed floorspace of each use(s)	8,599 sq m GEA comprising up to 2,954 sq m of class B1(a) offices with the remainder used for class B1(c) light industrial floorspace and ancillary storage and distribution (as approved under RM application)
Change in floorspace (+/-)	None
Number of jobs created/lost	Not applicable to current application
Existing parking spaces	Not applicable see below
Proposed parking spaces	Not applicable to current application but c. 234 approved under RM application

CONSULTATION RESPONSES

Winnersh Parish Council – no objection on the 26th Nov, changed to objection on the 12th Dec – application should not be approved unless adequate mitigation of night-time noise & light is undertaken

Members – Concern raised relating to residents' cynicism regarding the application. Residents are concerned regarding the potential for disturbance and believe the future occupier requires 24 hour deliveries to allow frequent vehicle movements through the night rather than general flexibility.

Environmental Health – no objection subject to agreement of Delivery Management Plan

REPRESENTATIONS

Petition signed by 71 individuals indicating agreement with views of Robert Moxon/Daniels & Associates – Building Surveyors & Structural Engineering Consultants (nb some have also provided individual letters which have been accounted for above)

18 letters of objection points raised (in summary):

- Future tenants could have significantly greater night-time movements
- There is enough noise & traffic all day with the railway, A329, M4 & aircraft.
- We need quiet times during the night in this area so at least we have a bit of peace to sleep
- Since the building has been erected there is no possibility to move noise sources
- If this site is unsuitable for Rockwell Collins without 24 hour access, they have chosen the wrong site
- Suggests discrepancies with distances stated in earlier application
- The removal of Condition 12 would result in a more desirable commercial package commanding a higher return - but at the expense of local residents and so contrary to the original concept agreed by WBC.
- If a substantial earth railway embankment cannot shield residents from certain aspects of the noise then no other suggested barrier would do so. Even associated human voices can be clearly distinguished at times, including individual conversations and profanities.
- Removal of Condition 12 will result in 24 hour every day vehicle operations will generate intrusive noise to the many nearby residents and result in a considerable reduction in amenity.
- If ASDA in Lower Earley, which relies heavily on road deliveries, can operate without night movements then surely the subject development can do so with much less difficulty
- The claim that the proposed occupant requires 24 access for vital operational purposes lacks credibility
- It is unlikely that the local impact of such a highly-specialised (aerospace) plant would be especially favourable
- The comment that the former Parcelforce depot created few problems is disingenuous, given that - if memory serves - it was principally orientated away from the railway line and nearby residential properties.

- The building was approved with a number of conditions to protect residents, if any conditions of the original approval are amended the entire approval should be called into question
- Building should have been designed differently if 24 hour working/deliveries are required
- Concern underhand tactics are at play
- “It is preposterous to think 24/7 activity is justifiable”; “ludicrous”; “totally unacceptable”
- “Rockwell Collins are trying it on, they are acting as if they could not care less about the implications on the rest of the community”.
- High level of noise associated with a large scale facility of this nature would have a significant impact on our prospects of enjoying peaceful evening and good night’s sleep
- Proposal would have a major adverse effect on the quality of life of residents adjoining the development.
- Current building work, vehicle movements and construction worker conversations can all clearly be heard above railway embankment – expects this will be worse if application is approved
- If condition is removed the loading bay operations, vehicle movements (reversing alarms) and staff operation noise levels will be wholly unacceptable during the night-time, cause major inconvenience and impact on the wellbeing of my household and neighbours
- It is completely unacceptable to allow 24/7 development of this site
- Amendment would bring misery to residents
- Noise and vibration from development have been hard enough to cope with
- Acoustic barrier will not in any way reduce noise and vibration
- Objects on grounds of noise pollution – sound travels and is more audible during the night
- There will be forklift trucks with audible reversing beepers/voice notifications
- Concern regarding “human conversation and shouting”; noise associated with loading/unloading
- Refers to light pollution – not relevant to this application and car vehicle noise
- We currently get some peace from train and road noise as these reduce during the night.
- The amplification of noise at night would make these movement untenable and would disturb sleep for a number of residents
- We have endured the noise of reversing construction vehicles believing this was temporary and would cease once building work has completed. Now would experience noise during the night and at weekends.
- WBC did not support 24/7 movement in the original application, I therefore do not understand why they would consider it now.
- If 24 hour movement was so important should have been highlighted in the original application
- Removal of condition would result in intolerable noise disturbance
- Vehicle noises, especially the noise generated by vehicles reversing. Can already be heard clearly
- Railway embankment insufficient to prevent noise nuisance
- Loading bay is not more than 50 m from nearest houses
- Other plots on the park, not next to homes, might have been more suitable for RC.
- RC had plenty of opportunity during reserved matters application to make clear

- 24 hr operation is required.
- 24 hr movement of goods is unacceptable
- Figures in planning application relating to noise and distances misleading
- Building is imposing and unsightly
- A further noise assessment should be undertaken to address the deficiencies in the earlier report – impact of noise and vibration grossly underestimated
- Concern regarding outdoor lighting (NOT RELEVANT TO THIS APPLICATION)
- Acoustic barrier would need to be extended significantly further than currently shown and should be of acoustic performance standard to effectively mitigate the adverse effects of noise
- Removing condition 12 will have a major adverse effect on the quality of life of neighbouring residents.
- Notes need for delivery management plan
- Condition 12 already allows the movement of goods well beyond normal working hours.
- Notes failure of RC to engage with the community
- Applications for out of hours deliveries should be dealt with on a case by case basis cites a Reading Borough Council Case where a Tesco application was refused
- Acoustic barrier needs to extend further than already indicated
- Condition 12 was imposed due to residents' concern. The condition should not be removed simple because the occupier now consider it may impede their operation

APPLICANTS POINTS

- Condition 12, as it stands, will severely inhibit Rockwell Collins' operations. Constant access to the site is required to meet client demands and contractual service agreements.
- The wider business park operates with no restrictions on hours of working or deliveries.
- Plot 700 was previously occupied by the Parcel Force depot which operated 24 hours a day, 7 days a week over a 15 year period.
- A copy of the Department for Transport "Quiet Deliveries Good Practise Guidance 2014" will be provided to the future occupiers of the building.
- The surfaces of the site have been designed to be flat to keep noise to a minimum.
- The high level of background noise which arises from the nearby motorways will lessen the impact of noise caused by vehicle movements on site.
- The submitted noise assessment assessed day time and night time deliveries and collections and concluded that with the acoustic barrier provided by the close boarded fence, the noise levels meet the Local Authority Criteria.

PLANNING POLICY

NPPF	Chapter 1 "Building Strong & Competitive Economies"
Core Strategy	CP1 Sustainable Development CP3 General Principles for Development CP15 Employment Development

MDD Local Plan	CC01 Presumption in Favour of Sustainable Development CC06 Noise TB11 Core Employment Areas TB20 Service Arrangements & Deliveries for Employment & Retail Uses

PLANNING ISSUES

1.0 Background

1.1 This planning application proposes the removal of condition 12 of planning application reference RM/2014/0366. The reserved matters (RM) application sought to approve details of the access, appearance, layout and scale of the building proposed to be situated on Plot 700, Wharfedale Road on Winnersh Triangle Business Park. This application in effect approved a three storey building of 8,599 sq m (GEA) comprising up to 2,954 sq m of Class B1(a) office floorspace with the remainder of floorspace being used for Class B1(c) light industrial purposes and ancillary storage and distribution. Condition 12 of the RM application prevents the movement of goods between the hours of 8pm and 7am on any day. This condition was imposed to reflect the fact the site lies adjacent to Winnersh Meadows beyond which lies a residential area. The nearest residential property being c.40 metres from the site boundary or 48 metres from the part of the site used by delivery vehicles.

1.2 At the time when the RM application was being considered the Environmental Health (EH) Officer had limited opportunity to consider the contents of the acoustic report that was submitted in support of the planning application. They subsequently recommended a cautionary approach and that “*restrictions are applied to prohibit night time deliveries, if that is possible or failing that, that reversing alarms are disabled between 2000 and 0700*”. Therefore, Condition 12 was placed on the decision notice. At the time the Council had not been advised that the potential occupier of plot 700 required 24 hour access and so there was no discussion with the applicant around this matter. Once it was made clear that 24 hour access could be required, the current application was submitted to remove the restrictive condition and to allow the Council to specifically assess the impact of this .

2.0 Policy Test

2.1 The key policy in determining this application is MDD Local Plan Policy TB20 which relates to service arrangements and deliveries for employment and retail uses. To take the relevant section of this policy, it states that planning permission will only be granted for commercial developments throughout the borough that demonstrate there is no harmful impact on the amenity of adjoining land uses in terms of noise, fumes and disturbance.

2.2 In summary this planning application should only be approved if the applicant has successfully demonstrated that the 24 hour use of the site for deliveries will not lead to noise and disturbance to neighbouring land users. The assessment of the proposal against this criterion follows accordingly.

3.0 Assessment

3.1 The current application has been supported by an acoustic report which has been examined by the EH Officer. The EH Officer is satisfied with the assessment and recommendations contained within the report.

3.2 The Local Authority requires that the assessment of on-site vehicle noise is carried out using the guidance given in BS8223 and the 'Good' standard for resting conditions is achieved. The good standard for living rooms and bedrooms is 30dB LAeq,T. For the undertaking of the noise assessment this figure was used as the target internal noise level for night time assuming 13 dB(A) attenuation offered by an open window in a brick façade. Also any individual noise events not to exceed 45dB L_{Amax}.

3.3 The site will have two delivery bays with limited movement and turning area for HGVs. Although it is unclear how many deliveries/HGV movements will occur during the day and at night time, the 'worst case scenario' used by Environoise in its report, of no more than one HGV movement in any five minute period, is considered to be acceptable.

3.4 Considering the background levels recorded and predicted noise levels of HGVs arriving and departing and Fork Lift Truck movement/activities, the acoustic report found that provided a close boarded timber fence is installed, as shown on figure 5 of the report, the operation of plant and vehicles on the site should not cause noise levels inside residential properties to exceed the BS8233 'Good' standard for resting conditions in living rooms and bedrooms. Maximum noise levels produced by HGVs using the site will subsequently not exceed the guideline values given in the BS8233/World Health Organisation Guidelines on Community Noise. The amenity of neighbouring residential occupiers will therefore be protected.

3.5 The close boarded fence has already been secured by condition 7 of the RM consent as recommended by the EH Officer at the time. During the consideration of the current application concern has been raised regarding night time reversing alarms on both delivery vehicles attending the site and fork lift trucks working on the site. The following measures have subsequently been agreed:

- 1) All Rockwell Collins fleet HGVs and FLT's will be fitted with white noise reverse alarms, or have their reversing alarms turned off during night time hours (11pm – 7am).**
- 2) Other agencies will be instructed that when delivering during night time hours (11pm – 7am) reversing alarms must be turned off or white noise alarms used.**
- 3) All HGV drivers entering the site will be instructed to turn their engines off when possible when using the service yard.**

3.6 The above will be reinforced to all vehicle drivers entering the site by the onsite gatekeeper, who will also advise of the need to minimise any disruption to nearby residents.

3.7 The above is part of a package of measures that have been secured through a

Delivery Management Plan (covered by condition). This provides details of how the site operator will seek to minimise disturbance to the neighbouring community. The Delivery Management Plan will be secured by the following condition which will replace Condition 12 of the RM consent:

All deliveries either departing or received at the approved building and activities relating to these deliveries will comply with the measures set out in the Delivery Management Plan dated XX June 2015

3.8 It is acknowledged that the local community has raised concern regarding this application. The Delivery Management Plan has been secured to ensure that their amenities are protected and to provide a point of contact in the event that they do experience disturbance.

3.9 Operating outside the remit of the Delivery Management Plan would require a future variation and residents remain to be protected by the Environmental Health Act in the event that a complaint is received.

4.0 CONCLUSION

4.1 The acoustic report submitted in support of this application has demonstrated that the proposed 24 hour operation of the site for deliveries will not be harmful to the amenities of neighbouring residential occupiers. The Environmental Health Officer is satisfied with the assessment and conclusions set out in the acoustic report.

4.2 A Delivery Management Plan has also been secured that contains a package of measures to further ensure that the occupiers of neighbouring residential properties are not disturbed by activities on the site.

4.3 It is therefore recommended that this application is approved and a substitute condition is applied to the RM consent to ensure that the Delivery Management Plan is adhered to. With the use of the recommended substitute condition the proposal is considered to adhere to Core Strategy Policies CP1 & CP3 and MDD Local Plan Policies CC01, CC06 & TB20

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