

Planning and Development Board - 2 September 2024

Supplementary Report

PAP/2023/0188 – Land at Rush Lane, Dosthill

1. Introduction

- 1.1 This application is included on the Board Agenda for this meeting. It indicated that the applicant was to forward a further note in respect of HGV movements.
- 1.2 This has now been received in the form of the following table. This is a summary of estimated HGV movements using the junction onto the A51, during peak hours (0730 to 0830 and 1630 to 1730).

	AM Peak Hour			PM Peak Hour		
	Arrival	Departure	Total	Arrival	Departure	Total
B2	5	1	6	2	1	3
B8	2	2	4	2	0	2
Total	7	3	10	4	1	5

- 1.3 Rather than table this at the meeting, the Chairman has agreed to the preparation of this supplementary report.
- 1.4 Additionally, the Main Report contained a letter from the applicant indicating that semi-mature tree planting would be provided along the site's northern boundary, but that no further amendments were to be made. Matters have however moved on, and this Supplementary Report now identifies the applicant's agreement to further conditions, rather than to physical amendments.
- 1.5 The Board will be aware too that it received a detailed note from a resident – one of the speakers – and a copy of that has been appended to the Main Report. He has updated that note and this is now attached at **Appendix A**. The report below responds to the matters raised.

2. Observations

- 2.1 The table above does not differentiate between north and south movements after accessing the A51. It was assessed by both of the Highway Authorities involved here and no objections were received from either. It is believed that the figure quoted by a Member at the last meeting (32 HGV movements per hour) was in fact referring to HGV movements from the quarry in Rush Lane, rather than from the application site. Given the extant planning permission here and the position of the two Highway Authorities, it is not considered that an objection on highway grounds should be pursued.

- 2.2 Since the publication of the main report there have been a further 350 objections received. The great majority of these refer to the potential increase in HGV movements through Kingsbury. Others refer to matters previously identified and recorded in previous reports – HGV movements through Dosthill, noise and visual impacts.
- 2.3 It is not proposed to repeat observations made in the main report, or more fully covered in the August Board report. However, points of clarification will be made, particularly in response to Appendix A and the applicant's agreement to two further planning conditions will be explained.
- 2.4 Firstly, on the matter of the extant permission. There are two matters here. First, the original planning permission for the industrial redevelopment of the appeal site dates from 1997 and there have been renewals of that right up to the latest one in 2010. The original permission included a roundabout junction onto the A51. That requirement was varied shortly afterwards to substitute a T-junction arrangement. That was implemented later in the 1990's and is what is present on the site today. Hence the 1997 permission, as varied, was implemented. Subsequent permissions for renewal and details of the redevelopment scheme have included this junction. This explains why the permission is still extant - it relates back to the implementation of the 1997 permission and not the 2010 one. The 2010 permission being one option for its full implementation.
- 2.5 Secondly, on the same issue, the critical matter is that there is an extant permission for industrial development here. As indicated above, the 2010 scheme is one version of how that might be implemented. The current proposal offers an alternative approach and that needs to be determined on its own merits against the up-to-date Development Plan, the NPPF and the extant planning permission.
- 2.6 In respect of that 2010 permission, it is correct to say that there were conditions attached relating to noise concerns during night-time hours in respect of HGV movements. They do not prevent 24/7 working, as was permitted in the 1997 planning permission. The current application retains 24/7 working in line with that 1997 position. Some residents have called for the replication of these conditions on any approval here.
- 2.7 The Board will already have had regard to the impact of 24/7 working on its own merits, based on the approach to the layout of the site as is now being proposed. This was explained fully in paras 6.18 to 6.19 of the August report. It is also significant that the 2010 consent includes a service/loading yard facing Ascot Drive. This was the reason for the conditions as referred to above. This is not the layout as is now being proposed, or that which is being conditioned if approved. It is of substantial weight that the Environmental Health Officer has not objected and that as a consequence the proposal would "avoid and address

unacceptable” impacts as set out in Local Plan policy LP29. This all relates to 24/7 working. However as indicated above, the 2010 permission did include two conditions restricting HGV night-time movements. Notwithstanding all of the above, the applicant has now agreed that those two conditions can be replicated on the grant of any planning permission here.

2.8 These two conditions are:

i) “No more than 8 HGV movements arising from HGV’s visiting the site shall occur in each hourly period between 2300 and 0700 hours.”

Reason: In the interests of avoiding disturbance due to noise.

ii) “No audible vehicular reversing or warning alarms fitted to any vehicle shall be operated between 2200 hours and 0700 hours. The use of alternative non-audible warning systems is recommended in this development”.

Reason: In the interests of avoiding disturbance due to noise.

2.9 As a consequence, these two conditions will be recommended on the grant of any planning permission.

2.10 In respect of visual matters, then the current proposal does bring taller buildings closer to the residential properties in Ascot Drive compared to the 2010 option. However, the heights have been significantly reduced and confirmation on the location and nature of the landscaping and tree planting has been received from the applicant. Moreover, the move forward of taller buildings, enables the outside service/loading yards to be relocated away from the Ascot Drive properties. The current proposals therefore are considered to offer betterment, and to offer a more proportionate balance between noise and visual impacts.

Recommendation

As set out in the main report but with the inclusion of the two conditions set out in para 2.7 above.

The concerns and views expressed in this document apply specifically to the residents of 67, 65, 63, 73,71, 69, 60 & 58 Ascot Drive.

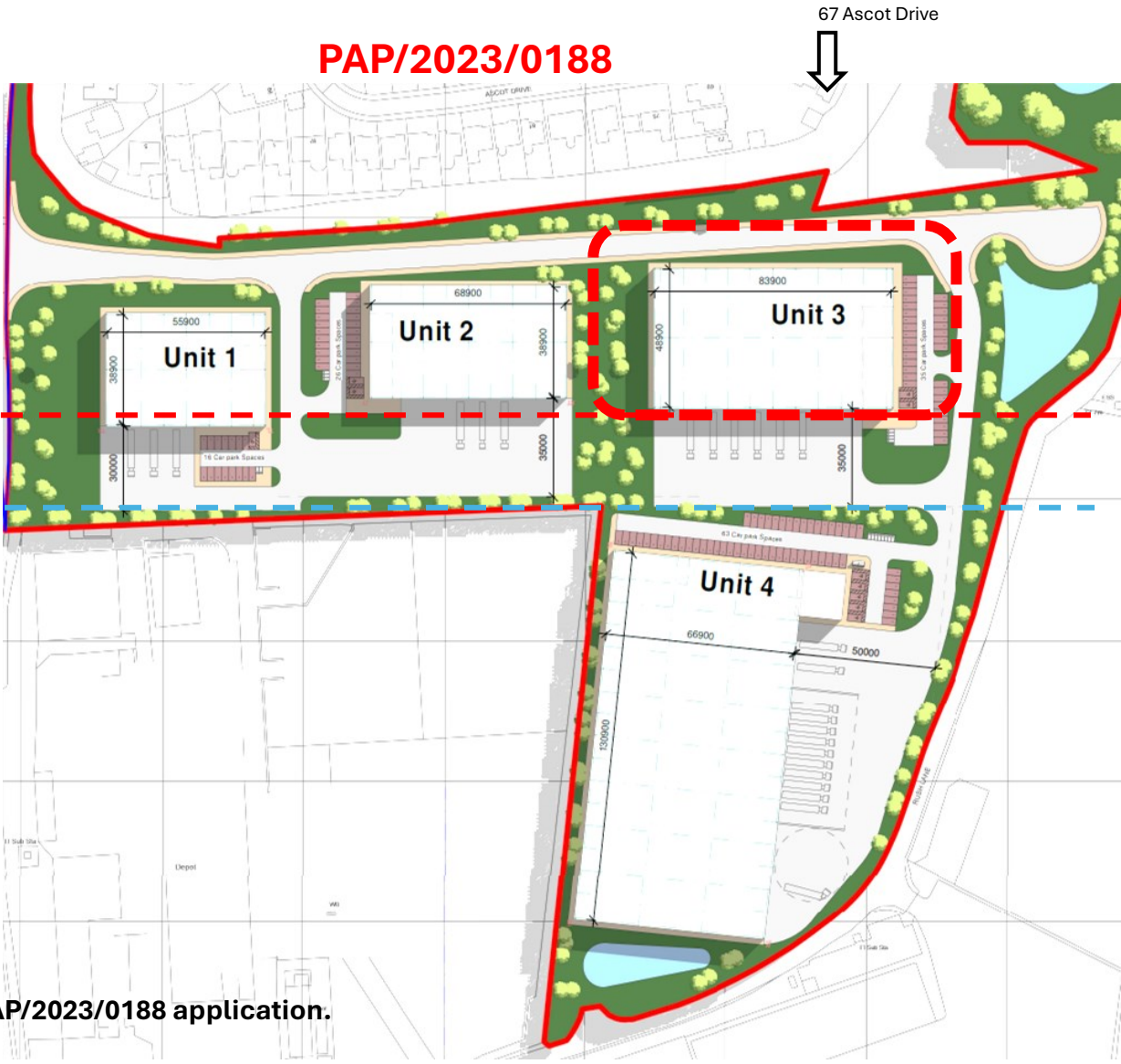
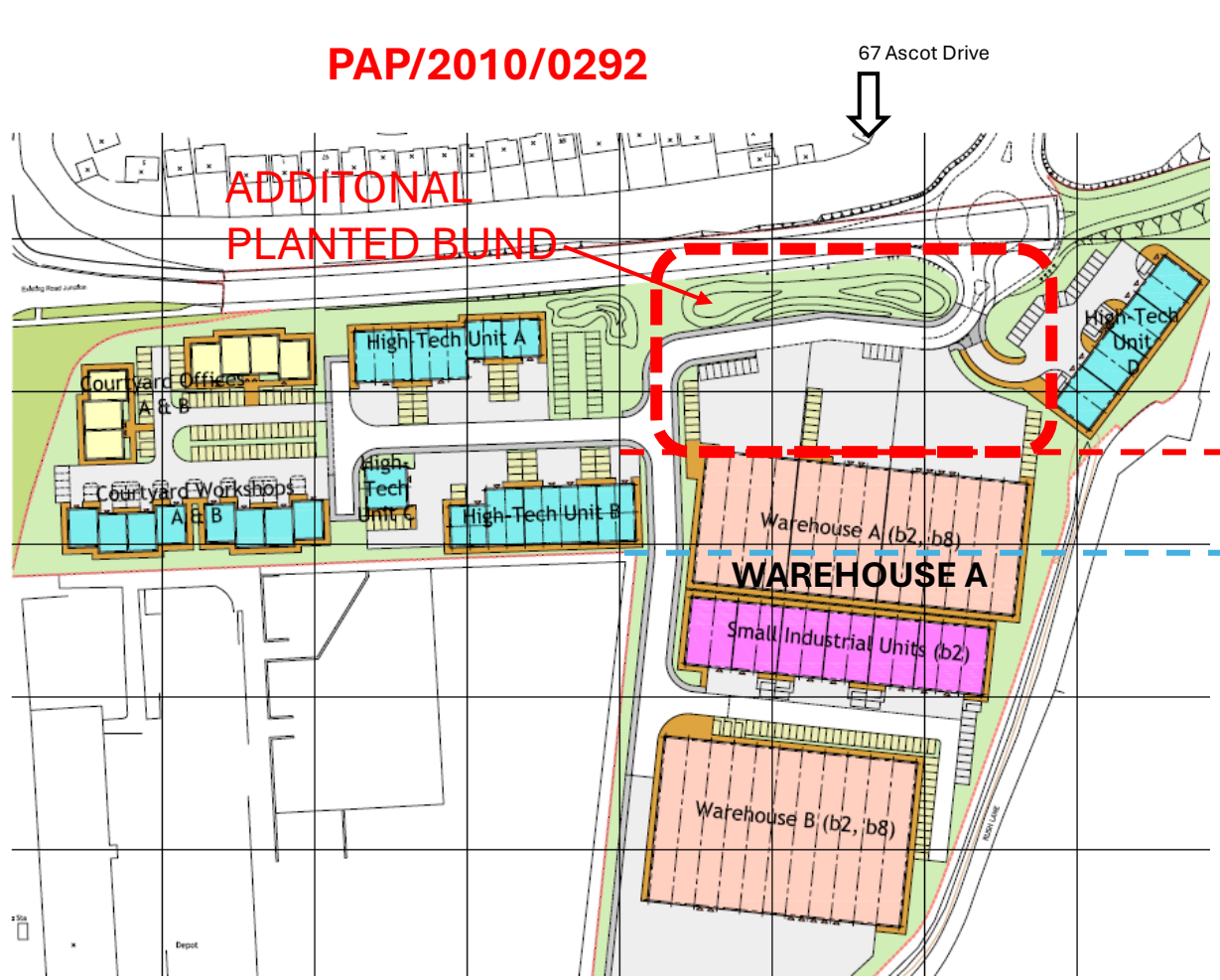


IS THE PREVIOUS APPROVED INDUSTRIAL DEVELOPMENT PAP/2010/0292 ACTUALLY 'EXTANT'?

History of planning applications at the site:

	Reference	Description	Decision	Time Restriction
1997	PKINDO/1358/94/OAP	Outline Application for Industrial Development	GRANTED 3/6/1997	5 years
2006	PAP/2005/5183	Vary Condition no: 2 of PKINDO/1358/94/OAP (as amended) to extend the time period for the submission of reserved matters by a further two years from date of approval of this application.	GRANTED 15/02/2006	2 years
2008	PAP/2008/0088	external appearance and landscaping pursuant to condition 1 of outline permission ref: PKINDO/1358/94/OAP for industrial/warehousing development.	GRANTED 25/06/2008	2 years
ACCESS ROAD IMPLEMENTED BEFORE 2010				
2010	PAP/2010/0292	Application for extension of time to implement the planning permission comprising outline permission ref PKINDO/1358/OAP for Industrial development and the reserved matters approved ref PAP/2008/0088	GRANTED 9/9/2010	5 years
2015			9/9/2015	TIME LIMIT EXPIRED
2017	PAP/2017/0340	DOMESTIC DWELLING APPLICATION Outline Application for up to 185 dwellings, public open space; landscaping; sustainable urban drainage; and associated infrastructure - all matters reserved except access	REFUSED 02/11/2021	-
2023	PAP/2023/0188	Outline planning application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 22,000sqm (GEA) for flexible Use Class E(g)(ii), Eg(iii), B2 and/or B8 with associated car parking and works	-	-

Previous 'Extant' Application vs Latest Application



These scaled layouts show the previous application PAP/2010/0292 and the latest PAP/2023/0188 application.

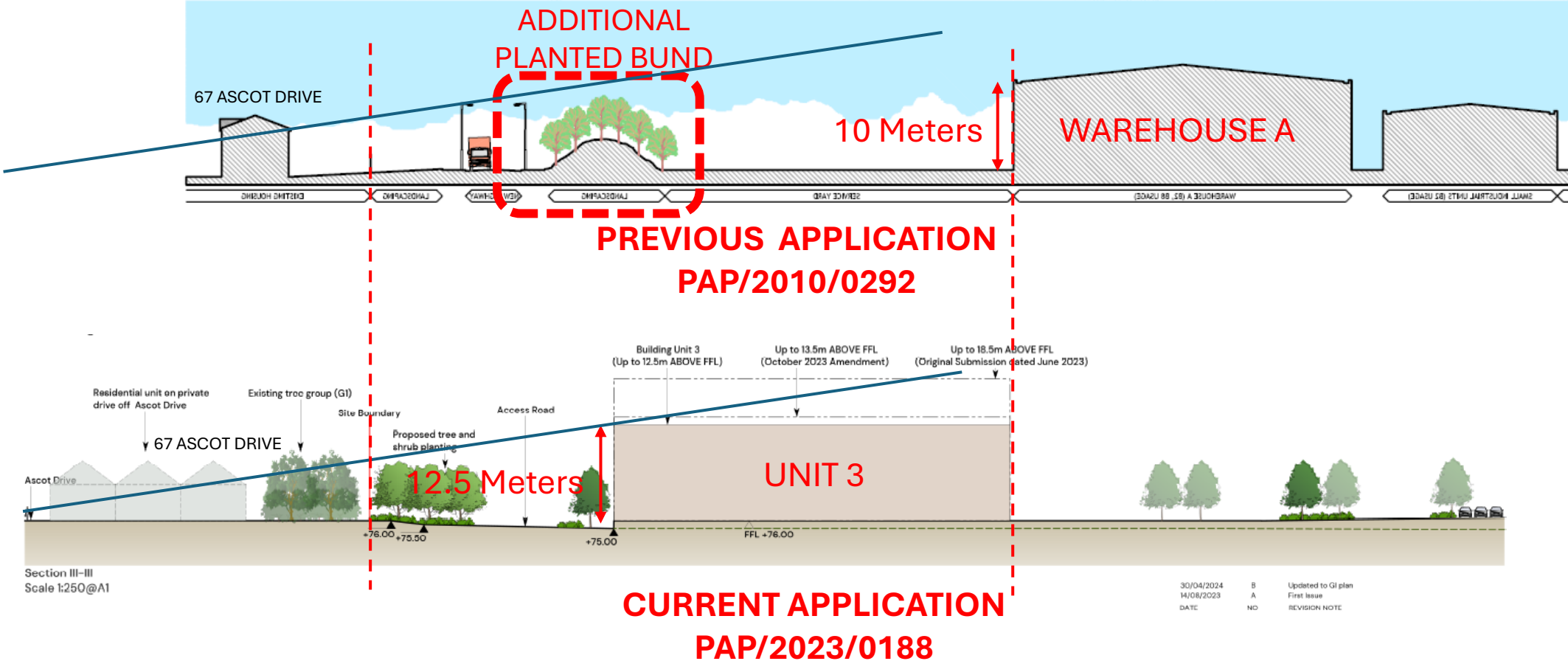
UNIT 3 in the current application is proposed in place of the additional planted bund and the entire building is proposed in front of the previous WAREHOUSE A. An additional Planted Bund was in the approved previous layout

Previous 'Extant' Application (PAP/2010/0292) vs Latest Application (PAP/2023/0188)

These annotated cross-sections show the previous approved plans and granted application (PAP/2010/0292). The cross-sections are taken at the aforementioned Ascot Drive residents. These are roughly scaled with the red dashed lines as reference for alignment, blue line is the approximate line of sight from the Ascot Drive road as previously assessed to illustrate the difference in the application layouts.

WAREHOUSE A is significantly further away from the residents of Ascot Drive and an additional planted bund was in the approved layout. This would take the noise further away from the residents as well as reducing the visual impact that would be visible on approach to the current residential properties through the gap in the existing tree boundary. UNIT 3 in the current application is proposed in place of the additional planted bund and the entire building will be closer to the Ascot Drive residents than the previous WAREHOUSE A.

NB: The external walls of the were approved at 10m height with apex roof line in the axis of the line of site. This again would have a significantly reduced the visual impact on the approach to the Ascot Drive properties aforementioned.



Latest Application – RESIDENTS PROPOSAL

Proposed reduction to ZONE B, in line with the actual building zone granted in the previous PAP/2010/0292

PAP/2023/0188

Amalgamate with ZONE C however apply height restrictions also in line with the previous PAP/2010/0292?



PAP/2023/0188 Proposed Noise related conditions:

9. The specific sound from any individual unit arising from internal or external uses, including operational sources of an industrial/commercial nature within the development, the operation of fixed plant, machinery, plant and mobile plant including deliveries, heating, air handling and/or ventilation equipment shall not exceed the levels outlined below:

- i) 40dBLAeq,1hr at any residential property on Ascot Drive, Haydock Lane or Epsom Close. The specific sound level shall be measured or predicted at a height of 1.5 metres above ground level at 1 metre from the facade containing a habitable room with an opening window, between 0700 and 2300 on any day. The measurements and/predictions should demonstrate the noise limits for daytime are within gardens of the nearest affected noise sensitive receptors at 1.5m above the adjacent ground level as a free field" level as defined by BS 7445:2003 "Description and measurement of environmental noise (parts 1 to 3)" for an area of not less than 75% of any dwelling's garden.
- ii) 35dBLAeq15min at any residential property on Ascot Drive, Haydock Lane or Epsom Close. The specific sound level shall be measured or predicted at a height of 4.5 metres above ground level at 1 metre from the facade containing a habitable room with an opening window of any residential dwelling between 2300 and 0700 on any day.
- iii) Where the residential dwelling is a bungalow, all measurement heights for day and night time are 1.5 metres above ground level.

10. Within six months of the occupation of any of the new industrial/commercial units within the development hereby permitted, noise compliance monitoring shall be undertaken by a suitably qualified professional and the results of the noise measurements and/or predictions shall be submitted to the Local Planning Authority in writing. The submission should provide evidence that the specific sound level from the industrial/ commercial internal and external sources within that unit arising from its operation of the new development meets the levels as described in condition 9.

If the specific sound level from these sources exceeds the limits set out in condition 9, additional mitigation measures are to be recommended and included in that submission. Any such measures that are approved in writing by the Local Planning Authority, shall then be installed or introduced to the written satisfaction of the Local Planning Authority. These measures shall be permanently retained and maintained in proper working order for the duration of the operational life of the development.

Who will ensure this actually happens?

How will this be monitored after the 6 month period?

What is the penalty for not adhering to noise restrictions?

Permanent sited noise monitoring stations?

RESIDENTS PROPOSAL:

Taken from PAP/2010/0292 Decision Notice:

19. No more than 8 HGV movements arising from HGV's visiting the site shall occur in each hourly period between 2300 hours and 0700 hours.

REASON In the interests of avoiding disturbance due to noise.

20. No audible vehicle reversing or warning alarms fitted to any vehicle shall be operated between 2200 hours and 0700 hours. The use of alternative non-audible warning systems is recommended in this development.

REASON In the interests of avoiding disturbance due to noise.

These conditions are not included in the PAP/2023/0188 proposed conditions.

However, these conditions relate to the impact during the overnight times of day, that are of most concern to the residents of Ascot Drive. These conditions should be included in the proposed conditions as they were included in the previous 'granted' application.