

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2<sup>nd</sup> April 2008

**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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### **S/2287/07/F – FOWLMERE**

**Variation of Conditions 6 and 7 of Planning Permission S/0268/99/F to Allow Extension of Working Times, Welding Alloys Ltd, The Way, for Welding Alloys Ltd**

**Recommendation: Approval**

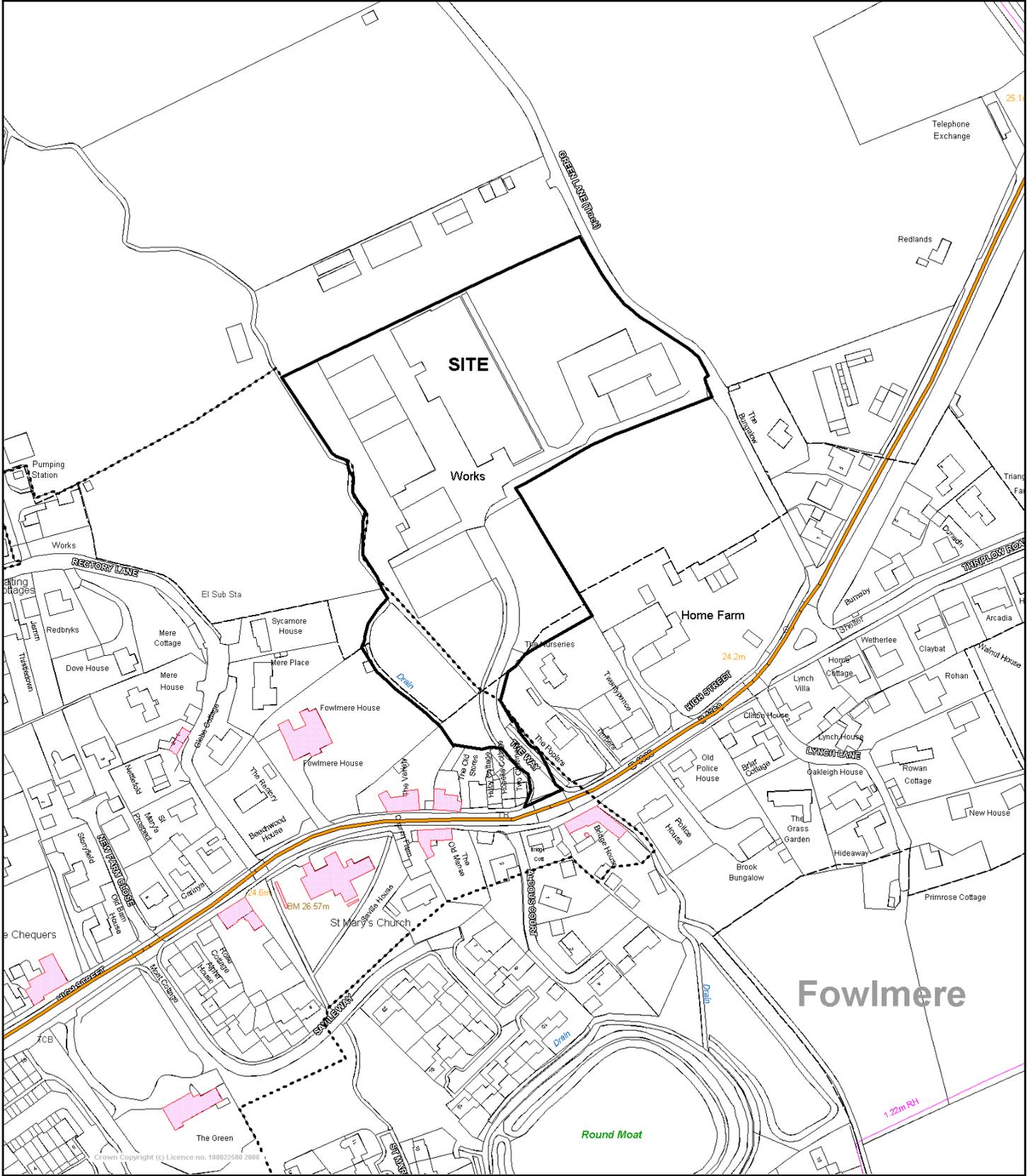
**Date for Determination: 7<sup>th</sup> March 2008 (Major Application)**

#### **Notes:**

**This Application has been reported to the Planning Committee for determination as the officer recommendation of approval is contrary to the objections received from Fowlmere Parish Council and local residents.**

#### **Site and Proposal**

1. Welding Alloys is located to the north of High Street, served by a winding access road, The Way, between residential properties in High Street. The site comprises a number of commercial buildings and is bounded by residential properties in Rectory Lane to the west.
2. The access to the site is in the Conservation Area.
3. This application, received 22<sup>nd</sup> November 2007, seeks to vary Conditions 6 and 7 of planning consent S/0268/99/F. This application relates to a building at the rear of the site on its eastern side.
4. Condition 6 relates to noise levels and currently does not set a limit for Sunday working and Condition 7 reads:
5. “No power operated machinery shall be operated on the premises before 07.00 hours on weekdays and 07.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions. (Reason – To minimise disturbance to adjoining residents).
6. The application seeks to vary condition 6 to allow a noise limit for Sunday working and to revise the wording of Condition 7 to allow the use of power operated machinery between 19.00 hours and 07.00 hours Monday to Friday and after 13.00 hours Saturdays to 07.00 hours Monday, inclusive of Sundays/Bank Holidays.
7. The application indicates that there will be no increase in overall staffing levels.



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Scale 1/2500 Date 19/3/2008

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## Planning History

8. There have been a number of planning applications for development of this site. This particular building relates to a 1995 consent (**Ref: S/0752/95/F**) which contains a condition restricting the hours of delivery to the site by HGV's.
9. This building was extended in 1999 by virtue of planning consent **S/0268/99/F**.

## Planning Policy

*South Cambridgeshire Local Development Framework 2007*

10. **Policy DP/3** states that planning permission will not be granted where the proposed development would have an unacceptable adverse impact on, amongst other criteria, residential amenity, from traffic generated, or from undue environmental disturbance such as noise, lighting, vibration, odour, noxious emissions or dust.
11. **Policy ET/5** permits the expansion of existing firms within a village framework, or on previously developed sites next to or very close to village frameworks although this will not be permitted, amongst other criteria, where it consolidates a non-conforming use, or causes problems with traffic, noise, pollution or other damage to the environment.
12. **Policy NE/15** states that the District Council will seek to ensure that noise from proposed industrial use does not cause any significant increase in the background noise level of nearby existing noise sensitive property, which includes dwellings.

## Consultation

13. **Fowlmere Parish Council** recommends that the application is refused. "The meeting unanimously agreed that the application is unacceptable. 21 people attended the Parish Council Planning Committee meeting on 18<sup>th</sup> December 2007 and the overwhelming opinion was that this application has gone too far: the following objections were cited.
  - a) Noise, traffic, light, waste operations for chemicals, extra changes to shift working patterns producing more movement in and out of the site of personnel and lorries.
  - b) As the factory is in the centre of a residential area, previous planning stipulations were included on the grounds of sensibility to ensure people achieved peace at a time when they are entitled to peace and also to ensure good quality of life.
  - c) Refusal is strongly recommended but should SCDC Planning Officers reach a different view, the Parish Council asks that this application is not settled by delegated powers but that the matter goes to Committee.
  - d) The Parish Council feels that if Welding Alloys is operating such a successful business the owners should seriously consider finding more suitable premises elsewhere."
14. The **Corporate Manager (Health and Environmental Services)** was initially mindful that there have not been any recent complaints relating to noise or odour from activities at these premises. However there is concern, given the close proximity of

residential dwellings, that if permission is granted for the variation of working times there is then potential for complaints.

15. It should be considered that at present, although permitted until 21.00 Monday – Friday, the premises operates during typical working hours. An increase in working hours has the potential for complaints as residents are more likely to be at home and the extended hours will be when the typical background noise levels will be at their lowest.
16. The access road to the premises passes between residential properties and there is also concern that vehicle movements late at night may cause a disturbance to residents in dwellings adjacent to this location.
17. Given the nature of the business it is believed that it is reasonable to expect that on occasions noise may be audible from the site. However variation of these conditions has the potential to adversely affect the use and enjoyment of nearby residential properties. 'Nuisance' is unacceptable interference with the personal comfort or amenity of neighbours or the nearby community.
18. Originally a recommendation of refusal was given.
19. Since that time, and following the site visit referred to in Planning Comments below, the Corporate Manager (Health and Environmental Services) has issued revised comments.

“Further to our visit of 27th February 2008 to the above, it is my subjective opinion that an extension to operating hours is unlikely to adversely affect the use and enjoyment of nearby residential properties.

All pieces of relevant machinery were operating during our visit, and if doors and windows remain closed to the premises while in use during the times requested for extension and also no movements occur from fork lift trucks/delivery vehicles, I see no reason why an extension to operating hours could not be workable.

The earth bund along the side of the premises certainly mitigates any noise from adversely affecting the isolated property (Sparrows Lodge) and no obvious noise source was problematic at the boundary fence in the car park during the visit, which was made during calm conditions with minimal vehicle noise on surrounding rounds.

Therefore, to benefit environmental services, should further comments be required, it may be prudent for the applicant to submit exact details of what machinery is to be used during the proposed extension to operating hours”.

### **Representations**

Several letters have been received objecting to the proposal.

20. The occupier of Sparrows Lodge, Green Lane to the north of the site comments that the original application correctly limited the levels and hours of operation to protect residents from noise disturbance. Sparrows Lodge is located in a direct line of site to the extract fans. The noise emitted by these fans at their lowest level is a low hum that once heard is difficult to ignore. At night time, when sounds travel much further, and in summer, when windows are open, the noise level has a significant impact on the occupants sleep and quality of life.

21. Two years ago the Environmental Health Officer was asked to look at noise levels and the situation improved and although there were occasional breaches it was at a level that was accepted. Over the past three months noise levels and duration have both started to increase and Welding Alloys were about to be contacted when notice of the planning application arrived. For a week prior to this letter the Company has been operating machinery from 5.30 to 9.30 each weekday and from 12.00 until 16.00 on Sunday.
22. From Sparrows Lodge it is also possible to hear the large delivery lorries that arrive, frequently outside of permitted hours, in the early hours of the morning or late on Sunday nights.
23. The current application would remove any control over a Company which has demonstrated little ability to operate within existing permissions.
24. Welding Alloys is applauded for the development of the business. However it is in a residential area and in a conservation area and should relocate to a local industrial area if they need to operate these hours to continue its growth.
25. The occupier of Timbers, High Street states that this type of industry, using power machinery for 24 hours 7 days a week, using shift work and increasing numbers on site to 110 should be on an industrial estate.
26. The occupier of Mere Place, Rectory Lane objects as the additional hours and workers means that local residences will have no respite from machine noises day or night, including Sundays which is unfair given Mere Place is in a conservation area. Day and night working will mean extra heavy duty lorries negotiating the narrow main street causing a danger to other users and residents. It is understood that toxic and dangerous chemicals are used in the production and are stored on the premises. In the recent past an accident occurred causing pollution and putting local residents at a health risk. Extra production will increase this likelihood.
27. The occupier of Church Farm, High Street points out that the Company operates directly behind residential areas of the village and must therefore be run with the utmost care to the safety of surrounding properties and their occupiers. However in the past 7 years there have been two major fires on the premises, both of which have involved the emission of substantial quantities of harmful smoke where residents have only been informed afterwards that they should have stayed indoors and kept doors and windows shut. No such notification was given by the Company during the fire. In the case of the second fire children walking to school were exposed to the smoke. Creating a manufacturing facility that operates 24/7 requires a higher standard of safety and operators must ensure that staff are aware enough to operate any dangerous equipment and must be relied upon to maintain safety procedures during extended operations. The Company has either demonstrated a lack of care or that by its nature its business is high risk. Either way it is not suitable to operate 24/7 in such close proximity to residential areas and increase in hours of operation is opposed.
28. The occupiers of The Poplars, High Street object stating that the factory is in a residential area and present working arrangements are a disturbance to residents. Extending the times of operation of power operated machinery would create an unacceptable noise disturbance and is why the original conditions were imposed. It would also mean that there would be shift work with an increase in transit in and out of the factory at all hours including weekends and Bank Holidays resulting in further

disturbance. The current restrictions on delivery vehicles are frequently ignored with large juggernauts arriving late evening and in the early hours of the morning including weekends. This would increase if operating hours were extended. If such hours are required the Company should relocate to a local industrial estate.

29. The occupier of The Old Stores, High Street comments that whilst the application indicates that delivery schedules would be unchanged there would be increased staff coming in and out of the premises around the clock. Currently HGVs come to the site at night which is against the agreements already in place. Residents should not, in addition, have to listen to the factory working through the night and at weekends which would contravene the Human Rights Act regarding the peaceful enjoyment of possessions.
30. The occupier of Home Farm, High Street objects as the property is already regularly disturbed by noise and light pollution. The noise of cars arriving and leaving on a car park surface of loose gravel is disruptive, particularly in the early morning and would be exacerbated if the working hours were extended. Normal daily sounds from a factory are acceptable but a period of peace and quiet in the evening and especially most of the weekend and Bank Holidays is expected. Power operated equipment can be noisy and would be especially noticeable in the night and at weekends. Noise levels are already being monitored by the Environmental Health Officer.
31. The occupier of Two Chimneys, High Street stated that she moved into the property in July 2007 having carefully considered the proximity to the application site but decided that as the Company operated during the week, while people are at work, there would be little effect from its operations. Whilst at home for a two week period the occupier became aware of the extremely high number of vehicles that enter and exit The Way, often at excessive speeds. However during the weekends road use in Fowlmere is a mix of domestic vehicles, cyclist and horse riders and high volumes of HGVs and delivery vans cannot be compatible with life in a village of this kind. The attractions that the village offers to residents and visitors will be greatly diminished should the application be granted. The roads will be unsafe. House prices will be affected as well as the use of local pubs and restaurants. The noise, disruption and constant stream of fast and noisy traffic will render nights and weekends near unbearable and moving would be an inevitable consequence should this application go ahead.
32. The occupiers of The Old Variety Shop, High Street are not happy that noise implications have been fully considered or stated. Section 5 of the application is not correctly completed as ventilation equipment will need to run out of hours and the processes in this factory involve machinery. At this time such equipment is clearly audible, especially in the summer and this is only acceptable during the working hours limitations. This is largely a residential area and the Company does not listen or respond to public concerns. There would be no consideration of the impacts after approval and the application is therefore strongly opposed. There is already a lot of noise from the gravel car park which will increase. Deliveries will happen outside of normal hours if they are working. There will be more traffic and more pollution in the form of noise and emissions and at the same time there are no positive benefits visible for the community with increased employment etc. The Company should relocate elsewhere to expand.
33. The occupiers of Bridge House, High Street are concerned that there will be an increase in noise pollution caused by heavy goods vehicles in and out at night and increased traffic noise caused by the cars of the employees at shift change times.

There is also concern about the background noise that will be created by the factory during the night.

34. The occupiers of Twenty Pence, High Street object as the proposed changes would cause unacceptable nuisance to local residents by virtue of increased noise and traffic movements. The original restrictions were imposed specifically to protect village residents from noise disturbance. Working 24/7 with noisy industrial machinery is not suitable for a rural environment. In respect of the application form there appears to be a doubling of the workforce – this should be clarified. The application states that normal working hours are 05.30 Monday – Friday, 05.00 Saturdays but this has only recently been the case and is considerably earlier than before. This already causes additional disturbance. Did this change require planning approval? Surely this application is an expansion when it is proposed to increase the workforce. For the form to say that transport is ‘not applicable’ is ludicrous unless staff are going to live on site. There will be waste produced and there is already a poor record of dealing with these issues. What will be happening during the hours of darkness? There will be fewer trained people on site to deal with hazardous materials and therefore local residents will be at greater risk.
35. The occupiers of Sycamore House object stating that there is no valid reason to vary conditions that were put in place to protect residents. These conditions are more important than ever. There is noise disturbance during summer months, when it is assumed that factory doors/windows are left open and all year round beeps from reversing lorries, unloading noises, background hum etc. At least at the moment peace can be enjoyed on Saturday afternoons and Sundays. There has been an increase in noise since last summer when there was a large clearout of trees, shrubs and undergrowth. There will be more delivery lorries on roads that are unsuitable. This change is a step too far.

### **Applicants Representations**

36. In a letter accompanying the application Welding Alloys states that the permitted hours are currently Monday to Friday 05.30 – 21.00 and Saturday 05.00 – 12.00hrs.  
  
The Company's' head office at Fowlmere represents 26 subsidiaries worldwide, and as a result a great deal of development is carried out here. As the technology moves forward the Company has processes that involve pre-heating of rolls prior to hard facing and controlled cooling down. This operation can take in excess of 48 hours to complete and in the interests of both safety and quality need to be carried out under constant supervision.
37. An application is therefore being made to extend the working hours to 24 hours 7 days a week to give the flexibility the business dictates but it is anticipated that these shifts will not be worked on a regular basis.
38. To remain competitive and further develop the business it is critical to be able to move forward at pace with new technology.

### **Planning Comments – Key Issues**

39. The key issue for Members to consider in determining this application is whether the variation of Conditions 6 and 7 of planning permission S/0268/99/F to allow for 24 hour working within the site will result in an unreasonable loss of amenity to nearby residents through noise and disturbance.

40. My assessment of this application is based on additional discussions with the applicant and a visit to the site with an Environmental Health Officer between 4.30am and 5.00am when all the equipment which the Company would have run outside the currently permitted hours was set in operation for officers to assess.
41. Having met representatives of the Company I am of the view that the application has been poorly submitted and does not reflect the detailed requirement of the applicant.
42. It would appear that what is required is to operate 2 or 3 pieces of equipment in one area of the building overnight to allow for the gradual cooling of welded pieces to prevent cracking which can result when cooling takes place too quickly. It is understood that it would involve no more than 5 or 6 people being on the site during night time hours and the door to the building would be kept shut. There would be no operation of fork lift trucks or other machinery. Other buildings on the site would not be used during this period and there would be no activity outside of this building
43. Staff would be likely to work an 8pm to 8am shift and therefore there would be no vehicular movement outside these times. The Company has confirmed that deliveries to the site would not be affected. Existing night time lighting within the site would be unaffected.
44. During the early morning visit by officers the relevant machinery was put into operation and there was no other activity on the site. Members will see from the comments of the Corporate Manager (Health and Environmental Services) that during the operations noise from the building was not audible at the boundaries of the site with noise sensitive properties.
45. I have asked the applicant to give a more detailed outline of the proposal which more accurately reflects what is proposed. It does not represent a working of the whole site for 24 hours a day, 7 days a week
46. The application seeks to allow Sunday working but in my view any relaxation of existing hours of operation of power operated machinery should relate to Mondays to Friday only. The reference to variation of Condition 6 should therefore be deleted from the application.
47. There are currently no conditions that restrict the times that workers may be on the site but hours of operation of power driven machinery are controlled.
48. I am of the view that, subject to confirmation of the proposed operations as seen and described to officers during the site visit and subject to strict conditions, including a restriction to an initial 12 month period, the use of the specified machinery could take place in this building, Mondays to Fridays without causing additional disturbance to nearby residents. That view is shared by the Corporate Manager (Health and Environmental Services)

### **Recommendation**

49. That, subject to confirmation from the applicant on the above points, consent be approved for a 12 month period in respect of Condition 7 only and relating to Mondays to Fridays only. (Summarised and to be agreed with the Corporate Manager (Health and Environmental Services)).

## **Conditions**

1. Temporary – 12 months
2. Restricted to specified pieces of equipment within the building only – no forklift truck operation
3. Doors and windows to be kept shut
4. Restrict number of people of site to 5/6

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework – Development Control Policies (adopted July 2007)
- Planning Files Ref: S/2287/07/F, S/0268/99/F and S/0752/95/F

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