DELEGATED REPORT

Application Reference:	PL/2024/00008
Application Type:	Planning Permission
Site Address:	Unit 2c, Leafield Way, Leafield Industrial Estate, Corsham, Wilts, SN13 9SW
Proposal:	Insertion of Roller Shutter Door to Front Elevation
Recommendation:	Planning Permission be REFUSED

SITE DESCRIPTION & PROPOSAL

The application relates to an existing commercial building at the Leafield Industrial Estate in Corsham. The unit is currently occupied by a metal fabrication company. The estate is identified within the development plan as a Principal Employment Area. There are no landscape, ecology or heritage designations affecting the site. The edge of Neston Conservation Area is approximately 390m to the west. The closest listed buildings are over 400m away at Moor Barton and Lypiatt. The unit is located to the south of the industrial estate at the junction with Elley Green. There are other commercial/industrial units immediately to the north and to the opposite side of Leafield Way to the west. Immediately to the east is a residential dwelling, 32 Elley Green with residential dwellings continuing beyond along Elley Green. Residential properties are also sited to the south/west along Pool Green and Fleetwood Close off Leafield Road.

The application seeks planning permission for the installation of a new roller shutter door in the west facing (front) elevation. The application does not include a planning statement or cover letter setting out the basis of this application, however, the LPA is aware from the planning history that the existing unit (2) has been subdivided leading to a requirement to provide a separate roller shutter door to serve the newly created unit, referred to in the application form as Unit 2c.

A roller shutter door has already been installed into the south elevation without planning permission. The existing door is subject of enforcement action. An enforcement notice was appealed and upheld by the Planning Inspectorate's - appeal decision dated 21st September 2023. It is understood that work is underway to remove and block up the opening.

An application was submitted in 2022 seeking to retain the installed roller door. This application was refused on 22 September 2022 for the following reason -

The proposed development would result in an unacceptable impact on the residential amenity of residents at Elley Green, Pool Green and Fleetwood Close as a result of noise disturbance. The proposal does not comply with Wiltshire Core Strategy CP57 (vii), North Wiltshire Local Plan Saved Policy NE18 and paragraphs 130 & 185 of the National Planning Policy Framework.

A further application was submitted in January 2023 seeking to replace the existing door with a new door system to address the concerns raised in a previously refused application in relation to the impact of noise on the amenity of neighbouring properties. This application was also refused on 18 September 2023 for a similar reason -

The proposed development would result in an unacceptable impact on the residential amenity of residents at Elley Green, Pool Green and Fleetwood Close as a result of noise disturbance, odour and fumes. The

proposal fails to comply with Wiltshire Core Strategy CP57 (vii), North Wiltshire Local Plan Saved Policy NE18 and paragraphs 130 & 185 of the National Planning Policy Framework.

PLANNING HISTORY

N/00/00839/FUL	Proposed Extension, Alterations to Vehicular Access and Parking Layout – *Not implemented/expired*
PL/2022/03612	Install Roller Shutter Door on South Wall *REFUSED*
PL/2023/00518	Installation of acoustic roller shutter door on southern elevation *REFUSED*

POLICIES

Wiltshire Core Strategy 2015 (WCS)

Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 11: Spatial Strategy for Corsham Community Area
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 61: Transport and New Development
Core Policy 64: Demand Management

North Wiltshire Local Plan 2011 (NWLP)

NE18 Noise and Pollution

National Planning Policy Framework 2023 (NPPF)

Section 2: Achieving sustainable development
Section 6 Building a strong, competitive economy
Section 12: Achieving well designed and beautiful places
Section 15.Conserving and enhancing the natural environment

Corsham Neighbourhood Plan (CNP) 2016-2026 & Corsham Design Guide 2016-2026

MAIN ISSUES

- Principle of Development
- Scale, Design and Visual Impact
- Residential Amenity
- Access and Parking

CONSULTATION

Corsham Town Council: No objection

Highways: No objection

REPRESENTATIONS

The application has been advertised by direct neighbour letter.

Three letters of objection have been received. The concerns raised are summarised below –

- Occupier carries out loud noisy work associated with the movement of quantities of steel – bangs, crashes, cutting and welding – together with intermittent loud music and shouting; as well as unpleasant toxic smells, presumably from oxyacetylene.
- Tenants of the unit have commented to neighbours that it is not possible to work with the doors closed
- Existing fire door opens onto PRoW – allows odour/fumes to escape and affects nearby residential gardens. Potentially also causes safety issue
- No detail in application to show how proposal mees recommendations of previously submitted Noise Impact Assessment.
- The existing unauthorised roller shutter door, facing Elley Green, is often left open as the company carry out their fabrication work. This has caused noise disruption to residents at Pool Green
- Concern remains that moving the door to the front of the building will not lessen the noise disturbance to Pool Green properties

One other letter was received making the following observations -

- The existing fire door was installed in 1960's so has nothing to do with the current tenant.
- Installation of the door should reduce the noise impact to properties alongside it
- There is an existing door in the same elevation so new roller door will not create more noise.
- Elley Green properties are subjected to many smells emanating from the Industrial Estate, but these come mainly from the other occupiers.
- The prevailing wind is from the west, which tends to blow noise and smells across Elley Green.

ASSESSMENT

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a key material planning consideration. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or

planning obligations.

Principle of Development

The principle of alterations to existing buildings within a Principal Employment Area which are intended to support the ongoing business requirements is acceptable, providing those proposals are complaint with the requirements of relevant policies within the development plan.

Scale, Design & Visual Impact

WCS Core Policy 57 requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, elevational design, materials amongst other things. CNP HE1expects all development within the neighbourhood plan area to demonstrate good design. Section 12 of the NPPF expects a good standard of design.

The appearance of the door is entirely in keeping with the industrial character of the building and wider area. The visual appearance of the development would be acceptable.

The proposal is compliant with WCS CP57, CNP HE1 and Section 12 of the NPPF in this respect.

Residential Amenity

Core Policy 57 states that development should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself. North Wiltshire Local Plan Saved Policy 18 states that development will only be permitted where it would not generate, or itself be subject to, harm upon public health or cause pollution to the environment by the emission of excessive noise, light intrusion, smoke, fumes, other forms of air pollution, heat, radiation, effluent or vibration.

Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users. Section 15 expects planning decisions to ensure that new development avoids impacts such as noise giving rise to significant adverse impacts on health and quality of life.

The installation of a new door opening does not result in any physical change to the building that would affect privacy or create overbearing development or loss of light.

Given the nature of activity taking place in the building, and what could be expected to take place within this commercial unit, there is a concern that noise associated with internal operations breaking out through the door and from operating the door itself causing disturbance to nearby residents. Residents nearby have reported that this is disturbance is already occurring regularly and that the existing door is left open worsening the effects quite considerably. In particular, residents at Pool Green (to the south-west) point out that a new door to the west elevation is still likely to have a similar impact if left open. Odour impact is also raised as a concern by neighbours, though in part this relates to an existing fire door being left open. The Public Protection team has previously noted that odour and fumes are associated with welding and spraying taking place inside the building.

Unlike the previous applications, this proposal is not supported by a planning statement or any other

information in respect of noise or odour impacts. In considering the application the LPA has regard for the planning history, including the previously submitted Noise Impact Assessment Report by Noise Air which had suggested mitigation measures that could ensure some protection against noise breakout from the building. One of the proposed solutions was to install a roller door in the west elevation with the door remaining closed while operations are conducted within the premises. It was also suggested that operation of the door be kept to a minimum and that provision should be made to ensure appropriate ventilation to facilitate the door remaining closed. The report advised that a ventilation scheme would need to be design and confirmed by a ventilation specialist.

It is reasonable to expect that the door position on the west elevation could reduce the impact to some properties though perhaps not those on Pool Green. However, without an understanding of how the unit will be provided with adequate ventilation without relying on the door being open, the LPA cannot be satisfied that the mitigation envisaged by the report suggesting the door be relocated, can be achieved to protect the amenity of all surrounding properties.

The LPA acknowledges that earlier acoustic assessment was carried out on the basis of the car repairs business currently operating from the unit. Whilst it is accepted that future tenants of the commercial unit may undertake much quieter activities, it quite reasonable for the LPA to consider the impact of noise generating industrial activities which could take place in the commercial unit at any time. Given the proximity of Unit 2 to residential properties, the LPA needs to carefully consider potential amenity impacts arising from any new openings to the building. This is an existing commercial unit and so a level of noise is to be expected, however the LPA is responsible for ensure that any further changes to the building which require planning permission, and in this case, facilitate a possible intensified use (occupation by two tenants), do not lead to unacceptable amenity impacts.

This application does not provide any information in relation to how noise and odour will be controlled and how the unit can operate without relying on any new doors and windows for ventilation. The application does not include a noise assessment, noise mitigation strategy or a ventilation scheme which is required to allow for the amenity impacts to be properly considered.

On the basis of information available, including the recommendations within the previously submitted acoustic assessment, it is considered that the proposal could still result in an unacceptable impact in terms of noise and disturbance (odour) that would undermine the reasonable expectation for occupiers of properties close to the site.

It has been considered whether the use of conditions could secure adequate mitigation in relation to odour and noise impact. In this case the LPA remains concerned that any new openings have potential to have an unacceptable impact on residential amenity. The application does not include any information to suggest how the applicant intends for these impacts to be addressed. The previously submitted acoustic assessment included a detailed mitigation recommendation which involved provision of a new door in the west elevation and *keeping the door closed* in conjunction with an active ventilation system. There is concern that the expectation for the door remaining closed would rely wholly on the cooperation of both the site owner and any current and future tenants. There is further concern that a required ventilation system may lead to additional noise impacts. The applicant has not provided any information in relation to noise and odour management/ventilation strategy that might form the basis of enforceable conditions.

Without any reassurance that the applicant acknowledges the need to provide a noise and odour

management/ventilation strategy and without any evidence within the planning application to indicate that any such strategy could be effective, the LPA is not satisfied that the use of conditions would be appropriate in this case.

The applicant was offered opportunity to withdraw the application in order to engage with the relevant professional consultants in respect of noise and odour/ventilation management before making a new submission (email dated 24 January 2024). No response has been received. The LPA must therefore determine the application on the basis on the information submitted.

Based on the information provided, the application fails to demonstrate that the development would not adversely affect the residential amenity of nearby residential properties to an unacceptable degree, in particular 32 & 30 Elley Green, 1 Pool Green and 9 Fleetwood Close. The use of conditions could not make the proposed development acceptable. The proposal is contrary to WCS Core Policy 57, NWLP Saved Policy NE18 and NPPF Sections 12 & 15 in this respect.

Access and Parking

Wiltshire Core Strategy policy CP61 states that new development should be capable of being served by safe access to the highway network. Core Policy 64, private non-residential parking standards – the provision of parking associated with new private non-residential development will be limited to maximum parking standards (except for disabled parking spaces).

The proposals do not increase the existing floorspace of the unit, there are no alteration to the accesses with the public highway and the application indicates that there would be no alterations to the existing available parking within the site in terms of quantum. The unit is now subdivided, may lead to some change in the vehicle movements associated with the unit however, as this application relates on the external change to the building only, this would not give rise to a reason for refusal. The Highways Engineer raises no objection to the proposals with regard to highways. Installation of a new door system as proposed would not conflict with CP61 and 64 in this respect.

CONCLUSION

The principle of alterations to an existing industrial unit within the confines of a Principal Employment Area would be acceptable. However, it has not been demonstrated that the development would achieve acceptable levels of amenity for existing residents. There remains a concern that noise and disturbance could undermine the reasonable expectation for occupiers of properties at Elley Green, Pool Green and Fleetwood Close to enjoy their home environment. The use of conditions could not make the proposed development acceptable. The proposal is contrary to requirements of WCS Core Policy 57, NWLP Saved Policy NE18 and NPPF Sections 12 & 15 in this respect.

The applicant was offered opportunity to withdraw the application in order to engage with the relevant professional consultants in respect of noise and odour/ventilation management before making a new submission. No response has been received.

On consideration of the above the application cannot be supported and should be refused

RECOMMENDATION

That Planning Permission be REFUSED for the following reason:

It has not been demonstrated that the proposed development would achieve acceptable levels of amenity for existing residents at Elley Green, Pool Green and Fleetwood Close. The proposal fails to comply with Wiltshire Core Strategy CP57 (vii), North Wiltshire Local Plan Saved Policy NE18 and paragraphs 135 & 191 of the National Planning Policy Framework.