



Appeal Decision

by **G Pannell BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 August 2024

Appeal Ref: APP/D0515/W/24/3338515

Kingsland Farm, 229 March Road, Coates, Cambridgeshire, PE7 2DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Stair Formwork Ltd against the decision of Fenland District Council.
 - The application Ref is F/YR22/1147/F.
 - The development proposed is Change of use from B8 Use Class (Storage and distribution) to B2 use Class (industrial).
-

Decision

1. The appeal is allowed and planning permission is granted for Change of use from B8 Use Class (Storage and distribution) to B2 use Class (industrial) at Kingsland Farm, Coates, PE7 2DE in accordance with the terms of the application, Ref F/YR22/1147/F, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos PPS22-3021-LP1 Location Plan; PPS22-3021-BP1 Block Plan; PPS22-3021-UCFP1 Unit C3 Existing and Proposed Floor Plan; PPS22-3021-UDFP1 Unit D Existing and Proposed Floor Plan.
 - 2) The mitigation measures as detailed within Noise Impact Assessment report provided Loven Acoustics (18th November 2021/ Ref: LA/1751/02R/ML) and listed below:
 - The loading location for delivery lorries shall remain to the east side of the main workshop and not relocated, and where possible loading shall take place at the end of the working day;
 - No waste associated materials shall be disposed of into a skip prior to 0800hrs on any working day;
 - There shall be no outside fabrication working under normal operating conditions;
 - Forklift trucks shall be used only with white sound reversing alarms

for protecting existing noise-sensitive development from noise from the proposed use shall be implemented within 14 days of this decision and retained thereafter.
- 3) The use hereby permitted shall only take place between the following hours and at no time on Sundays, Bank or Public Holidays:
 - 0700 - 1600 Mondays – Thursday
 - 0700 - 1300 Friday
 - 0800 - 1200 Saturday

Preliminary Matters

2. The Councils appeal statement confirms that evidence submitted at appeal has addressed its concerns and on this basis the Council is no longer pursuing any of its reasons for refusal as outlined in its decision notice. I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available. Both the appellant and the Council have agreed to the appeal proceeding on this basis.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The proposed reforms are draft and therefore may be subject to change before any final document is published and thus carry limited weight. At this stage, the policies that are material to this decision have not fundamentally changed, and I am satisfied that this has not prejudiced any party.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal has an unacceptable effect on the living conditions of the occupants of neighbouring properties
 - whether the development would be at risk from flooding and includes suitable provision for on-site drainage.

Reasons

Noise

5. The appellant manufactures lightweight modular stair formwork for commercial concrete stairs; a process that involves the movement, cutting, forming, welding and painting of steel. The handling and use of steel is inherently prone to noise generation and the process of manufacture inevitably generates a certain amount of impulsive noise events.
6. All work on the products is carried out inside two workshops, steel framed and profiled-steel clad buildings. The buildings are not lined internally but the paint workshop has been spray-foamed for thermal insulation. The finished products are stored outside the buildings in preparation for delivery, which takes place daily with early morning loading and departure.
7. The location of the business is a small commercial park previously used for farming operations, predominantly fruit packing and storage/distribution. This is still carried out at the eastern end of the site, but there are also other noise-generating businesses within the site, such as a car parts/breaker company and a sound staging company.
8. The closest residential receptor is 4 Wisbech Road, which is approximately 60-100m from the appeal site. The garden of the property borders the commercial site. As part of the appellant's noise assessment monitoring of noise took place in the rear garden of 4 Wisbech Road. This identified that the noise environment at the measurement location was a combination of passing traffic on the A605 and activity from the commercial park.

9. It also identified that there was a steady low background hum from the newly installed extract fans in the paint-shop, and there were a number of impulsive noise events associated with operations from existing commercial sources on the industrial estate, primarily from the appellant's site. These included metal 'clanging' and movement of stock by forklift. However, traffic is the dominant contributor to the overall noise level measured.
10. The assessment sets out that it is clear that there are certain aspects of the operations that have the potential to be perceived more than the 'normal' traffic-dominant noise. The nature of steel fabrication is such that impulsive noise events are inevitable, and clearly discernible above ambient noise. Sound from the fabrication processes inside the main workshop was consequently audible over the ambient level on occasion. It was also noted that the steady hum from the flue terminal of the paint shop extract system, whilst not loud enough to disturb, by normal standards, did have a minor tonal characteristic that identified it as a discrete source.
11. The Council have confirmed that the methodology and subsequent noise mitigation proposals are acceptable, having regard to the appropriate acoustic standards. In considering the development proposals, the Council had sought details of the installation of post-fan in-line silencers to both paint shop extraction fans. This was required to demonstrate the effectiveness of the proposed in-line silencers, to ensure that they were capable of reducing current noise levels, which would have adversely impacted on the nearest noise sensitive receptors.
12. The original application to the Council did not include any information on the predicted noise levels when installation had been completed and therefore a further noise impact assessment was required. The Council, at the time of issuing its decision therefore had insufficient information relating to potential noise impacts upon nearby residential properties and therefore it was not possible to adequately assess that the site was suitable for its use or could be made so through appropriate remediation.
13. However, the information provided by the appellant as part of the appeal demonstrates the impracticability of the post-fan in-line silencers and therefore the appellant has constructed a noise barrier around the spray booth instead. The additional information now submitted has addressed the concerns previously raised by the Council and they no longer wish to pursue this reason for refusal. As such there is nothing to dispute the appellants findings that the mitigation measures have resulted in a reduction in the overall noise levels and is willing to accept a condition to ensure that they are implemented and maintained.
14. The development therefore accords with policies LP2 and LP16 of the Fenland Local Plan (LP) which seek to avoid adverse impacts, such as noise, to ensure a healthy, safe and equitable living environment and paragraph 185 of the National Planning Policy Framework (the Framework).

Flooding

15. The Environment Agency's (EA) Flood map for planning shows that the site would be at high risk of river flooding if flood defences were not present and EA long term flood risk mapping shows that the site is at moderate risk, taking into account the impact of local flood defences.

16. The risk of surface water flooding across the site and adjacent industrial estate is very low and the risk from surface water flooding in the area is largely mitigated by the extensive network of land drains.
17. As the proposal is for the change of use of an existing building, it is unlikely that flood risk vulnerability would be increased on site. However, details of the surface water management system must be provided in order to provide certainty that the development would not increase flood risk and look to reduce risk where possible.
18. The Sustainable Drainage Statement submitted by the appellant as part of the appeal has been considered by the Council who consider that the additional information now submitted has addressed the concerns previously raised.
19. The statement sets out that surface water from the roof of the existing warehouse building is discharged via downpipes to three separate soakaways situated to the north east, south west and beneath the building. The soakaways are constructed with overflow arrangements to discharge to the land drain to the east in the event of an exceedance of their design capacity.
20. Surface water from the roofs of the adjacent warehouse buildings is discharged to additional soakaways via downpipes while surface water from the external areas of hardstanding is also discharged to soakaways via surface drains.
21. These soakaways are also constructed with overflow arrangements that discharge to an attenuation pond to the north east of the industrial estate. Water from this pond is then pumped to the land drain to the east of the site.
22. The proposed development involves no external work and no increase in impermeable cover across the site or surrounding land, therefore the appellant's statement recommends that the existing drainage strategy is maintained and no additional sustainable drainage measures are considered necessary.
23. Therefore, the risk from surface water flooding has been adequately considered and the site already benefits from appropriate measures for surface water drainage to ensure the development would not increase flood risk. The development therefore accords with policy FP14 of the LP which requires development to demonstrate that suitable consideration has been given to surface water drainage and attenuation of surface water run-off.

Conditions

24. The Council has suggested 2 conditions. I have considered these in light of the PPG and the tests of the Framework and where necessary amended them for clarity. As the development has already taken place a standard implementation condition is not necessary. But for the avoidance of doubt, I have imposed a condition to define the plans with which the scheme should accord.
25. It is also necessary to restrict the hours of operation, in order to protect the living conditions of neighbouring residents. The appellant has also suggested that the mitigation measures outlined within the noise impact assessment could be secured by condition and therefore I have imposed a condition setting out that these should be implemented, where they have not been already, and thereafter maintained.

Conclusion

26. For the reasons given above the appeal should be allowed.

G Pannell

INSPECTOR