



## Report of the Chief Planning Officer

### *PLANS PANEL WEST*

Date: 29<sup>th</sup> March 2012

**Subject: Application Number 11/03873/FU – Variation of conditions 7 and 8 of application 75/25/00257, relating to noise levels and to allow twenty-four hour operations Monday-Sunday, Montrose Works, Woodlands Road, Stanningley, Pudsey.**

**APPLICANT**  
ATB Morley

**DATE VALID**  
17<sup>th</sup> October 2011

**TARGET DATE**  
12 December 2011

**Electoral Wards Affected:**

**Calverley & Farsley**

No

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION**

**APPROVE SUBJECT TO THE FOLLOWING CONDITIONS**

**PROPOSED CONDITIONS**

1. Time limit for full permission
2. Temporary approval for one year
3. Development in line with the approved plans
4. Samples of materials to be submitted
5. Part of site for vehicles to be laid out and surfaced
6. Landscaping scheme to be submitted
7. Landscaping scheme to be implemented
8. Road improvement to access to be provided
9. The combined noise from fixed plant shall not exceed a rating level as defined by BS4142 by more than 5dB (A) below the lowest background (L90) during which the plant will operate. Details of said plant shall be submitted to the Local Planning Authority and approved in writing prior to the building being used for 24 hours 7 days a week. To be measured at the Northern Boundary of the site adjacent to Woodlands Terrace.'
10. Vehicle washing facilities to be provided.

## **1.0 INTRODUCTION:**

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel due to the number of objections that have been received.

## **2.0 PROPOSAL:**

- 2.1 Planning permission was granted in 1975 for extensions and alterations to an existing mill at Montrose/Troy Works. This building is now known as Montrose Works. As part of this permission two conditions were attached to the approval which stated

Condition 7 'Noise from activities carried out within the building shall not exceed NR45 as measured at the north boundary of the site adjacent to Woodlands Terrace'

Condition 8 'Hours of operation shall be limited to 0715 to 1815 hours, Monday to Friday and 0715 to 1200 on Saturday and not at all on a Sunday. '

- 2.2 Over the last few years condition 8 has been breached. The company wants to reallocate the noisy part of the operation from an existing building Troy Works which has no hours restriction to Montrose Works which has the operating hours restriction. This application seeks to change the opening hours in the Montrose Works building to 24 hours 7 day a week to allow this relocation. Because of the hours proposed condition No 8 of the approval will be in essence deleted. The space vacated in Troy Works will then be used for ancillary offices and fitting for the company and the condition 7 is to be changed to no more than 5dB(A).

- 2.3 Therefore condition 7 will be proposed to be changed to:

'The combined noise from fixed plant shall not exceed a rating level as defined by BS4142 by more than 5dB (A) below the lowest background (L90) during which the plant will operate. Details of said plant shall be submitted to the Local Planning Authority and approved in writing prior to the building being used for 24 hours 7 days a week. '

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is an existing industrial warehouse which was granted planning permission in 1975. This building is known as Montrose Works. The other building linked to this business known as Troy Works is located to the north of the application site and there is an unadopted road separating the two buildings. Either side of Troy Works are residential properties. The premises have been occupied by ATB Morley since 1975. To the west of Montrose Works is another industrial unit which is in a different ownership and use from those applicants. There is also planning permission to extend Montrose Works in this location. To the east is some open ground which has planning permission for a car park linked to the proposed extension to Montrose Works. To the rear is the railway line and on the opposite side of the railway line is Pudsey Railway Station.

- 3.2 ATB Morley were previously known as Morley Motors and Manufacture and test on site and have existed as a company since 1897. The company is known as a UK based leading manufacturer of large rotating electrical machines, particularly 3 phase AC induction motors used in the mining and energy sector. The company has won Queens awards for enterprise in 2009 and 2010 and currently employs

approx 130 at the Leeds site and is part of a Austrian owned parent company employing approximately 3800 worldwide. We are advised that the British based arm is currently considering further expansion plans and the amendments to the conditions proposed in this application besides improving production are likely to lead to a further 10 jobs at the site.

#### **4.0 RELEVANT PLANNING HISTORY:**

75/25/00257 – Alterations and extension to form enlarged mill and ancillary office  
Approved 29/09/1975

11/00394/FU – Single storey extension and laying out of car park Approved  
21/9/2011

#### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The application was originally submitted as a Certificate of Lawfulness but there was not enough evidence to prove that the opening hours had been breach for more than 10 years so the application was at validation changed to seek planning permission for the variation in opening hours.

5.2 The applicant has submitted additional information with the application in response to objections received from nearby residents. The change of hours is required so that the noisy operations can be moved from Troy Works to Montrose Works which is further away from residential properties and Montrose Works has no windows. The space vacated by these machines in Troy works will be replaced with office accommodation and fitting activities which are less noisy than the testing activities and in particular the metal cutting that currently takes place in Troy Works.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 Seven letters of objections concerned with the following matters:

- with 24 hour operation there will be an increase in traffic via Woodlands Road which is unadopted, unmade and not suitable for heavy good vehicles
- Road dangerous as no refuge for pedestrians and road condition has deteriorated.
- Increase in number of vehicles parking in the residential only zone
- Increase in noise due to operation of machinery at premises and increase in noise due to HGV movements and fork lift truck operation. Impact greatest over summer months when windows open and using gardens
- Vehicles park up overnight which means we have to close bedroom curtains to protect our privacy.
- The whole process of their production is very noisy and would make living in our homes intolerable
- Have since 2004 increased the working hours slowly
- Openly admitted to non compliance of existing restrictions so why are these actions going to be awarded?
- Privacy compromised by workers walking from one building to another and lorry drivers have direct line of sight into our kitchen.
- Have very unpleasant and intrusive comments from workers when we are using our garden
- Recently woken up by fork lift trucks moving from Troy Works to Montrose works early on a Sunday and a lorry parking up for 2 days before collecting there load

- Noise from a machine producing a high pitched screeching noise is very unpleasant and could not be tolerated at night.
- HGVs use and park on residential roads which are getting damaged and not appropriate
- Currently significant reduction in noise in the evening on Saturday afternoon and evening and all day Sunday and bank holidays
- Lighting on all night which streams light into any room facing the factory making its seem like daylight
- Environment health state that the building is 35 metres away from houses but this is more like 15 metres. The buildings are uninsulated and noise break out levels are high especially when large doors are open

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Statutory: None

7.2 Non statutory

Environmental Protection Team – Originally objected to the scheme but was reconsulted after the additional information was submitted by the applicant. Revised comments state:

There are two buildings related to the use being Troy Works which is sandwiched between two rows of terraced houses and Montrose Works which is adjacent to the railway line. This is further away from the residential houses and its this building related to this application. If planning permission is granted would want to see the following conditions:

- Manufacturing processes in Troy Works moved into Montrose works
- Roller shutter and wooden doors to Troy Works shall be subject to sound insulation measures
- Signs erected to discourage drivers from parking on Montrose Works and ensure engines are not left idling.
- No manufacturing operations including jet cleaning before 0600 on weekday and 0900 hours on sat and sun nor after 1800 hours on weekdays Saturday and Sunday
- Restricting on hours of delivery shall be restricted to 0700 to 1800 hours Monday to Saturday with non on Sunday or bank holiday.

In relation to the noise condition this should be varied to:

‘The combined noise from fixed plant shall not exceed a rating level as defined by BS4142 by more than 5dB (A) below the lowest background (L90) during which the plant will operate. Details of said plant shall be submitted to the Local Planning Authority and approved in writing prior to implementation. ‘

Highways – No objections as considered that the variation in opening hours would not increase the parking requirement and raises no specific road safety concerns.

## **8.0 PLANNING POLICIES:**

8.1 **Relevant UDP policies;**

BD5 – new buildings design consideration given to own amenity and surroundings.  
T2 – development capable of being served by highway network.  
T24 – car parking guidelines.

GP5 – detailed planning considerations should be resolved including design and loss of amenity.

## 8.2 **Emerging Core Strategy**

The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

## 9.0 **MAIN ISSUES**

1. Residential amenity
2. Highway safety
3. Representations

## 10 **APPRAISAL**

- 10.1 Both the Troy Works and Montrose Works buildings are located within a residential area although there are other buildings in industrial buildings close by. Troy Works was the original building for the company and this building has houses on either side. There is no control over the operations within this building or the opening hours. Montrose Works is located on land between the houses and the railway line and does have a restriction for operating hours. The intention is to move the noisier elements of production from Troy Works to Montrose works which is located further away from the residential properties. This is the reason for the submission. The noisy works can currently be undertaken within Troy Works without any control. Allowing the 24 hour in Montrose Works ensures that the noisier operations are moved away from the residential properties and will improve residential amenity for the occupiers of those houses. To ensure that this movement of equipment occurs it is suggested that if Members are minded to approve the application that the approval is one year only so the impact on the revised operating hours can be monitored. This intended to ensure that the office use is transferred to Troy Works. The applicant is agreeable to this one year permission. One issue that this raises however, is what level of control will remain over operations within Troy Works. It would be possible for a noisy operation to move back into Troy Works at a later date. The applicants offer some comfort that this would not be the case as they have stated that the noisy elements that re intended to be moved to Montrose works will be replaced by less noisy office and fitting activities. Means to control this are still being considered.
- 10.2 The current use of Montrose Works will be moved to the extension which was granted planning permission last year and will be attached to Montrose Works.
- 10.3 Another condition on the permission for Montrose Works dating from 1975 restricted the level of noise that could be heard at the northern boundary to protect residents from noise disturbance. This level of noise was considered acceptable for the daytime operating hours at the time of the permission. As the proposal is now for 24 hours the condition for noise levels needs to be amended so that the level of noise during the night does not impact on the residential amenity of the surrounding houses. The amended condition limits the noise below 5db which if complied with

should ensure that the operations in Montrose Works should not have a detrimental impact on residential amenity. The applicant may have to provide sound attention measures to ensure that the 5dB(A) is not breached and the condition does request for the sound attention measures to be submitted for approval. Again as the condition is limited to a temporary consent for one year the noise levels can be monitored and reassessed if another planning application is received.

- 10.3 In conclusion it is considered that the change of operating hours and a reduced noise level will ensure that there will be no additional detrimental impact on residential amenity due to the noisy elements being moved into a building with no windows, further away from the houses and the anticipated lower level of noise there could even be an improvement to residential amenity.

## 2. Highway safety

- 10.4 The change in operating hours and noise levels should not increase the volume of traffic to the site and the numbers of people who will be employed so there should be no additional impact on the safe and free flow of traffic over and above the current operation.

## 3. Representations

- 10.5 There are a number of other issues raised by the objectors which are not covered above. It should be pointed out that the application is for a change in operating hours and a related condition for noise. These are the only two conditions that have been applied for and that can be altered. All other matters in relation to the operation of the company cannot also not be addressed in this application. Having said that the application is to amend the operating hours so that production can be moved from one building to another. All other matters such as numbers of staff, number of vehicles, hours of deliveries should remain unchanged.

The issues raised by the objectors are:

### Highway matters:

- With 24 hour operation there will be an increase in traffic via Woodlands Road which is unadopted, unmade and not suitable for heavy good vehicles.
- Road dangerous as no refuge for pedestrians and road condition has deteriorated.
- Increase in number of vehicles parking in the residential only zone.
- HGVs use and park on residential roads which are getting damaged and not appropriate

As stated previously the application should not increase traffic levels within the area. The condition of the road should not deteriorate quicker due to traffic levels remaining the same.

### Amenity issues

- Vehicles park up overnight which means we have to close bedroom curtains to protect our privacy.
- The whole process of their production is very noisy and would make living in our homes intolerable
- Privacy compromised by workers walking from one building to another and lorry drivers have direct line of sight into our kitchen.
- Have very unpleasant and intrusive comments from workers when we are using our garden
- Recently woken up by fork lift trucks moving from Troy Works to Montrose works early on a Sunday and a lorry parking up for 2 days before collecting their load
- Noise from a machine producing a high pitched screeching noise is very unpleasant and could not be tolerated at night.
- Currently significant reduction in noise in the evening on Saturday afternoon and evening and all day Sunday and bank holidays
- Lighting on all night which streams light into any room facing the factory making it seem like daylight
- Environment health state that the building is 35 metres away from houses but this is more like 15 metres. The buildings are uninsulated and noise break out levels are high especially when large doors are open
- Increase in noise due to operation of machinery at premises and increase in noise due to HGV movements and fork lift truck operation. Impact greatest over summer months when windows open and residents are using their gardens

All the aforementioned issues relate to management of staff and vehicles visiting the premises which do not fall within the remit or control of this application. Environmental Health have been made aware, however, so they can consider if any of the issues raised can be controlled under their legislation.

#### Compliance issues

- Have since 2004 increase the working hours slowly
- Openly admitted to non compliance of existing restrictions so why are these actions going to be awarded?

It is considered that the company is not being rewarded, we are hoping to facilitate production for a local company and ensure that the detrimental amenity of residents is no worse.

## CONCLUSION

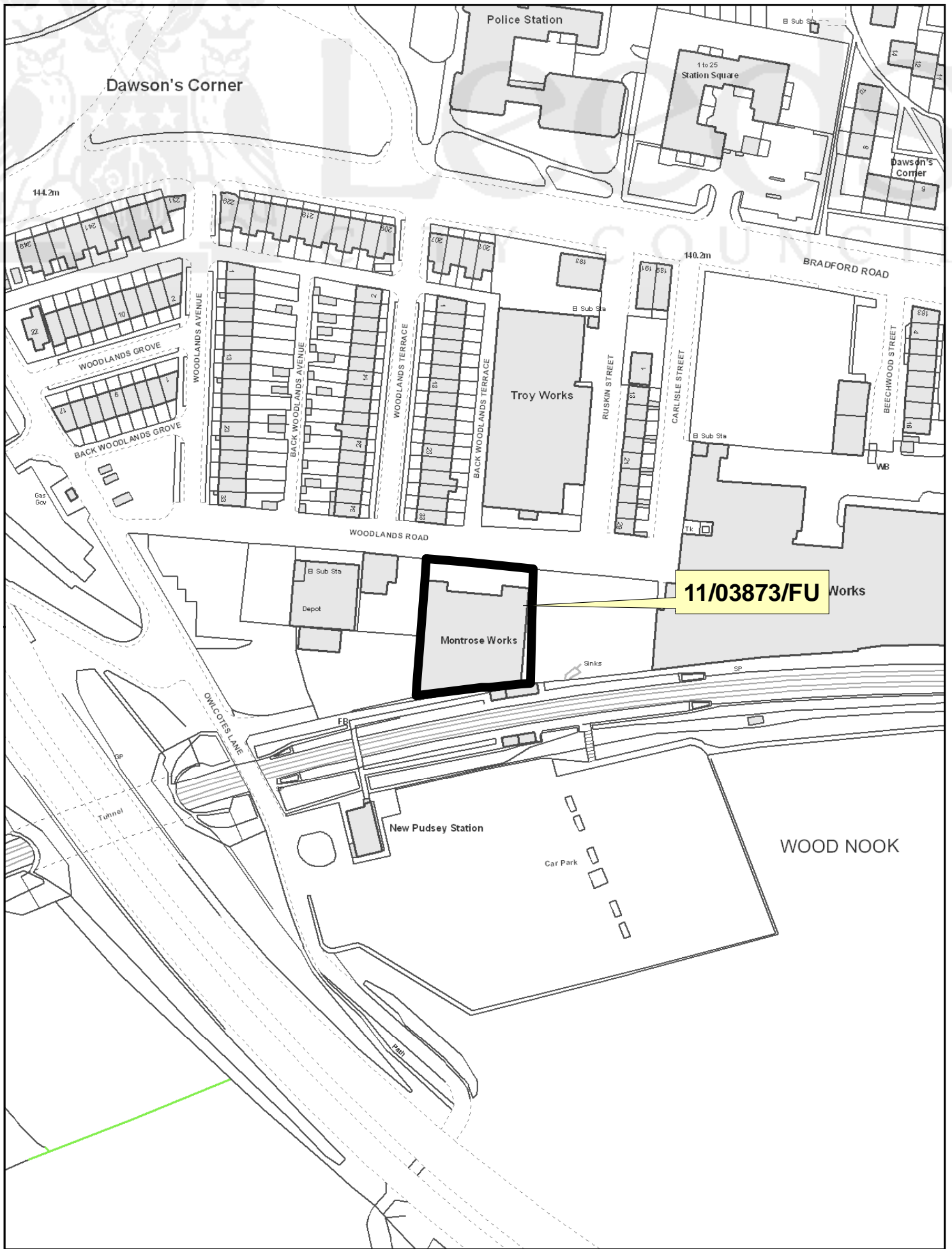
The application is to vary two conditions from an approval for a industrial unit in 1975. The variations relate to allowing 24 hours operation 7 days a week and a lowering of the noise levels that will exist on the northern boundary. The application is considered acceptable as it facilitates the movement of noisy production to a building further away from residential properties and it allows more stringent noise controls to be attached as part of the revised conditions. To assess the impact it is recommended that the permission is for one year. Overall the application is considered acceptable.

## BACKGROUND PAPERS

Planning application number 11/03873







# WEST PLANS PANEL

