

[REDACTED]

From: Claire Potts
Sent: 18 March 2019 11:16
To: Planning.Responses
Subject: FW: Saltbox - BE/135/18/PL

Please can the attached be uploaded to the file

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From: Nia Russell [REDACTED]
Sent: 18 March 2019 11:01
To: Michael Eastham
Cc: Arfon Hughes; Fiona Fitzgerald; Claire Potts; Martin Court
Subject: Re: Saltbox - BE/135/18/PL

Michael

Further to the comments from Environmental Health please see our responses (shown in red) below.

I have copied this to Claire and Fiona directly in your absence on leave. I have also copied in our acoustic consultant and it may be beneficial for Martin and Fiona to speak directly on some technical matters.

Regards

Nia

Nia Russell
Associate
Mango Planning & Development Limited
Number Two Waterton Park
Bridgend CF31 3PH
[REDACTED]

On 11 Mar 2019, at 11:51, Michael Eastham [REDACTED] wrote:

Nia,

Please see the consultation response from Environmental Health regarding the Salt Box application (BE/135/18/PL).

I look forward to receiving your response.

Kind regards,

Michael

From: Fiona Fitzgerald
Sent: 11 March 2019 10:25
To: Planning.Responses
Cc: Michael Eastham
Subject: Saltbox - BE/135/18/PL

Dear Michael,

Please find Environmental Health's comments below for this application. Requested conditions are in **bold**.

NOISE

In response to the Sharps Redmore Acoustic report for Saltbox, Bognor Regis, Sussex, Project Number: 1818341, dated 6th December 2018 Environmental Health have responded with respect to each unit as this follows the set-up of the acoustic report:

Unit 2

1. Please provide a map of the actual location of the proposed 4m acoustic fence if this has not been provided. Apologies if it has been provided and I have missed it.
2. Environmental Health would then require a condition regarding the acoustic fence to be installed and maintained as detailed in the report such as:
 - Mitigation measures for the acoustic boundary at the north of the site shall be installed as detailed in the Sharps Redmore report Project No 1818341 dated 6th December 2018. Applicant response - the location is shown on the attached plan (drawing 1744-U02-P02 (highlighted on the attached)). Happy to accept a condition requiring its installation prior to occupation of Unit 2.

Unit 8 (Foodstore)

1. Paragraph 4.17 states 'It is understood that the operation of the site will be 24/7 given the nature of the proposed use. Environmental Health fails to understand why a food store of this nature would need to be open 24/7. Whilst we appreciate that the proposed levels of noise according to Unit 8 would be well under the current noise levels as detailed on page 14 of the report, we would be concerned that allowing the site to have unfettered 24/7 access would encourage anti-social behaviour; this was a protracted problem in the established industrial site to the south of Rowan Way and was only solved with the restriction of access and time to the site.
2. We would therefore require time restrictions on the use of this unit.
 - **No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours 7.00 – 23.00 Monday to Saturday and 8.00 – 18.00 Sundays and Public Holidays.**

The unit would not be open for trade 24 hours, however external condensers required for air conditioning and refrigeration would operate 24 hours. Could the reference to plant being operated therefore be removed. The operator has requested the windows permitted for trade and deliveries to however read 6am to 11pm Monday to Saturday and 7am to 9pm Sundays and Public Holidays. As pointed out by the EH this would have no impact due to existing noise levels.

Our acoustic consultant is of the view that 24/7 deliveries could be considered similarly. Anti-social behaviour could be controlled through a gated barrier when the store was closed to the public and access made available to a delivery vehicle upon arrival. Noise levels should not preclude 24/7 deliveries with appropriate controls/management.

Unit 9 (Car Showroom)

3. Given the close proximity of the Car Showroom to the Caravan site, Environmental Health would not agree 24/7 use for Unit 9. Please place the following condition in relation to Unit 9

- **No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours 7.00 – 23.00 Monday to Saturday and 8.00 – 18.00 Sundays and Public Holidays.**

Similar to the above, our consultant is of the view that existing noise levels shouldn't preclude 24 hour deliveries.

4. The information given on the first page of the report details workshops (including MOT testing). It is presumed that the MOT testing will take place within Unit 9. However the discussion of Unit 9 does not mention MOT testing. Please could the applicant confirm whether MOT testing will take place at the car showroom or not?

MOT testing will take place and 2 dedicated bays are shown for the purpose on the attached drawing.

5. Paragraph 4.26 states that the workshop is to be located to the centre of the site, but does not indicate whether this would be to the north (away from the caravan site) or to the south (directly facing the caravan site). Please could this be confirmed as it will obviously have more of an impact in noise terms if it there are doors to the south of the site, therefore directly facing the caravan site and its occupants.

A single vehicle access/egress door is provided to the south elevation of the workshop. Each of the MOT bays have their own door, facing west as shown on the attached drawing.

6. Paragraph 4.28 - Environmental Health agree with placing a noise limiting condition for Unit 9 regarding heating, ventilation and air conditioning items. In line with the Sussex Planning Guidance, Environmental Health would require the following condition as we would not be satisfied with the suggestions in paragraph 4.29 of either 5 or 10dB **above** background.

- **Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment [(including fans, ducting and external openings)], compressors, generators or plant or equipment of a like kind, installed within the unit which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the local planning authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the background sound level when measured according to British Standard BS4142: 2014, at any adjoining or nearby noise sensitive premises.**

The type of plant and existing noise levels should make this achievable.

7. Although EH accept this it is not possible at this stage to know what equipment is going in, please could the applicant provide details of where it is likely to be located. An external plant enclosure with acoustic screening is shown on the south elevation of the building and shown on the attached drawing.
8. EH would disagree with the comment made in paragraph 4.37 which states that 'the sensitivity of the receptor can be considered to be normal for dwellings'. Caravans (both static and touring) are highly likely to have less insulation than the average brick-built dwelling and therefore would be considered to be more sensitive. Please could the applicant confirm whether or not this changes their conclusions?

We have considered worst case within the SoundPLAN models and the predictions are actually at 4.5m as usually used for a first floor bedroom. Caravans, at a lower level, will have the benefit of improved contribution from screening by the building height itself.

9. Prior to paragraph 4.39 – title 'Noise from fixed plant and equipment' - please could the applicant confirm that this fixed plant and equipment is separate to that referred to in paragraph 4.28? I presume that paragraph 4.39 onwards is for the overall site, and not just unit 9. However, Environmental Health agree with the imposition of a condition to control this, we would suggest the same condition as in point 6 above:
- **Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment [(including fans, ducting and external openings)], compressors, generators or plant or equipment of a like kind, installed within the unit which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the local planning authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the background sound level when measured according to British Standard BS4142: 2014, at any adjoining or nearby noise sensitive premises.**

As above, type of plant and existing noise levels should make this achievable.

10. Please confirm what unit (or units) the 'Noise from Internal activity' (paragraph 4.46) relates to as this is not clear.

Various distribution warehouses have been measured over many years for noise at work assessments. Generally this type of operation involves reach stackers, fork lifts and crate stacking typical for an ambient non-chilled despatch operation.

5.0 - Impact of Outline Application on existing noise sensitive properties

11. It is not clear whether section 5.0 relates just to Unit 1 (the outline area of the application as I understand it). This would appear to be the case, however paragraph 5.4 states the closest noise sensitive properties to the likely mechanical services plant area are the residential properties on Shripley (actually Shripney) Road to the north of the site. If this section of the report is detailing only the outline area, Unit 1, then the nearest noise sensitive properties would be the Caravan site to the South. Therefore we would ask for the following condition to be placed on any permission given with relation to Unit 1:

- **No development shall take place before a scheme has been submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise sources emanating from the site. Thereafter, the use shall not commence until the approved scheme has been fully implemented. The scheme shall be maintained thereafter**

As outlined in the original report..."Given the outline nature of this aspect of the application, it is considered that suitable conditions could be applied as reserved matters to enable noise issues to be addressed when further details are known regarding the tenure of the units, likely uses and associated plant'.

Units 3, 4, 5, 6 and 7

12. Whilst Units 2, 8 and 9 have been considered in the report, and Unit 1 has been discussed as Outline only, Units 3 – 7 appear to have been omitted in terms of noise impact on residents. Please could the applicant explain this?

The units considered demonstrate worst case outline development. Units 3-7 are smaller and any impact would be less. Any details for these units would be included in the proposed conditions above.

Units 4 and 5 only

13. Environmental Health would require a condition restricting time use of the drive-thru restaurants, as discussed above, this would be to discourage anti-social behaviour which could then potentially have a detrimental impact on local residents. We would not be happy with 24/7 use of these two units.
- **The use hereby permitted shall not be commenced until the details of the equipment detailed to discharge odours and fumes from the cooking process has been submitted to and approved in writing by the Local Authority. The equipment detailed above shall then be installed and be in full working order to the satisfaction of the Local Planning Authority.**
 - **The extraction equipment installed in pursuance to Condition above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.**
 - **No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours 7.00 – 23.00 Monday to Saturday and 8.00 – 18.00 Sundays and Public Holidays.**
 - **The drainage serving kitchens at commercial hot food businesses shall be fitted with a grease trap/separator of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and waste water flow rate. The applicant shall provide the Local Planning Authority with details of their proposed grease trap/separator in order to demonstrate design and installation will be in compliance with BS EN 1825-1:2004, & BS EN 1825-2:2004**

As point 2 above. Some plant/ machinery will need to be running 24/7 for refrigeration. Noise should not preclude 24/7 deliveries. We would request these hours mirror the hours stated in our response on the foodstore. I.e permitted a 6am opening time.

Overall Site Noise Comments

14. Please could the applicant provide a Soundplan map showing 'with acoustic barrier Night-time LAeq' as only the daytime one is provided. Our consultants consider this is not applicable as night time LA Max is considered robust in terms of sleep disturbance.
15. In Appendix A the LAMax with Acoustic Barrier map does not detail whether this is daytime or nighttime. Please could this be clarified? Night time.
16. It would appear from Appendix A daytime that the LAMax levels will vary from 50-53dB (southern part of the caravan site) to 53-56dB (northern part of the caravan site). This therefore varies from moderate annoyance to above serious annoyance under the WHO guidelines. Part of the caravan site also falls into the 60-62dB LAMax contour, so again, above the WHO guidelines.

WHO doesn't consider LAMax parameter in terms of annoyance. The models show 24/7 use. The restrictions proposed in the conditions will bring these levels down accordingly.

17. Although car door slamming is considered throughout the report, it appears to have been considered separately for each unit and the cumulative impact may not have been taken into account. Please could the applicant confirm whether or not the cumulative impact of vehicle door slamming for the entire site and its potential impact on residents has been taken into account? Any impact from car door slamming will be insignificant given the distances involved and intervening screening by the buildings themselves.

18. Environmental Health would require the following condition for the entire site:

- All vehicles, plant and machinery used on site and those under the applicant's control moving to and from the site that are required to emit reversing warning noise, shall use white noise alarm as opposed to single tone "bleeping" alarms throughout the operation of the development hereby permitted.

Agreed.

19. Environmental Health would require a CEMP for the entire site, or separate CEMPs for each site if appropriate:

- No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a. An indicative programme for carrying out of the works
 - b. The arrangements for public consultation and liaison during the construction works
 - c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
 - d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
 - e. the parking of vehicles of site operatives and visitors
 - f. loading and unloading of plant and materials
 - g. storage of plant and materials used in constructing the development
 - h. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - i. wheel washing facilities
 - j. measures to control the emission of dust and dirt during construction
 - k. a scheme for recycling/disposing of waste resulting from demolition and construction works

20. Environmental Health will require that each unit is gated and fenced to prevent access at times when the units are closed. This is to prevent anti-social behaviour which has been prevalent in the area in similar circumstances. EH would propose the following condition to achieve this:

- **Each separate unit is to be fenced and gated to prevent access at times when the unit is not in operation.** As discussed in 2 above, this would enable unrestricted deliveries with gate access controlled.

CONTAMINATED LAND

21. Please could the consultant confirm why pesticides/herbicides were not considered in the CSM? I will respond on this point separately.
22. The Phase II will need updating to provide a human health-based Risk Assessment, including a CSM.
23. As no asbestos fibres were identified in the Phase II report, I do not think that an asbestos survey is required, although a watching brief for any contamination should be included:
 - **Precautionary condition: If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.**
24. Regarding a Japanese Knotweed survey, a suitably qualified, independent consultant should confirm whether this is required.

In conclusion

Whilst Environmental Health has no wish to prevent the commercial uses of the site from being successful, we would caution against blanket 24/7 use of the site given the sensitive residential uses of the site to both the north and the south of the site, and the potential for anti-social behaviour arising from the 24/7 use along with the drive-thru restaurants.

Environmental Health has concerns that as Unit 9 has a proposed end user and that Unit 1 doesn't, it is not possible to derive the potential cumulative impact of these two units on the caravan park to the South and therefore this impact has not been (or cannot be) fully investigated. We have concerns therefore that the acoustic impact of the overall site on the Caravan Site has therefore been underestimated. Please could the applicant respond to this point?

- **In order to prevent the potential of a leak into the environment and possible legal action being taken, any oil or chemical storage tanks should be surrounded by an impervious oil/watertight bund. The volume of the bund compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. If there are multiple tanks, the compound should be at least equivalent to the capacity of the combined capacity of the tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund should be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.**
- **External lighting in association with this development shall comply with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, Environmental Zone E2.**

Informative: All food businesses are required to submit a Food Registration Form to Environmental Health 28 days before opening.

Regards

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