

Recommendation Report for County Matter Consultation

REF NO: LU/131/15/WS

LOCATION: Unit A Fort Road

PROPOSAL: Variation of Condition 6 imposed under planning reference LU/236/04 relating to delivery hours. This application is a County Matter and will be determined by West Sussex County Council.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above.

This application seeks permission to vary condition number 6 on planning permission LU/236/04 as follows.

Permitted Hours

Monday to Friday - 07:00 to 18:00

Saturday - 08:00 to 13:00

Sunday, Bank & Public Holidays - None

Proposed Hours

Monday to Friday - 06:00 to 22:00

Saturday - 06:00 to 13:00

Sunday, Bank & Public Holidays - 08:00 to 14:00

The wording of the current condition is:

No waste materials shall be delivered to or removed from the site except between the hours of 07:00 and 18:00 Mondays to Fridays, and 08:00 to 13:00 Saturdays. There shall be no delivery or removal of waste from the site on Sundays, Bank Holidays and Public Holidays.

The application is one which falls to be determined by WSCC as the LPA for Minerals and Waste.

The application is supported by a Planning Statement and this advises that the operating hours would accommodate customers' delivery and collection vehicles that visit temporarily (sic) and its own vehicles. That its own vehicles presently have adequate on site

parking and therefore no chance to parking is required.

The Statement also advises that the new Eldon Way/A259 junction is now complete and that the company has always instructed its drivers and those of visiting waste vehicles to avoid Clun Road. It considers that WSCC can be confident that disturbance by traffic from the site has been low historically and is unlikely to worsen.

SITE AREA

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The front of the site is open. To the rear/sides and rear the site is enclosed by palisade fencing of some 2m in height.

SITE CHARACTERISTICS

The site is comprised of a portal framed steel clad buildings with a single storey brick office element. Access and servicing are located to the rear and access is via a site access to the north east of the buildings.

CHARACTER OF LOCALITY

The site is located within an employment area. To the north east and to the rear of Clun Road dwellings are allotments. The Clun road area is a residential one and the site has potential access through this residential area via a number of junctions from within the employment area. The site is also accessible by means of the now completed Eldon Way/A259 junction and this can be accessed via Fort Road/Arndale Road/Eldon Way.

RELEVANT SITE HISTORY

This Council is not the Local planning Authority for these premises in their current use and therefore there is no recent planning history.

The site has however been the subject of Appeal against conditions 5 (no external storage of waste) and 6 (hours of operation) imposed on the original planning permission LU/236/04. This appeal was allowed and condition 5 partially varied and condition no 6 was varied to the form set out earlier in this report. The Appeal in relation to condition 6 had sought unrestricted vehicle operation.

It should be noted however that the inspector in determining the appeal acknowledged that even with the availability of the new access road, not open at the time but due to open in Summer 2005) would merely provide an alternative route and be unlikely to eliminate problems caused by traffic passing through residential areas. The inspector concluded that an increase in hours and days of operation was acceptable but not that unrestricted use was acceptable.

REPRESENTATIONS

Representations received:

None received.

Comments on Representations received:

None.

CONSULTATIONS

Environmental Health

Consultations responses received:

This Council Environmental Health Officer (EHO) has commented:

I have concerns that should the condition be changed as the applicant has requested, that the local residents in the surrounding roads (in particular Clun Road) may be unreasonably disturbed by noise from vehicles using the site. This would be particularly relevant in the early morning and late evening when the background noise is lower.

Therefore I would request that the condition only be changed if there is a restriction put on the route that the vehicles are allowed to take to enter and leave the site. The condition should state that vehicles are only allowed to enter and leave the site via the industrial estate and subsequent access to the A259, and not Clun Road.

Comments on Consultation responses:

This matter has been discussed with the EHO and it is considered reasonable to require that site access should be in accord with a routing plan and strategy. This should set out the route utilising the A259 access and the measures to be taken to ensure that delivery vehicles working from the site or visiting the site from elsewhere utilise that route. It is considered that this would be a reasonable and proportionate requirement that would protect amenity and also permit the reasonable operation of the site.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN32

[Publication Version of the Local Plan \(October 2014\):](#)

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

Built-up Area Boundary
Noise Pollution

SD SP1 Sustainable Development
SD SP2 Built-Up Area Boundary
QE DM1 Noise Pollution
EMP DM1 Employment land:
Development Management

The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The Littlehampton Neighbourhood Development Plan was made at Full Council meeting on 5th November 2014. This means that the Littlehampton Neighbourhood Development Plan has been brought into legal force and forms part of the statutory plan for the town. Consequently, decisions on whether or not to grant planning permission in this area will need to be made in accordance with the Littlehampton Neighbourhood Development Plan, unless material considerations indicate otherwise.

The Plan contains no specific policies of relevance to the proposal.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

This council is a consultee on this application and it will be determined by WSCC.

The proposal is generally in accord with policy and the key issue is the potential impact of the increased hours of operation on the residential amenity of occupiers of dwellings in the Clun Road area as a consequence of increased hours of operations and associated traffic movements proposed.

Waste materials could be delivered or removed:

Monday to Friday
1 hour earlier from 06:00
4 hours later until 22:00

Saturday
2 hours earlier from 06:00
Until the same time of 13:00

Sunday, Bank & Public Holidays
New hours of 08:00 to 14:00

These proposed times are likely to give rise to greater potential noise impacts during more sensitive periods and could give rise to unreasonable disturbance as a result of vehicle noise (and potentially vibration). This would be particularly relevant in the early morning and late evening when the background noise is lower.

It is therefore considered that unless the routing of vehicles is restricted, that detriment to amenity is likely to result and that in such as case the proposal would not be in accord with policy relating to noise impact and amenity.

It is recommended that No Objection be raised, only if a condition is imposed on any planning permission granted which requires that site access should be in accord with a routing plan and strategy. This must set out a route utilising the A259 access and the measures to be taken to ensure that delivery vehicles working from the site or visiting the site from elsewhere utilise that route and not access the site through the Clun road area. It is considered that this would be a reasonable and proportionate requirement that would protect amenity and also permit the reasonable operation of the site.

If WSCC are not minded to impose such as condition, then Arun District Council wish to object to the proposal on noise impact and amenity grounds, unless it can be satisfactorily demonstrated to this Council that such impacts will not result.

RECOMMENDATION

NO OBJECTION SUBJECT TO CONDITIONS

- 1 Access to and from the site to the highway network for delivery vehicles shall be in accord with a routing plan and strategy to be first submitted to and approved in writing by the Local Planning Authority. The routing plan and strategy shall direct delivery vehicles to utilise to A259 junction with Eldon Way. Access to and from the site for delivery vehicles shall thereafter be in accord with the routing plan and strategy so approved, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of the occupiers of dwellings in the Clun Road area from the adverse impact of vehicle noise in accord with policy GEN32 of the Adopted Arun Local Plan 2003 and policy QE DM1 of the Emerging Arun Local plan 2011 - 2031 and to ensure a Sustainable Development in accord with paragraph 14 of the National planning Policy Framework.

- 2 INFORMATIVE: It should be noted that Arun District Council Object to this proposal in the absence of the above condition (or one similarly worded to achieve the same outcome) being imposed. The Council's objection would be on the grounds of the adverse impact of the proposal due to vehicle noise on the amenity dwellings in the Clun road area, unless it can be satisfactorily demonstrated to this Council that such impacts will not result.