

Recommendation Report for Planning Permission

REF NO: LU/171/19/PL

LOCATION: 1 Lineside Way
Littlehampton
BN17 7EH

PROPOSAL: Variation of condition 4 imposed under LU/2/19/PL relating to hours of operation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION "The application seeks approval to amend condition 4 of planning permission LU/2/19/PL which stated:
The hours of operation of the extended business are to be restricted to 07.30 hours and 18.00 hours, Monday to Saturday only.

Reason: To safeguard the amenities of nearby residents in accordance with policy DDM1 of the Arun Local Plan."

The proposal seeks to extend these hours to be 24 hours a day, 7 days a week.

The recently approved extension is located to the north side of the unit.

The applicants are manufacturers of metal engine components within the automotive, MOD and other sectors for high quality products and have expanded in the last 10 years in terms of staff and turnover. The extension of hours is required to allow the additional floor space approved for B2 business/light industrial use to upgrade and expand operations for the company.

The application is supported by a Noise Assessment.

SITE AREA 3781 sqm

TOPOGRAPHY Predominantly flat.

BOUNDARY TREATMENT Open to front. Extended height close boarded fencing runs along the rear eastern boundary at approximately 4m separating the unit from residential properties in Egan Way. The western boundary is marked by the neighbouring site and warehouse building of Unit 2.

SITE CHARACTERISTICS An industrial premises with brick and metal clad elevations. Parking is situated to the front and there is a large storage area and yard to the rear.

CHARACTER OF LOCALITY The unit is located on the edge of an industrial estate with

other large warehouse and factories in the area. Residential properties are located to the east on higher ground.

RELEVANT SITE HISTORY

LU/2/19/PL	Extension to existing warehouse with re-cladding of existing brick built unit to match and provision of sand silos and associated plant room and increase in height of building (resubmission following LU/334/17/PL).	ApproveConditionally 25-04-19
LU/334/17/PL	Single storey rear extension & overcladding of existing brick & corrugated building.	ApproveConditionally 09-01-18
LU/132/14/PL	Extension to existing steel framed purpose built industrial unit plus overclad existing brick and corrugation building with finishes to match new extension. Resubmission following LU/29/14.	ApproveConditionally 16-07-14
LU/510/72	Extension Rearwards By Five Bays Of Existing Unit	ApproveConditionally 01-02-73

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection - In the absence of any proposals to mitigate the impact that the longer hours of operation would have on the surrounding residential properties and an assessment of the impact by Environmental Health, concern that the longer operational hours would have an adverse impact on the residential amenity of the neighbouring dwellings by virtue of increased traffic and fumes generated.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments are agreed. The Environmental Health officer has suggested imposition of an acoustic condition which would address the issue of noise pollution.

The application does not need to go to Development Control Committee for determination in accordance with paragraph 14 of the Scheme of Delegation dated 16-01-2019.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health.

Having now reviewed Acoustic Associates Sussex Ltd.'s report (ref.: J2788, dated September 2019) in relation to the above, this Department does not have any objections to Building A operating 24/7, providing that the following are applied:

- No external plant to be operated between 23.00 hours and 07.00 hours
- No external working/operations between 23.00 hours and 07.00 hours
- No knocking out of moulds between 23.00 hours and 07.00 hours
- Other than for access, doors to be kept closed between 23.00 hours and 07.00 hours
- Windows to be kept closed between 23.00 hours and 07.00 hours
- Re-assessment of the acoustic situation will be required if changes to the building are proposed (this may include, but is not limited to how the building is used, changes to the design and/or material specification, use of internal/external plant, etc.).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The final condition requested by the Environmental Health Officer is not considered reasonable or necessary, but has been included as an Informative.

Any additional doors and windows to the premises would be required to be closed to accord with the condition imposed. Changes to the design of the building would be likely to require the submission of an application for planning permission. Use of external plant overnight is not permitted. If use of internal plant alters significantly and causes statutory nuisance this would be dealt with by other legislation. It would not be reasonable or easy to enforce a condition that restricted the position and provision of new plant within the premises.

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary
Public Sewer on site

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
EMPDM1	EMP DM1 Employment Land: Development Management

[Littlehampton Neighbourhood Plan 2014 Policy 2](#)

A Spatial Plan for the Town

Littlehampton Neighbourhood Plan 2014 Policy 1

The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policies 1 & 2 of the Littlehampton Town Neighbourhood Plan is considered relevant to consideration of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would not result in materially adverse impact on residential amenity.

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

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun Local Plan which in this case are considered to be policies DDM1, QEDM1 and QEDM3 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

The principle of the extension and its scale, design, position and size have been approved and are not being considered as part of this proposal. The application seeks amendments to the hours of operation and therefore the main consideration is the impact on residential amenity.

The extension retains acceptable distances to the residential properties situated to the east. In the case of the nearest properties including No. 19 Egan Way there is an additional 4m high wooden screen which will help mitigate noise. The extension would be 8.5m from the side elevation of the adjacent dwelling

which contains no habitable room windows. The plant room and sand silos would be screened from residential properties by the existing industrial unit and its extension. The submitted noise assessment is supportive of the request and points out that the removal of the backyard, which is the main source of the noise, and replacing it with the structure we are will be hugely beneficial in reducing the noise.

Environmental Health had no objection to the proposed extension (LU/2/19/PL) subject to the imposition of a condition on operating hours. The justification for the imposition of hours of operation condition on application LU/2/19/PL was on the basis that the application sought consent for an extension of the industrial premises in an area that brought it closer to properties in Egan Way than the existing premises and there was therefore an increased likelihood that the proposal would detrimentally impact on the residential amenities of the neighbouring properties.

This application seeks to remove the time limit and increase the hours of operation to 24 hours a day, 7 days a week. The submitted Noise Report provides an assessment of the likely impact of overnight working inside the existing building.

The assessment considers the following:

- Typical sound levels from external plant located at the Finecast site.
- Internal sound pressure levels occurring inside the building.
- The impact of the North Westerly extension to the building specifically to determine overnight working.
- The impact of overnight working in line with BS4142:2014.

Two class one sound level meters were installed on the Finecast Site from 29th August 2019 to 3rd September 2019. The meters were set up to record background sound levels at the nearest noise sensitive receptor at 19 Egan Way at a position representative of the first-floor bedroom window. An additional sound level meter was installed inside the building to provide an account of realistic working conditions during the daytime and night time periods.

The focus of the report has been on supporting overnight operations inside the newly extended building and accordingly measured background sound levels have been derived from a period without any overnight working or early morning operations. The representative measured background sound level for the overnight period (ie 23:00-07:00 hours) has been calculated. Noise modelling software was used to combine the consented Kingspan profiled cladding for the newly extended building, as well as using the highest internally measured overnight single hour period for inside the building.

The approved 20m extension to the building further to the North West will remove the current yard operating area. It is proposed to carry out overnight operations within the building with approximately six employees. It is relevant to note that overnight operations would only involve internal operations inside the building with windows and doors all closed and that no external plant would be run to support overnight working. The process of knocking out, ie the use of hammers to break apart the moulds would also not to be carried out overnight and no external activities are proposed overnight.

Noise modelling software was used to assess the predicted noise impact at the closest residential receptor, with the specific noise level, and rating level, being assessed against the measured overnight background sound levels.

Overnight hours within the acoustic report are considered to be 23:00 to 07:00 hours. The nearest residential property is that of 19 Egan Way. A bedroom window is present at approximately 4m in height on the Western side. Between the application site and the nearest residential property is a timber 3.6m fence (measured from top to ground floor level at 19 Egan Way). The garden of this property already experiences a lot of the yard operations which are audible and included hisses of compressed air, repetitive reverse beepers, repeating metallic clanging and whining of a motor or engine, possibly a fork lift truck. It is relevant to note that the external yard would disappear to accommodate the Northern

extension to the building. The highest worst-case hour for the night time period (recorded 06:00-07:00 hours) was used in the modelling process. The worst case overnight hour was entered into the noise model, along with the additional items.

The assessment was undertaken on the basis of the following items which can be controlled by condition:

1. The night time shift would have to be mindful of the operating environment and ensure that all doors and windows remain closed.
2. No external working or operations would occur outside of the building.
3. No knocking out of moulds would occur overnight.
4. The external plant, such as the cooling tower, the compressor, the dust separators and the external chimney stack would not be required to operate during night time hours (23:00-07:00 hours).
5. The Northern extension of the building significantly reduces the operational yard area which is known to be noisy during the day to day processes.

The Sound Assessment concluded that the extension of the building is considered to be a positive step and is likely to remove the noises associated with the operation of the yard. Overnight working, when assessed with the highest hour period measured overnight also indicates that this should not be a problem.

With the suggested conditions any unacceptable planning impact from noise and air pollution can be adequately controlled. If these were to escalate to significantly unacceptable levels there is other environmental health legislation that could be used to tackle the problems.

It is therefore considered that 24 hour use of the premises complies with relevant policies QEDM1 and QEDM3 of the Arun Local Plan. The proposal is therefore considered acceptable in residential amenity terms and so complies with Local Plan policy DDM1(3). The application is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal no impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy

and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
Proposed Plans and Elevations 19-01-02A,
Existing Plans and Elevations & Site Location Plans 19-01-01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated October 2017 reference 5168 compiled by GTA Civils Ltd.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with policies WDM2 and WDM3 of the Arun Local Plan.

- 4 The development shall be carried out in accordance with the submitted Acoustic Associates Sussex Ltd Noise Assessment BS4142:2014 Assessment of Overnight Operations in Building A Report by: Scott Castle BSc (Hons) CEnv, MCIEH PGDip: Acoustics MIO, Dated 13/09/2019, Project: J2788, Issue 1. At all times overnight operations between the hours of 23:00 to 07:00 hours shall be carried in accordance with the following criteria as outlined in the Report:
 - All external doors and windows shall remain closed.
 - No external working or operations shall occur outside of the building.
 - No knocking out of moulds shall take place.
 - External plant, including the cooling tower, the compressor, the dust separators and the external chimney stack shall not be operated.

Reason: In the interests of the residential amenities of adjoining neighbouring properties in accordance with Arun Local Plan policies DDM1, QE SP1 and QE DM1 .

- 5 **INFORMATIVE:**
The Environment Agency recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.

Please note that it is not their role to assess any details on flood evacuation or emergency plans, as they do not carry out these roles during a flood. Their involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

- 6 **INFORMATIVE:**
It is recommended that consideration be given to use of flood mitigation measures to reduce the impact of flooding when it occurs. Flood mitigation measures include barriers on ground

floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. More information can be found in the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

In order to protect Southern Water apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example: The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public sewers and water supply main.

7 INFORMATIVE:

The exact position of the public foul sewer, surface water sewer and water main must be determined on site by the applicant before the layout of the proposed development is finalised. No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water.

No development or new tree planting should be located within 3 metres either side of the external edge of the public foul sewer (300mm).

No development or new tree planting should be located within 3.5 metres either side of the external edge of the public foul sewer (600mm).

No new soakaways should be located within 5 metres of a public sewer.

All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

8 INFORMATIVE:

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

9 INFORMATIVE:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

10 INFORMATIVE: The future use of the above new space requires closer definition. This will enable assessment against the existing permit and of any consequent variation/other which may therefore prove necessary. Previous discussion with Environmental Health had included the possibility of new thermal sand reclamation plant. It is suggested you clarify your intent with Joanne Lewis before the time of your next inspection (before March 2018).

11 INFORMATIVE: Re-assessment of the acoustic situation will be required if changes to the building are proposed (this may include, but is not limited to how the building is used, changes to the design and/or material specification, use of internal/external plant, etc.).

12 INFORMATIVE:

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with

the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.