

Recommendation Report for Planning Permission

REF NO: LU/210/20/PL

LOCATION: Block B, Unit Q
Arndale Road
Littlehampton
BN17 7GA

PROPOSAL: Installation of 3 No. flues. This application is in CIL Zone 4 (Zero Rated) as 'other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to install 3 flues which would terminate at roof level.
SITE CHARACTERISTICS	Industrial unit (Unit Q) within Block B, a single storey steel construction building with pitched roof which consists of 2 industrial units.
CHARACTER OF LOCALITY	Primarily industrial - within Lineside Industrial Estate. To the north, south and west other industrial/commercial units. To the east, the unit borders the Sea Scout Group grounds and hall and local allotments. Beyond the Scout hall to the east are residential properties.

RELEVANT SITE HISTORY

LU/211/20/A	2 No non illuminated fascia signs.	ApproveConditionally 29-09-20
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Noted.

Concurrent application (LU/211/20/A) for installation of 2 non-illuminated fascia signs.

REPRESENTATIONS

Littlehampton Town Council - no objection.

No other representations received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:**ENVIRONMENTAL HEALTH:**

No objection. Recommend conditions as follows: hours of demolition/construction, details of plant noise required, scheme for extraction/treatment of odours and fumes required.

COMMENTS ON CONSULTATION RESPONSES:

Noted. The hours of demolition/construction condition is not considered necessary and will not be applied, since these are minor works for 3 flues and should not result in significant noise/amenity impacts. A condition to control noise will be applied.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area Boundary
Flood Zone 2
Mineral Consultation Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
EMPDM1	EMP DM1 Employment Land: Development Management
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
WDM2	W DM2 Flood Risk

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Policies in the made Littlehampton Neighbourhood Plan are also relevant in the determination 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 have an acceptable impact on visual and residential amenity, and would not result in increased flood risk in Flood Zone 2.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

EMPLOYMENT POLICY:

Policy EMP DM1 of the Arun Local Plan support proposals for appropriate enhancement and modernisation of employment sites to meet the needs of business and the local economy. This proposal is in line with this policy being sited in an industrial estate.

VISUAL AMENITY:

Policy D SP1 of the ALP requires developments to reflect the character of the surrounding area in scale and materials. ALP policy D DM4 sets out the policy with regard to alterations and extensions to existing (residential and non-residential) buildings. This includes that they appear visually subservient to the main building and sympathetically relate to and are visually integrated with the existing building in terms of siting, scale, form, massing, design and materials.

The proposed 3 flues would terminate at roof level. They would be relatively small scale, not overly high (2m maximum), and appropriate to the scale of the building. Their siting at the rear of the unit on the roof slope facing away from the internal road within the site would partly obscure them from public view, however they would still be visible from the adjacent Scout hall and residential properties and on Lineside Way. That being said, given the scale, siting and the industrial character of the area, the flues would not appear visually prominent and would have an acceptable visual impact on the appearance of the building and locality.

The proposals would therefore accord with the NPPF, and policies D SP1, D DM1 and D DM4 of the Arun Local Plan.

NEIGHBOURING AMENITY:

Paragraph 127 (f) of the NPPF states that development should have a high standard of amenity for existing and future users.

Policy D DM1 of the ALP that new development will have minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states that the Council requires all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Policies QE DM1 and QE DM3 seek to control noise and air pollution.

The proposed 3 flues would serve a new car spraybooth and paint mixing room within the industrial unit. Although the nearest residential property is some distance away (c. 55m) there is a nearby Scout Hall and public allotments, and it would be necessary to control impacts on amenity in terms of noise/odour and fumes from the proposed flues. The Council's Environmental Health Officer has requested conditions (details of plant noise required, scheme for extraction/treatment of odours and fumes required) to control the potential noise and air pollution impacts of the new flues.

Subject to these conditions, the proposals would have an acceptable impact on residential amenity with regard to noise and air pollution, in accordance with the NPPF and Arun Local Plan policies D DM1, QE SP1, QE DM1 and QE DM3.

FLOODING:

ALP policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans.

Para 163 of the NPPF requires that "when determining any planning application, LPAs should ensure that flood risk is not increased elsewhere". The NPPF also states that Flood Risk Assessments are required for all development within Flood Zone 2 and 3.

Part of the site is located within Flood Zone 2 and, as such, an FRA is required by the NPPF. An FRA has been submitted by the applicant and this concludes that due to the nature of development proposed, there will be no increase to flood risk. The LPA agrees with this assessment and the proposals would accord with the NPPF and policy W DM2 of the Arun Local Plan.

SUMMARY:

Subject to conditions, the proposals would have an acceptable impact on visual and residential amenity and flood risk would not be increased. The application is therefore 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 the following 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 Elevations (Drawing No. REV/CP/2020/46/08), received 18/08/2020
 Proposed Roof Plan (Drawing No. REV/CP/2020/46/06), received 18/08/2020
 Proposed Layout Plan (Drawing No. REV/CP/2020/46/04), received 18/08/2020

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, D DM4 and QE SP1 of the Arun Local Plan.

- 3 Prior to the first operation of the internal plant associated with the flues hereby approved, details, including acoustic specifications of all fixed plant, machinery and equipment associated with the proposed facility, including fans, ducting, flues, external openings, compressors, generators or plant or equipment of a like kind, installed within the site 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 measured background sound level when assessed by a competent acoustician using BS 4142:2014, at any adjoining or nearby noise sensitive premises.

Reason: To protect the amenity of local occupants and residents in accordance with Policy QE SP1 and QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

- 4 The scheme and maintenance schedule for the extraction and treatment of fumes and odours generated by the internal plant associated with the flues hereby approved, shall be undertaken in strict accordance with the following documents:

Particulate and Solvent Release Guidance for Cyclone Spraybooth, prepared by STL
 STL Cyclone range spraybooth manufacturer's specification;
 Duplex filter manufacturer specifications Part 1 and Part 2;
 Sri PRO Lite DeVILBISS Gravity Spray gun manufacturer's specifications;
 PPG Envirobase Water-based Paint manufacturer's specifications
 PPG Aerosol Primer manufacturer's specifications;
 PPG Basecoat manufacturer's specifications;
 PPG Clearcoat manufacturer's specifications;
 PPG Primer manufacturer's specifications;

STL Cyclone spraybooth Guarantee of Compliance, STL

Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the internal plant associated with the flues hereby approved and shall thereafter be operated and retained in compliance with the approved scheme and maintained in full working order throughout the lifetime of the use approved.

Reason: To protect the amenity of local occupants and residents in accordance with Policy QE SP1 and QE DM3 of the Adopted Arun Local Plan 2011 - 2031.

- 5 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.