



From: Richard Castro-Parker
Sent: 05 December 2018 13:44
To: Planning.Responses
Subject: FW: LU/286/18/PD

Dear all,

Please could these Environmental Health comments please be uploaded to LU/286/18/PD.

Thank you

Richard Castro-Parker
Senior Planning Officer (Contract)
Arun District Council

From: Fiona Fitzgerald
Sent: 05 December 2018 12:34
To: Richard Castro-Parker
Cc: Juan Baeza
Subject: LU/286/18/PD

Dear Richard,

With reference to your recent email and the revised (July 2018) NPPF, my comments on this application are as follows:

Environmental Health would strongly recommend **refusal** for this application. This is for the reasons noted below:

Comments on Noise from Environmental Health

Whilst I have assessed the acoustic report submitted for this application and the addendum subsequently submitted, I have serious concerns that allowing residential use at this site will directly contravene Paragraph 170e and 180a of the revised NPPF. Specifically:

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

There is a B2 use to the west of the site with no time use restrictions on it, and a further B2 use at Unit 14 of Martello Enterprise Centre directly behind the proposed site again with no time use restrictions on it; this was not taken into account in the acoustic report. The acoustic report also has not taken into account the worst case uses of

these two sites (for example 24/7 sheet metal production), and in any case the current B2 use of these sites may well have a detrimental effect on any residential use. I have concerns that the acoustic report has also underestimated the noise impact of deliveries at the Morrisons supermarket site as it states "Levels from this commercial activity are understood to occur only between the hours of 8am – 9pm, and as such do not affect measured night time levels". However the restrictions on the Morrisons site for deliveries/loading/unloading are from 6am – 10pm inclusive.

In my opinion this means that acoustic report has underestimated the impact of noise on the new residential development, meaning that the development is highly likely to be adversely affected by unacceptable levels of noise, despite the proposed methods of noise mitigation.

Further, Paragraph 180a states:

180. Planning policies and decisions should also ensure that new development is *appropriate for its location* taking into account the likely effects (including cumulative effects) of *pollution on health, living conditions* and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life

It is my opinion that allowing residential use at this site would also contravene paragraph 180a, as noise is likely to give rise to significant adverse impacts on health and quality of life from excessive noise and potential Statutory Nuisance from the surrounding land uses.

Finally, although the comments from Private Sector Housing are detailed further below, based upon the plans provided, whilst the issues raised are not planning considerations, the layout and design of the flats do potentially present a significant category 1 hazard as identified by the Housing Health and Safety Rating System and if built in the current format following an inspection and assessment the Council would consider using its powers under the Housing Act 2004 to prohibit the use of some of the flats or serve an improvement notice to ensure remedial works were undertaken.

Comments from Private Sector Housing

Fire Safety

- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document – "Housing – Fire Safety, Guidance on fire safety precautions for certain types of existing housing"

Room Sizes

- Room sizes should meet the minimum standards for houses in multiple occupation if the flats are intended to be rented.
- Rooms need to be of a useable and practicable size to enable appropriate furniture or appliances to be fitted and used safely.
- Whilst there are no specific minimum sizes for bathrooms a number of the ensuite facilities appear to be narrow and would potentially make practical use very restrictive.

Ventilation

- Any bathrooms and kitchens without windows for natural ventilation should have adequate mechanical ventilation.

Windows

- The studio flats located internally with in the building, do not have any windows, velux windows as the only source of light, ventilation should be avoided where possible. All velux/ ceiling/roof windows must be able to be fully opened for ventilation during spells of prolonged and heavy rain or snow without allowing it to enter the room. Each velux window must also have integral passive ventilation for ventilation even when the window is shut. The Housing Health and Safety Rating System (HHSRS) states as a relevant matter that there should be a "reasonable view out of all rooms, other than those where privacy is required, such as bathrooms and WCs", as this can have a negative effect on the mental health of the occupants, especially over the longer-term. Each scenario will be assessed on a case-by case basis by an Officer to ascertain whether the windows are suitable and/or appropriate. In instances where it is not considered suitable alternative windows may be required to be installed.

General

- Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards, failure to do so may result in service of an Improvement notice or Prohibition Order.

Regards

Fiona Fitzgerald