

Report to: PLANNING COMMITTEE

Date of Meeting: 06 March 2019

Report from: Assistant Director of Housing and Built Environment

Application Address: 85-86 Castleham Road, St Leonards-on-sea, TN38 9NT

Proposal: Discharge of conditions 10 (Noise Report), 11 (Lighting Scheme), 12 (Acoustic specifications), 13 (Jet washing details) and 14 (Ventilation details) for planning permission HS/FA/18/00777

Application No: HS/CD/19/00103

Recommendation: Approve

Ward: HOLLINGTON 2018
Conservation Area: No
Listed Building: No

Applicant: Hastings Borough Council

Public Consultation

Site Notice:	No
Press Advertisement:	No
Letters of Objection:	0
Petitions of Objection Received:	0
Letters of Support:	0
Petitions of Support Received:	0
Neutral comments received	0

Application Status: Not delegated -

1. Background information

Planning permission was granted by Planning Committee on 12 December 2018 for the change of use of 85-86 Castleham Road from the Council archive and storage site, into the Councils Direct Service Organisation (DSO) Street Cleansing operational depot.

This application seeks to discharge conditions relating to noise, lighting, acoustics, jet washing facilities and ventilation. Drainage details are not being considered at this stage, and will be subject to a further application. Once this has been received, there will be no other conditions that will need to be discharged in order for the planning permission to be fully

implemented.

2. Site and Surrounding Area

The application site comprises an existing end of terrace industrial unit located in a short terrace of industrial buildings with vehicle access off Castleham Road. The application building is currently used to store the Council's pest control officer's equipment and materials and was last used as the Council's archive storage. The unit comprises a single-storey flat roof brick building at the front of the site containing two small office spaces, kitchen and toilet. Behind this is the industrial shed finished in blue corrugated cladding with a large roller shutter door opening out onto a forecourt parking area to the side of the single storey office block. To the side/east of the unit is an enclosed/gated parking area with space for approximately 9 cars.

The other industrial units in the immediate terrace are being used for a number of uses including a car garage/MOT centre, car parts distribution unit, a sporting goods storage and distribution unit, a loadcell manufacturer (use classes sui generis B2 & B8).

The site is located within the wider Castleham Industrial Estate which contains a number of industrial, storage and office units. The Castleham Industrial Estate extends to the north (beyond a tree belt), south and west of the site. To the east of the site beyond a narrow tree belt, public footpath and area of greenspace, are residential properties in Augustus Way and Marcus Gardens.

The application site itself is located on a spur road off Castleham Road, and does not front out onto the main highway.

Constraints

A very small portion of the site is affected by surface water flooding. There are no other relevant site constraints.

3. Proposed Development

This application seeks to discharge the following conditions of planning permission HS/FA/18/00777:

Condition 10 (noise report)

Prior to the commencement of the proposed use a full noise report covering the whole site in accordance to BS 4142: 2014 shall be submitted to and approved in writing by the Local Planning Authority.

Any noise mitigation measures recommended in the submitted noise report shall be installed prior to the commencement of the proposed use and shall be retained thereafter.

Condition 11 (lighting scheme)

Prior to the commencement of the proposed use, details of any lighting scheme, such as flood lighting or security lighting, shall be submitted to and approved in writing by the Local Planning Authority

Condition 12 (acoustic specifications)

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 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 in writing by the Local Planning Authority prior to installation

Condition 13 (jet washing details)

Details of the times of operation for any proposed jet washing facilities to be used at the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the proposed use.

Condition 14 (ventilation details)

Prior to the commencement of the proposed use details of the proposed ventilation systems shall be submitted to and approved in writing by the Local Planning Authority, and following approval, shall be retained thereafter

The applicant has also confirmed how they have complied with/will comply with all other conditions, although they do not need to be formally discharged or have written agreement from the Local Planning Authority, due to their nature. Details are however, provided within this report for clarity.

The application is supported by the following documents:

- BS4142 Noise Assessment (KP acoustics, February 2019)
- Ductwork ventilation layout
- Air conditioning quotation and proposal
- Air conditioning details
- Ventilation details
- Duct fan and duct wrap details

Relevant Planning History

HS/FA/18/00777 Change of use from the council archive (B1) and storage site (B8) to the councils Direct Service Organisation (DSO) Street Cleansing operational depot (B2)
GRANTED 12 December 2018

HS/FA/09/00299 Change of use from B2, General Industrial, to both B1, Business (front area) and B8, storage and distribution (rear). To be used for council offices and council archive storage. New mesh fencing to site perimeter
GRANTED 22 July 2009

HS/FA/08/00274 Amalgamation of units 85 & 86 including a) The continuation of a boundary fence around the adjacent access/car park hard standing area, b) The addition of roller shutters to the glazed rear window exterior, to provide security from vandalism/theft
GRANTED 16 June 2008

HS/FA/78/00156 Erection of block comprising eight units factories and provision of 56 parking spaces
GRANTED 12 April 1978

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Hastings Local Plan - Planning Strategy (2014)

Policy FA1 - Strategic Policy for Western Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy E1 - Existing Employment Land and Premises

Policy SC7 - Flood Risk

Hastings Local Plan - Development Management Plan (2015)

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM6 - Pollution and Hazards

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

National Planning Policy Framework (NPPF)

Paragraph 11 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay. Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Three dimensions of sustainability given in paragraph 8 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 80 of the NPPF states significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 85 of the NPPF states planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should (inter alia) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;

Paragraph 92 (Promoting healthy and safe communities) of the NPPF states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (inter alia) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 192 of the NPPF states in determining applications, Local Planning Authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF states When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

4. Consultation comments

Hastings Borough Council (Environmental Health) - **no objection**

Consider the information submitted to be acceptable to ensure noise is minimised and harm to amenity is restricted in all other respects of operation

5. Representations

The Council is not required to consult with the public on discharge of condition applications.

6. Determining Issues

a) Principle

Planning permission has already been granted for the change of use of the site, and as such, the principle of development is established. The submitted details will now be assessed to determine their suitability, as to whether the relevant conditions of planning permission can now be discharged.

b) Condition 10 (noise report)

This condition states:

“Prior to the commencement of the proposed use a full noise report covering the whole site in accordance to BS 4142: 2014 shall be submitted to and approved in writing by the Local Planning Authority.

Any noise mitigation measures recommended in the submitted noise report shall be installed prior to the commencement of the proposed use and shall be retained thereafter.”

The applicant has submitted a noise assessment prepared by KP Acoustics (February 2019). The impact assessment has been undertaken in accordance with British Standard 4142:2014 as required, with the calculations allowing the likelihood of any adverse impact of the change of use upon nearby residents to be predicted. The report concluded that there would be a low likelihood of an adverse impact on the closest residential receiver, and does not recommend any additional mitigation measures in this respect.

Hastings Borough Council's Environmental Health team have reviewed the report and are satisfied that it adequately demonstrates any negative impact on residential amenity is unlikely. Condition 10 can therefore be discharged.

c) Condition 11 (lighting scheme)

This condition states:

“Prior to the commencement of the proposed use, details of any lighting scheme, such as flood lighting or security lighting, shall be submitted to and approved in writing by the Local Planning Authority”

The applicant has confirmed in their submission that there will be no new lighting scheme. Works will be limited to replacing the existing lighting with similar fittings in their current positions on the building.

As no new lighting is proposed, it is not considered that any lighting would cause further harm to residential amenity. This condition can therefore be discharged.

d) Condition 12 (acoustic specifications)

This condition states:

“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 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 in writing by the Local Planning Authority prior to installation”

Acoustic specifications of the fixed plant machinery were included in the above mentioned noise assessment, and taken together with the details submitted, Environmental Health are satisfied that the requirements of this condition have been met and impacts on nearby residential amenity are minimised as far as possible. Condition 12 can therefore be discharged.

e) Condition 13 (jet washing details)

This condition states:

“Details of the times of operation for any proposed jet washing facilities to be used at the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the proposed use”

The applicant has confirmed that the hours of operation of jet washing activity will be limited to between 8am and 5pm Monday – Friday.

These times are considered acceptable and will not cause undue harm to the amenity of nearby residents or other businesses. This condition can therefore be discharged.

f) Condition 14 (ventilation details)

This condition states:

“Prior to the commencement of the proposed use details of the proposed ventilation systems shall be submitted to and approved in writing by the Local Planning Authority, and following approval, shall be retained thereafter”

Ventilation details show a ducted system where any fumes will be extracted out the side of the building to the car park area, away from other buildings. The ventilation system has been assessed in the submitted noise report as well, and it is concluded that this system is an acceptable solution to ensure any fumes are successfully ventilated, without harming the amenity of occupants of the building, or any nearby properties. This condition can therefore be discharged.

g) Other outstanding conditions:

The applicant has also confirmed how they have complied with/will comply with all other conditions, although they do not need to be formally discharged or have written agreement from the Local Planning Authority, due to their nature. Details are however, provided within this report for clarity:

Condition	Response
Condition 1 (time limit)	The development will commence within 3 years of December 2018
Condition 2 (approved plans)	Will be completed in accordance with the approved plans
Condition 3 (waste)	confirm that no waste will be loaded or sorted on site
Condition 4 (operational)	premises will not operation outside of Monday-Sunday

hours)	5.30am – 8.30pm
Condition 5 (drainage details)	Information to be submitted through separate discharge of condition application although trade effluent licence and Section 106 consents have been obtained from Southern Water.
Condition 6 (drainage system)	The salient connection points and condition of the existing drainage system has been ascertained on site and confirmed with water testing. Evidence is available
Condition 7 (parking plan)	Parking spaces as set out on approved plans to be provided prior to occupation
Condition 8 (cycle parking)	Cycle parking as set out on approved plans to be provided prior to occupation
Condition 9 (parking spaces)	Parking spaces will be minimum size of 2.5m x 5m

7. Conclusion

The reports and details submitted are considered to effectively demonstrate the any harm from the operation of the depot in terms of noise, extraction, lighting, and jet washing can be adequately managed and mitigated, to avoid harm to nearby businesses and residents. The proposals therefore comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which 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".

Conditions 10, 11, 12, 13, and 14 of planning permission HS/FA/18/00777 can be discharged.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

8. Recommendation

Approve the discharge of Conditions 10, 11, 12, 13, and 14 of planning permission HS/FA/18/00777

Officer to Contact

Mrs S Wood, Telephone 01424 783329

Background Papers

Application No: HS/CD/19/00103 including all letters and documents