Development Management - Delegated Officer Report

Application Number: AWDM/1831/20 Recommendation – Approve

Site: 23A Dolphin Road, Shoreham-By-Sea

Proposal: Retrospective application for extraction system and flue.

Date of site visit: 9 December 2020

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to an industrial building on the Dolphin Road Industrial Estate. The site is on the NW edge of the estate, adjacent to dwellings in Adelaide Square to the north, allotments to the west and dwellings in Corbyn Crescent to the SW. A public footpath runs alongside the western edge of the building.

Retrospective permission is sought for the installation of an extraction system and external flue which is on the front (south) face of the building, close to the western boundary. The flue rises above the eaves of the building and extracts northwards. A second, smaller flue is positioned centrally on the south elevation.

The application form describes the flue as follows:

"*Diesel fume extract system to the west wall of the building. The extract system consists of a 42 metre long galvanised ductwork located on the inside of the building braced to the inside of the west wall. The ductwork then exits the south west corner of the building to an extractor fan. The exhaust of this fan is then fed through a sound attenuating muffler and is then ducted up vertically on the front face of the building and exits horizontally facing north. The fan will not run permanently, instead it will be turned on at time of use which is intended to be for short intervals each week*."

It goes on to explain the use of the building:

"The site is used commercially to convert fork lift trucks to conform to ATEX regulations. The site was used up until the end of June 2020 as a manufacturing facility (welding, machining and painting). Its future use is intended to be for production of fork lift truck conversions. This will consist of the retrofitting our Atex compliant equipment to the vehicle."

Finally, it states:

"Once we have fitted our Atex compliant equipment to the fork lift trucks they are tested before being despatched. This is typically for 2 hours every 4 weeks as 4 weeks is the typical lead time it takes us to convert the trucks before requiring testing."

Relevant Planning History

The premises were originally used as a warehouse when built, but then received a two year temporary permission to convert into a light industrial use (Class B1) under SU/97/96. This permission was granted with a personal permission for Edwards High Vacuum International until 31.08.98 and not for the benefit of the land.

A further 10 year permission (until 31.10.07) was granted for Industrial Use for a manufacturer of cardboard packaging (SU/153/97), this again was amended to become personal permission for BOC Ltd (t/a BOC Edwards) under permission SU/197/99 after they became occupiers.

BOC Edwards then leased the unit for 10 years and through an application in 2007 (ADC/0570/07) obtained permission for industrial purposes (use class B1) permanently.

AWDM/0952/12 - Application to vary condition 01 of planning permission ADC/0570/07 to allow occupation of existing industrial premises by any alternative occupier to Edwards Ltd – approved. Condition 4 states:

"No mechanical extraction plant or external plant shall be installed except in accordance with details of equipment, type of machinery that it will serve, location, type of extraction, means of ventilation, location of ducting, which shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a BS4142 acoustic assessment and any sound insulation measures found to be necessary"

Consultations

Adur and Worthing Councils: The **Environmental Health** Officer has no objection following receipt of the noise assessment

Representations

1 representation received from an unspecified address:

- I do have some concerns still around noise, as my back garden is literally 2metres from the flue but if it is only to be for 2 hours every month, I am okay with that. If however it does turn out to be on all the time then that might prove to be an issue, particularly in Summer.
- I also have concerns about the filters in the flue, how often they will be changed and if they are likely to catch all soot particles before hitting the air.
- I do appreciate they need to keep their staff healthy, but as I get older and use my garden more, I also like a bit of peace of quiet.
- So at this point I have no major concerns. When they first put up the flue it was on 24/7 for 3 days.
- So to summarise I am happy with the application on condition that it is only on for 2 hours every month, does not run overnight or on bank

holidays and that the filters are changed on a regular basis and regular services take place.

Relevant Planning Policies

Adur Local Plan 2017 Policy 4, 15, 25, 34
National Planning Policy Framework (February 2019)

Planning Assessment

Principle

The proposal comprises alterations to the existing industrial stock located within the built up area and within an industrial estate. Policy 25 of the Local Plan supports the upgrading of existing employment sites and buildings within protected employment sites such as this. The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the building and its surroundings.

Visual amenity

The flue is visible from the footpath that runs along the west side of the building. However, it is not particularly intrusive or unsightly in its industrial setting.

Residential amenity

The flue has previously caused noise disturbance according to a representation received. It was apparently on for 24 hours a day initially but this has reduced since. The applicants state that the flue will be on typically for 2 hours every 4 weeks, which is not considered to be intrusive or unneighbourly.

The applicants have submitted a noise assessment which concludes that the noise levels will achieve the guideline values detailed in WHO and BS8233. The BS4142 “low impact” criteria will also be easily achieved. The report also states that the fan will be operated during office hours only.

As such, and given the infrequent nature of the activity, there should be no harm to residential amenity.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Hours 8-6 M-F only

Is recommendation contrary to letter(s) of representation? N

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.

Case Officer: Peter Barnett Date: 22 February 2021

Authorised by: Gary Peck Date: 22 February 2021