

Report to **Planning Committee**
Date **16 January 2019**
By **Director of Planning and Environment**
Local Authority **Chichester District Council**
Application **SDNP/18/02930/FUL**
Number
Applicant **Mr Steve Casebow**
Application **Retrospective application for replacement external dust extraction system and burner unit.**
Address **Lucking Bros Limited**
North Street
Petworth
GU28 9NH

Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

The proposal is for the retention of a dust extraction system that is linked to the operation of a replacement joinery workshop erected in 2015.

The majority of the plant is of a scale that is commensurate with that of the host building, with the exception of the cyclone, which projects above the ridge of the workshop. Notwithstanding this, the development is not considered to have an adverse impact on the landscape or townscape character of its surroundings due to the site's relatively enclosed nature and intervening buildings and vegetation.

The system comprises a number of different components that are responsible for the extraction of (saw)dust from the workshop operations and its cyclonic separation prior to being recycled and burnt to produce heat for the workshop. At present, the system is un-attenuated and has given rise to noise related complaints to Environmental Health. The application also includes proposed measures to address the noise issues that the Council's Environmental Health Officer has concluded will reduce noise emissions to an acceptable level.

1 Site Description

- 1.1 The application site was formerly a long-established builder's yard and joinery workshop (occupied by Lucking Brothers). The site has recently been redeveloped with a replacement of the previous substandard portal -framed joinery workshop with a new, fully insulated building (SDNP/14/05012/FUL). At the southern end of the site lying at ninety degrees to the main workshop and parallel to the south boundary is a pre-existing two storey building used as a spray booth on the ground floor with administration offices above at its western end. There are two other subsidiary single storey buildings located in the south west corner of the site.
- 1.2 Parking/turning arrangements comprise a tarmacked forecourt on the western side of the central workshop, with visitor parking laid out perpendicular to the west boundary. Staff parking is allocated at the southern end of the forecourt area.
- 1.3 The boundaries of the site are defined with mature vegetation or hedging for the most part. The eastern boundary is a well-established hedgerow, although some sections are less robust.. The land beyond is rough pasture. Natural screening to the south boundary is limited because of the presence of the two storey building referred to above. Beyond this boundary is the residential development of Northend Close, which sits on higher ground relative to the application site. The west boundary comprises a mixture of mature trees and domestic fencing adjacent to the site fencing. The rear gardens to Bedford House, North End Cottage and Tree Cottage abuts the west boundary of the site.
- 1.4 The existing access to the site is via a single track carriageway from the A283, shared with the community hall to the north. Visibility is reasonable in both directions.

2 Proposal

- 2.1. The proposal is for the retention of a dust extraction system and wood chipping facility erected at the north end of the replacement joinery workshop building. An integral part of the proposals are measures to install a comprehensive system of noise mitigation for various components of the plant to address concerns of nearby residents.
- 2.2 The system is a closed system designed to recover (saw) dust and wood shavings generated by the joinery activities within the building in order to meet relevant health and safety legislation (principally COSH - Control of Substances Hazardous to Health). The recovered dust is then burnt to produce heating for the workshop, contributing to the efficiency and overall sustainability of the joinery operations.
- 2.3 The main elements of the plant comprise a transfer unit, an elevated cyclone unit, holding silo and burner unit, together with associated ducting connecting the various elements and fans to maintain an efficient velocity for the waste stream throughout the process. A wood chipping facility is also used to deal with larger off-cuts of waste timber, although the applicant points out that this is only operated on an occasional basis during the week.

3 Relevant Planning History

- 3.1 SDNP/14/05012/FUL - Demolition of existing joinery workshop. Erection of new steel frame and clad building. PERMIT 11.05.2015

SDNP/18/02931/FUL - Retrospective application for an external extraction flue for spray booth. PERMIT 29.10.2018

4 Consultations

Parish Council Consultee

- 4.1 Whilst the council commends the company for its policy on recycling and sustainability it realises that this has done been done at a cost to the landscape and surrounding residential houses. The construction of the external dust extraction system and burner unit is unnecessarily obtrusive and unsightly. However, it is the noise level which appears to be well above the 41 decibels originally set at which needs to be addressed.
- The town council defers making a comment until it has seen and is satisfied that a survey and confirmation of the current noise pollution level has been undertaken. Objection in principle. The retrospective application should be deferred until the noise levels have been professionally monitored and brought down to within the agreed boundaries.

CH - Environmental Health - Protection

- 4.2 I have reviewed the noise assessment produced by Acoustic Associates Ltd and they have identified the major noise sources from this plant and proposed measures to reduce the noise impact to acceptable levels. The sources identified are those which myself and Steve Dommatt identified on visits to the site in response to noise complaints.

Third party representations have queried why there is a discrepancy of some 11 decibels in background levels between the noise report submitted in connection with the replacement joinery workshop building and that produced for this application. The difference in the background noise levels between the 2014 and 2018 noise reports are due to two reasons: the first is that the 2014 report only measured the background noise for six, 15 minute periods (over 90 minutes in total) on two occasions, one on a weekday morning and the other on a weekday afternoon. The 2018 report measured the background noise levels in 15minute periods for a full seven day period which included peak traffic flow periods. In addition the 2018 background noise readings include noise from the workshop which is now operational and has to be included as part of the normal noise for the area.

Therefore, provided that the proposed noise mitigation measures produce the attenuation described then I have no objection to the proposal and would ask for conditions similar to the following to be attached to any consent granted to ensure that the proposed attenuation is realised:

- 1) The cyclone shall be treated with CMS Danskin Superlag Superflex Prime 20/50 cladding as described in section 9.1 of the acoustic report from Acoustic Associates Ltd (reference project J2406 dated 14/05/2018) or a product that can achieve the same or better acoustic attenuation. The cyclone shall then be encased in Polyisobutene sheeting (PIB) as recommended by the acoustic report,

to protect the acoustic cladding from animals and the elements and not the galvanised steel sheeting shown on the drawing which may have a negative effect on the sound attenuation of the cladding.

2) The chipper shall be enclosed as described in section 9.2.2 of the above report. In addition the side panels shall be treated to dampen the metals panels to reduce noise levels.

3) The burner unit shall be enclosed in a shed like structure lined with acoustically absorbent material as described in section 9.2.2 of the above acoustic report.

4) A magnetic or alternative system to prevent metal objects such as screws, nails and staples entering the waste stream, shall be incorporated into the ductwork. The system shall be placed as far upstream in the waste system as possible , preferably inside the workshop.

5) The chipper unit shall be operated for no longer than 20 minutes at a time and no more than twice a week. The chipper shall only be operated between the hours of 09:00-12:00 and 14:00-17:00, Monday to Friday.

6) The equipment which is subject to this planning application shall only be operated during the following hours: Monday-Friday 07:00-18:00, Saturday 07:00-13:00. In addition it shall not be operated on a bank or public holiday.

5 Representations

5.1 40 Third Party objections

Size and scale result in adverse, negative visual impact on local and wider surroundings

Impact on outlook

Detrimental impact on enjoyment of garden

Noise impact unacceptable so close to residential property

Dust pollution

6 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Chichester Local Plan First Review (1999)** and the following additional plan(s):

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Submission 2018

Other plans considered:

- Petworth Neighbourhood Plan 2015 - 20133

The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

7 Planning Policy

7.1 Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF01 - Introduction
- NPPF04 - Decision-making
- NPPF06 - Building a strong, competitive economy
- NPPF12 - Achieving well-designed places
- NPPF - Conserving and enhancing the natural environment

The following paragraphs of the NPPF (2018) are considered relevant to the determination of this application:

8, 11, 38, 80, 124, 127, 130, 172, 180, 182, 183.

The application site lies just to the east of the conservation area boundary. It is therefore appropriate to have regard to s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Chichester Local Plan First Review (1999)** are relevant to this application:

- BE11 - New Development

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- General Policy 50

The Draft South Downs National Park Local Plan

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26 September to 21 November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the **saved policies within the Chichester Local Plan First Review (1999)**, the policies within the **Submission South Downs Local Plan (2018)** are currently afforded **considerable** weight, depending on the level of objection received on individual policies.

The following policies are of particular relevance to this case:

- Strategic Policy SD5 - Design
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD34 - Sustaining the Local Economy

The Petworth Neighbourhood Plan

The following policies are considered relevant to the determination of the application:

- PP1 - Settlement boundary
- PP2 – Core Planning Principles
- ESD1 – Character and design
- ESD6 – Landscape and visual impact

8 Planning Assessment

8.1 The main issues arising from this proposal are

- i) The visual impact of the development on the character and appearance of the surrounding area (including the setting of the conservation area)
 - ii) The effect on the living conditions of nearby residents
- i) The visual impact of the development on the character and appearance of the surrounding area (including the setting of the conservation area)

8.2 The application site possesses a long-established commercial character inherited from its previous use as a builder's yard and joinery workshop, with the appearance of the buildings on the site reflective of that character. Existing building heights range from 7.9 metres for the two storey administration building at the south end of the site to 5.6 metres for the newer joinery workshop building. The maximum height of the dust extraction plant is 8.7 metres, which is the cyclone element of the plant and is a similar height to the pole-mounted power transformer adjacent.

8.3 The site is generally well-contained visually and forms part of the built up area of Petworth. To the south is North End Close and to the north is Hampers Common industrial estate. To the west of the site and fronting the main road (A283) are a series of properties forming a linear pattern of development whilst to the west of the A283 is Petworth Park. Immediately to the east of the site is a small parcel of land down to rough pasture, which leads to more established arable farmland.

- 8.4 Close views of the plant, particularly the cyclone, can be obtained from some of the rear gardens of the properties immediately to the west of the site, although these are tempered by the presence of mature trees and other vegetation established along the common boundary with the application site. Limited views of the highest part of the plant can also be obtained from the western end of North End Close, although these too depend on the angle of view as the existing buildings both within the site and the Close serve to obscure views of the majority of the plant.
- 8.5 There is little inter-visibility between the application site and Petworth Park, mainly because of intervening vegetation within the Park itself. Glimpses of the top of the cyclone can be obtained from the Ionic Rotunda mound, but these are again dependent on the angle of view and are ephemeral in nature. Equally, the nearest point of the conservation area boundary to the site is close (but not directly adjacent) to its south west corner and furthest from the dust extraction plant in question. There is no direct visual connection between the plant and this section of conservation area and therefore its setting is not adversely affected.
- 8.6 Longer distance views are possible from the east from a bridleway approximately 1.0 kilometre from the site. However at this distance the highest part of the plant appears as a minor intervention surrounded by a backdrop of dense tree cover.
- 8.7 Overall, it is concluded that there would be a slight adverse effect in visual terms of views of the site experienced by the nearest receptors to it. However the sensitivity weighting to these views is considered to be low, given the established industrial character of the site and its situation within part of the wider townscape of Petworth. The plant is also of a sufficient distance from the nearest dwelling not considered to be overbearing. The effects on the wider National Park landscape character are considered to be very minor and the residual impact is assessed as being neutral. These impacts can be further reduced through the proposed mitigation in the form of screening lower elements with timber enclosures, the addition of which have a negligible impact on landscape character. The reflective nature of exposed metalwork, ducting, etc will diminish over time but can be further mitigated through painting a neutral colour.

ii) The effect on the living conditions of nearby residents

- 8.8 The applicant has pointed out that the current dust extraction system was a replacement for a form of dust extraction system in place up until the former joinery workshop building was replaced in 2014. However, that system was considerably more rudimentary in appearance and capabilities and was not of the scale of the currently installed system. Therefore the present dust extraction system was not regarded as *de minimis* and was considered to require planning permission in its own right.
- 8.9 The present system has been the subject of complaints relating to noise shortly after it became operational in October 2017. The Council's Environmental Health Officer (EHO) had identified that the primary source for noise was from the cyclone, where dust/wooden particles hit the metal sides of the apparatus. Low resonance noise was also being re-radiated by the separation (or transfer) unit and further disturbance resulted from the occasional but regular use of a wood chipping unit. At present, the plant is un-attenuated in any form.

- 8.10 This application is accompanied by a detailed noise assessment commissioned by the applicant from an independent noise consultant. The survey period covered a 7-day period, taking readings at 15-minute intervals in order to obtain representative data of both the operation of the plant and workshop and also for representative background levels. The latter was achieved by requiring the plant to be switched off for one-hour slots each day and also varying the start/finish times of its operation on selected days through the week. This has resulted in a representative background noise level of 52dB (A). The Council's EHO has required a target rating level of 5dB(A) below that level, giving a target of 47dB(A). However, the plant is currently operating significantly above that level and therefore in order to be acceptable, mitigation measures would clearly be necessary. Concerns have been raised that the representative background noise level has been reported higher in the current application than that stated in the equivalent noise report produced in support of the replacement workshop application in 2014. It is suggested that this higher level has the effect of underplaying the noise impact of the operation of the dust extraction plant. The Council's EHO has considered this point in his overall assessment and the response in Section 4 above includes an explanation for the differences in recorded background levels between 2014 and 2018. This difference is principally due to the timescale over which the two surveys were conducted and the fact that the earlier survey was concerned with the replacement of the workshop building only.
- 8.11 The noise report has identified several components of the plant that generate unacceptable levels of noise, particularly to the nearest receptor, Apple Tree Cottage. These are the cyclone, which has the most dominant signature, the separation/transfer unit, the burner and the chipper. The report proposes a range of attenuation measures to mitigate noise emissions from each of these elements of the plant. These include acoustic cladding to dampen the exterior of the cyclone and the transfer unit and fully enclosing the burner and chipper units in timber enclosures lined with noise absorbent material. Additional measures include the provision of a magnetic separator to prevent metallic objects entering the waste stream, and striking the ductwork and associated fans. The report concludes that these measures will result in effective noise mitigation and bring resultant levels within the EHO target rating.
- 8.12 The Council's EHO has carefully reviewed the noise report and considers that the mitigation measure will bring about a positive benefit in terms of noise reduction to an acceptable level. The EHO goes on to suggest a number of conditions that are required in order to ensure that the proposed mitigation is put in place as soon as is practicable (condition 1 requires the work to be undertaken within 3 months) to make the operation of the plant acceptable to nearby receptors.

- 8.13 The NPPF places great emphasis on ensuring that the planning regime positively supports a healthy and prosperous economy. The recent investment in new buildings on this long-established commercial site and enabled the business to thrive and expand and support the local economy. This should be accorded significant weight. The visual impact of the additional plant and equipment to deal with waste material in a sustainable manner on the surrounding landscape has had a slight adverse impact in terms of the experiential qualities of nearby residents but to have a minor effect on the wider landscape. Overall, the visual impact of the development is considered to be neutral and therefore this has limited or low weight.
- 8.14 The impact of the un-attenuated dust extraction plant on the living conditions of nearby residents has the potential to significantly impact on the amenities of those properties. However, with suitable and effective noise mitigation measures in place, as is proposed, the effects of the development on nearby residents would reduce the impact to an acceptable level. Therefore on balance, it is considered that the proposal should be supported.

9 Conclusion

- 9.1 The plant associated with the dust extraction system is considered to have a limited impact on the visual character of the townscape from close and medium views due to its relatively contained nature and given the site's existing industrial/commercial character. Wider views of the site and the tallest element (the cyclone) are limited by a combination of vegetation, topography and existing development and its presence would not adversely impact upon the landscape character of the National Park.
- 9.2 The retention of the external dust extraction plant and equipment is not acceptable in its current, un-attenuated form. The application proposes targeted noise mitigation to address these shortcomings that the Council's EHO has concluded will result in a positive benefit in environmental terms and render the development acceptable.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. Remedial works to the dust extraction system

Within three months of the date of this planning permission, the components of the dust extraction system, ducting, fans and associated motor(s) shall be removed from the site unless the following remedial works are carried out:

- a) The carrying out of all the mitigation measures as specified in Sections 9 of the Noise Impact Assessment (Project J2406 - Issue 2) by Acoustic Associates Sussex Ltd (14.05.2018). The applicant shall provide the SDNPA with written confirmation and/or evidence of the carrying out of the works at the earliest opportunity following their completion

b) The painting/cladding of the exposed galvanised sections of all exterior metalwork and ducting associated with the dust extraction system in a muted colour/finish to be agreed with the SDNPA.

Reason: In the interests of the preservation and enhancement of the character, appearance and tranquillity of this largely residential area.

2. Operation of wood chipper unit

The chipper unit shall be operated for no longer than 20 minutes at a time and no more than twice a week. The chipper shall only be operated between the hours of 09:00-12:00 and 14:00-17:00, Monday to Friday and at no time at weekend or bank/public holidays.

Reason: In the interests of the preservation and enhancement of the character, appearance and tranquillity of this largely residential area.

3. Noise levels

Noise levels generated by the dust extraction system shall not exceed representative background levels as established in section 3.6 of the Noise Assessment produced by Acoustic Associated Sussex Ltd (14.05.2018) minus 5dB(A) at any time.

Reason: To safeguard the amenities and living conditions of occupiers of nearby residential properties

4. Times of operation

The dust extraction system shall not be operated at any time except between the hours of:

07:30 and 17:00 Monday to Friday;
07:30 and 13:00 Saturdays;
and at no time on Sundays, public or Bank holidays.

Reason: To control the operation of the plant and equipment in the interest of residential amenity.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

- 14.1 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.

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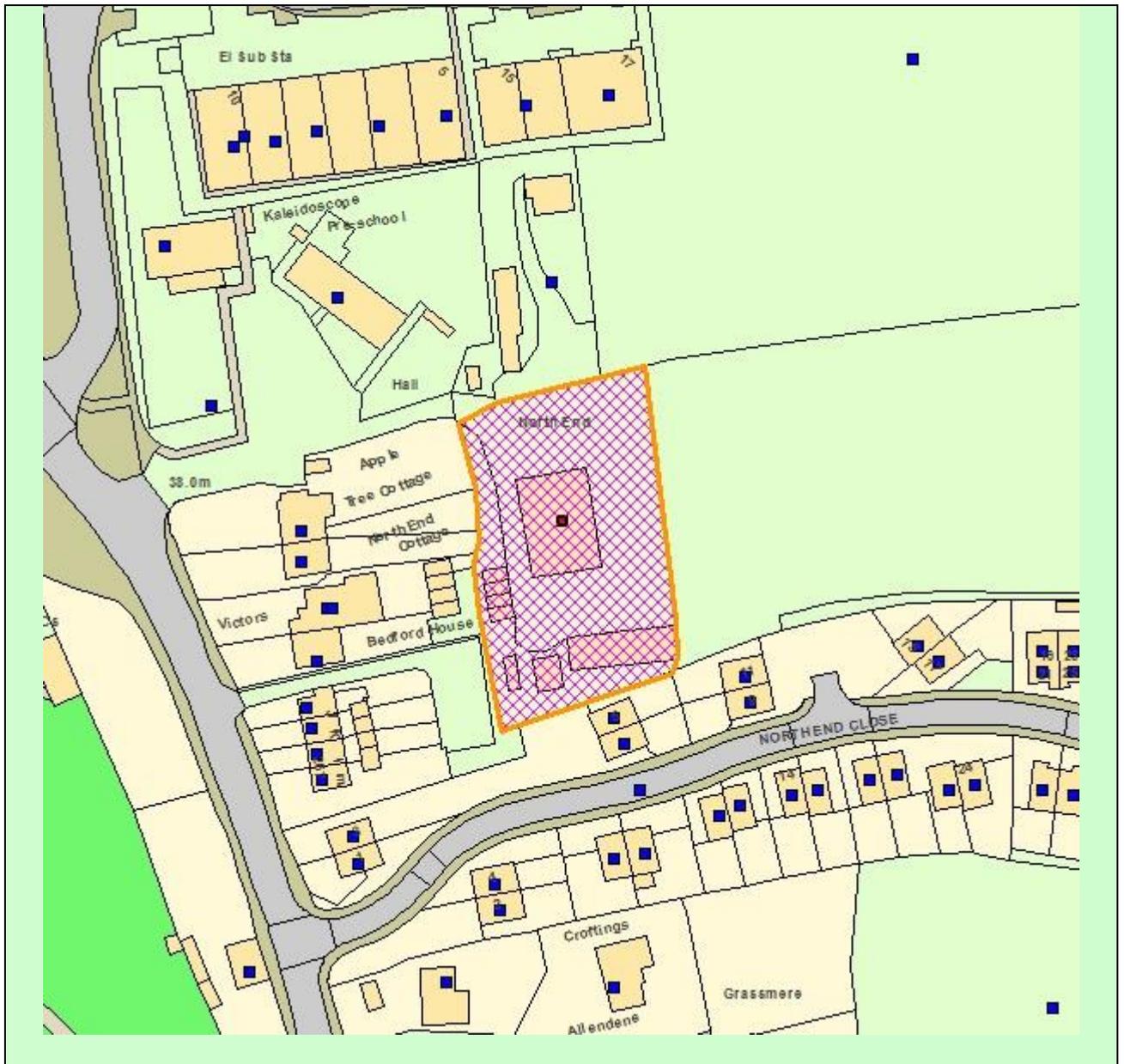
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this
Application

SDNPA Consultees CDC Environmental Health

Background Documents Chichester District Local Plan First Review 1999; South Downs Management Plan; South Downs Local Plan (submission draft); Petworth Neighbourhood Plan 2015 – 2033; NPPF; NPPG

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Layout Plan	002		30.05.2018	Approved
Plans - Elevations A and C	003		21.06.2018	Approved
Plans - Location Plan	001		21.06.2018	Approved
Plans - Elevations B and D	004		21.06.2018	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.