

[REDACTED]

[REDACTED]

From: Sam Sykes [REDACTED]
Sent: 09 July 2018 10:35
To: Cllr. Richard Bower; Cllr. Susan Bence; Cllr. Philippa Bower; Cllr. Jim Brooks; Cllr. Colin Cates; Cllr. Pat Dillon; Cllr. Dawn Hall; Cllr. Stephen Haymes; Cllr. Mike Northeast; Cllr. Barbara Oakley; Cllr. Colin Oliver-Redgate; Cllr. Jacky Pendleton; Cllr. Vicky Rhodes; Cllr. Elaine Stainton; Cllr. Paul Wells
Cc: Juan Baeza; Anita Gardner; Neil Crowther
Subject: RE: P1497 - CM/12/18/PL - Rudford Industrial Estate - Austin Divall

Dear Councillors,

My email below included reference to a summary report which is attached to this email. Apologies for the confusion.

Kind Regards

Sam Sykes MRTPI
Associate Planner

ECE Planning

Planning permission received for a new residential dwelling outside the built-up area boundary in Horsham District – click [here](#) to read more



Brooklyn Chambers 11 Goring Road Worthing West Sussex BN12 4AP

[REDACTED]
Privacy/Confidentiality Statement
www.eceplanning.com

ECE Planning Limited, Registered in England No 07644833, Registered Office Amelia House, Crescent Road, Worthing, West Sussex BN11 1QR.

From: Sam Sykes
Sent: 06 July 2018 17:19

Subject: P1497 - CM/12/18/PL - Rudford Industrial Estate - Austin Divall

Dear Councillors,

We are writing to you following publication of the planning committee report with respects to application CM/12/18/PL at Austin Divall, Rudford Industrial Estate. We are very encouraged to see the support of the Officer recommendation for approval behind our client's application.

However, we have significant concerns with the proposed Condition 3.

As you will be aware, the Austin Divall has, since 1991, operated a night shift where necessary welding activity as part of the steel frame manufacture process is undertaken. The night time shift is absolutely necessary to the ongoing viability of the business.

Proposed Condition 3 states:

The increased hours shall not commence until the noise mitigation measures in sections 9 and 10 of the Noise Assessment accompanying this application dated 10-04-2018 by Acoustic Associates are fully implemented. The measures so approved shall be retained/provided in perpetuity.

Should the proposed condition be imposed then the impact on the business would be disastrous. The company would no longer be able to carry out the vital welding activity undertaken during the night shift and would be unable to keep pace with agreed contract orders. They would face heavy penalties for missing deadlines and in all likelihood, the business would be forced to cease trading. This would also be the case should the Council decide to refuse the application.

The acoustic report accompanying the application identified two sets of mitigation measures – short term and long term measures. The report included both forms of measures specifically to enable the company to continue its operation in the short term whilst the longer term measures (enclosure to the yard and sound insulation) were being constructed on site. This was communicated within our submission and indeed is referred to within the Council's report (page 130):

The proposed longer term measures may take some months to deliver taking into account the planning and construction processes. Subsequently the short term measures are being implemented to help address the current situation and to allow the business to continue operating on a 24 hour basis as it has done since 1993.

The imposition of Condition 3 is incongruous with the wording of the committee report and we have asked your planning officers that it is amended to reasonably allow the continued operation of the business while the longer term measures are implemented.

We are aware that the Council has undertaken a number of its own night time tests to assess the noise and has found there to be no statutory nuisance (please refer to the attached summary reports). For noise to count as a statutory nuisance, it must do one of the following:

- unreasonably and substantially interfere with the use or enjoyment of a home or other premises
- injure health or be likely to injure health

Clearly some of the short term measures primarily relating to working practices which have already been implemented are yielding positive results. We have therefore requested that the condition is reworded to allow for a period for the construction of the longer term measures as set out in Section 10 of the report. We have suggested the following wording:

The development of the 'longer term measures' as outlined within section 10 of the Noise Assessment accompanying this application dated 10-04-2018 by Acoustic Associates are fully implemented before the expiration of 1 year from the date of permission.

The noise mitigation measures in section 9 of the Noise Assessment shall continue to be implemented / provided in perpetuity.

I trust this is clear yet should you require any further details please feel free to contact me.

Kind Regards

Sam Sykes MRTPI
Associate Planner

ECE Planning

Planning permission received for a new residential dwelling outside the built-up area boundary in Horsham District ---
click [here](#) to read more



Brooklyn Chambers 11 Goring Road Worthing West Sussex BN12 4AP

Privacy/Confidentiality Statement
www.eceplanning.com

ECE Planning Limited, Registered in England No 07644833, Registered Office Amelia House, Crescent Road, Worthing, West Sussex BN11 1OR.

From: Anna Appleton
Sent: 05 July 2018 15:07
To: Sam Sykes
Subject: Out of Hours Noise reports - Austin Divall

Dear Sam

Out of hours noise reports – Austin Divall, Rudford Industrial Estate

Further to our conversation this morning I have checked the reports made by the out of hours officers investigating complaints about noise from Austin Divall. I have provided details of the visits below, although any personal information has been removed:

06/10/17 – Arrived at site 23:45. There was a mid-frequency background hum evident across the whole of (neighbouring residential area).

Stood in front of the complainant's drive. The mechanical hum emanating from Rudford Industrial Estate was clearly audible and dominant. There was the odd clank of metal but nothing too intrusive. There was a short spell of a white noise reversing alarm. At mid-night went in to first floor bedroom at number (x). The hum was clearly evident in the bedroom with the window open for ventilation. Clearly audible and noticeable. The hum has the potential to cause a nuisance if prolonged during the night. The metal clanks were not readily evident but complainant stated they can be a lot louder and can wake them up. Did not witness a noise nuisance from the metal clanks whilst at site.

Went on to Rudford Industrial Estate. There is a public footpath that runs across the Estate so we were able to gain access. Austin Duvall Metal Fabrications was operational. Low level noise from inside the industrial unit, would not constitute a nuisance.

The continual hum seemed to emanate from another unit. This noise carried at the time of night and has the potential to cause disturbance. The source should be investigated and ideally attenuated.

Left site 00:30.

06/12/17 - Arrived on site and met the complainant.

They informed me in detail about the many years they've had to endure the noise from a variety of companies that operate from Rudford Estate but believe the main source of noise is from Austin Divall Fabrications Ltd. The manager of Austin Divall has assured the residents of co-operation with regards to the ongoing noise, the problems still continue, and they are often disturbed at 2am and at the weekend, particularly on Saturday afternoons and Sundays. There was no noise for me to witness tonight however. The complainant asked me to accompany to the Industrial Estate which we entered from the public footpath and which I agreed to do but informed that any noise would need to be witnessed from complainants property.

Whilst at Rudford Estate, I was able to witness a number of companies still operating even though it was after 2130 hours. The complainant informed me that been able to find out from Planning that there are time restrictions on operating at Rudford and believes these are being breached on a regular basis.

The complainant intends to call the out-of-hours service and request an Officer to witness when it occurs again

I left the site at 2210 hours

14/02/18 – I arrived on site but no sound from Rudford Industrial Estate could be heard from complainant's property. Complainant asked me to attend Rudford Industrial Estate to see which Company may be operating at this time but on further inspection, there was no evidence of any company operating outside restricted times. I left the site at 0520 hours.

Should you have any further queries please contact me.

Regards

Anna

<u>Anna Appleton</u>	Environmental Health Team Leader, <u>Arun District Council</u>	Location: Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
Internal: 37676 External: +44 (0) 1903 737676 E-mail: <u>anna.appleton@arun.gov.uk</u> Secure E-mail: <u>aappleton@arun.gcsx.gov.uk</u>		
Visit Arun's web site at <u>www.arun.gov.uk</u>  Save the environment - think before you print.		

<http://www.arun.gov.uk>

DX 57406 Littlehampton

You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The

information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.
