

REPORT UPDATE

Application No: CM/12/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

Change to Conditions following further consultation with the Group Head of Technical Services covering Environmental Health:

It is recommended that the suggested conditions are amended and condition 3 is deleted. The agent has advised that 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 without the facility to weld on a 24 hour basis. They would face heavy penalties for missing deadlines and in all likelihood, the business would be forced to cease trading. The alternative conditions are included in the attached amended replacement recommendation sheet.

Following the pre-committee site visit the Group Head of Technical Services covering Environmental Health will provide a verbal update to Members relating to noise generation from the guillotine.

The following additional request relating to operating hours has been requested by the applicant's agent

Working hours for the guillotine	8:00 - 18:00 Monday - Saturday
Welding operations / process	00:00 - 00:00 Monday - Friday 00:00 - 18:00 Saturday
Working hours for all other operations	8:00 - 21:00 Monday - Friday 8:00 - 18:00 Saturday

The applicants are happy to accept the limiting of the guillotine process until 6pm as discussed. However they require some leeway in the evening between shifts for other operations and request therefore the hours of operation (under 'all other operations') to be included as set out above which they consider to be suitable for this type of use within its industrial setting.

They suggest it would be reasonable to allow for a cut off of the more general industrial uses of 10pm on residential amenity grounds. In our view 9pm is a reasonable compromise and would allow the applicant flexibility in running its business.

Additional Comments relating to re-advertisement : 10 Objections including the Parish Council. Revised timings make no difference. 24 hour operation will have a huge impact on our quality of life. How can this be considered before the advertising expires? It is doubtful sound insulation would work.

Officer comment: The decision on the application will not be released until after the expiry of the advertising period as set out in the conclusion section of the report. The sound insulation measures have been considered by environmental health who have no objection to the proposal.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: CM/12/18/PL

LOCATION: Unit J1, J2, U1 & Z, Rudford Industrial Estate
Ford Road
Ford
BN18 0BF

PROPOSAL: The regularisation of operating hours to 24hrs a day commencing 6am Monday to 6pm Saturday with no Sunday operation at Units J1, J2 & Z; new extension covering the existing courtyard area & new acoustic metal cladding to southern facade of existing workshop at Unit J1 & J2; new demountable wall adjacent to existing fence surrounding the guillotine enclosure at Unit U1. This application also lies within the parish of Ford.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application relates to the regularisation of operating hours to 24hrs a day commencing 6am Monday to 6pm Saturday with no Sunday operation at Units J1, J2 & Z; new extension covering the existing courtyard area & new acoustic metal cladding to southern facade of existing workshop at Unit J1 & J2; new demountable wall adjacent to existing fence surrounding the guillotine enclosure at Unit U1. The application includes an Acoustic Report which has focused on the night time working and why this may be attracting complaints and to recommend mitigation measures to assist in the longer-term proposals and the interim period. Currently approved operating hours for machinery are 7am - 6pm Mon - Fri and 7am - 1pm Saturday only. The operation currently taking place 24 hours a day does not have the benefit of planning permission.
SITE AREA	0.28 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Some palisade fencing
SITE CHARACTERISTICS	The existing buildings include two larger workshop and office structures to the north which are orientated at right angles and separated by a courtyard area (Units J1 / J2) Unit Z , the paint shop is located to the north of the site and is fully enclosed. The external guillotine area adjacent to a smaller workshop unit to the south of these buildings is separated by an access road (east of Unit 1).

Units J1 / J2 comprise a fully enclosed paint shop building to

the north, an outside yard area to the south where steel beams and components are stored, a large factory workshop with a crane system to the south / east. A crane system transports steel products from within the workshop area to the external yard. Offices are located on the first-floor south elevation to the south / east.

CHARACTER OF LOCALITY

The surrounding uses in the estate are industrial in both their use and character. The site is surrounded by such uses on all sides (except Unit 1 which borders onto an area of vacant open space to the south). The surrounding uses feature similar architectural design with pitched roof and brick / metal cladding on facades.

To the south of the industrial estate, on the south side of Horsemere Green Lane is a residential housing estate located circa 90m to the south of Unit 1.

RELEVANT SITE HISTORY

CM/29/08/	The demolition of an existing two storey industrial building (Z Block) and the construction of a new spray shop with ancillary toilets and blast cabin. In addition, minor amendments to approval CM/18/08/ dated 28 August 2008 in respect of the external works and the re-cladding of the existing Unit J1/J2 (This application is also in the parish of Ford)	ApproveConditionally 03-12-08
CM/18/08/	Extensions to unit J1/J2 to create new workshop & additional offices, demolition of unit J3 to create new yard and access with overhead cranes. Alterations to unit Z to remove first floor to create new spray shop with overhead crane & ancillary toilets & blast cabin.	ApproveConditionally 28-08-08
CM/7/92	First floor extension to existing offices	ApproveConditionally 18-05-92
CM/5/91	Two storey office and workshop building. (Dual Parish to F/11/91)	ApproveConditionally 24-04-91
CM/3/90	Approval of reserved matters following outline approval CM/5/86 for proposed two storey offices and workshop (Dual Parish to F/5/90)	ApproveConditionally 17-04-90

F/11/15/CLE	Application for Certificate of Lawful Use for an existing use - Steel structure (made of scaffold & polythene sheeting) housing guillotine	Approve 16-09-15
CM/9/88	Relocation of proposed steel fabrication offices originally approved under Reference CM/26/87	ApproveConditionally 18-04-88
CM/26/87	Proposed steel fabrication workshop and offices	ApproveConditionally 19-10-87
F/13/16/PL	Side extension to east elevation to Unit 1	ApproveConditionally 18-10-16

F/11/15/CLE - Application for Certificate of Lawful Use for an existing use at Unit U1 - Steel structure (made of scaffold & polythene sheeting) housing guillotine established the lawful use of Unit U1 as Operational development comprising use of the land and a building for B2 industrial use in the form of a steel structure made of scaffolding and polythene sheeting housing a guillotine used for the purposes of Austin Divall Fabrications Ltd steel fabrication works. The decision was issued 17th September 2015.

CM/29/08 - The demolition of an existing two storey industrial building (Z Block) and the Construction of a new spray shop with ancillary toilets and blast cabin was approved 3rd December 2008. Condition 3 of this planning permission states:

No machinery, vehicles or plant shall be operated on the site except between the hours of:-

7:00am and 6:00pm on Mondays to Fridays inclusive,

7:00am and 1:00pm on Saturdays

Not at any time on Sundays or Public Holidays

CM/18/08 - Extensions to unit J1 / J2 to create new workshop & additional offices, demolition of unit J3 to create new yard and access with overhead cranes. Alterations to unit Z to remove first floor to create new spray shop with overhead crane and ancillary toilets & blast cabin was approved on 28 August 2008. Condition 3 of this planning permission states:

No machinery, vehicles or plant shall be operated on the site except between the hours of:-

7:00am and 6:00pm on Mondays to Fridays inclusive,

7:00am and 1:00pm on Saturdays

Not at any time on Sundays or Public Holidays.

CM/26/87 - Steel fabrication workshop & offices - Unit J was approved on 19th October 1987

Condition 4 of this approval required that no machinery, vehicles or plant shall be operated on the premises except between the hours of 7am to 6pm on Mondays to Saturdays inclusive. Not at any time on Sundays or Public Holidays.

CM/9/88 - Relocation of proposed steel fabrication offices originally approved under CM/26/87 - Unit J - Condition 2 of this approval requires that no machinery or plant shall be operated on the premises except between the hours of 7am & 6pm on Mondays to Friday inclusive & 7am and 1pm on Saturday and not at

any time on Sundays or Public Holidays.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Ford Parish Council

Objection

- Concerns regarding the noise levels, its mitigation and enforcement.
- The Parish of Ford has a Strategic Housing allocation of 1500 homes. The location of the sites is in the Neighbourhood Development Plan and the emerging Arun Local Plan. The sites are near to the factory and need to be protected from noise. Has this been considered by ADC Environmental Health?
- We note that an acoustic report has been submitted showing the mitigation including the building of a wall on the Southern boundary, what about noise travelling in other directions.
- The noise level to the new planned housing and what mitigation will be installed to reduce noise pollution to this area. This needs to be considered now as when designed by the Neighbourhood Development Group there was no knowledge that the company were working in breach of the planning conditions over the 24 hour period.
- Planning rules should be enforced. What checks and safeguards will Arun District Council undertake to ensure all current and additional planning conditions will be complied with.

Climping Parish Council - Objection

No objection to the proposed building works but objection to the proposed change of operating hours from 7 am - 6 pm Monday to Friday and 7am - 1pm on a Saturday to 24/7 which will have an unacceptable impact on the amenities enjoyed by occupants of surrounding properties due to noise arising from ongoing operations including manufacturing, deliveries and despatches.

This is contrary to the Clymping Neighbourhood Plan Policy CPN 4 Protection of existing commercial premises or land which states 'Proposals to upgrade or extend existing employment sites will be supported provided that the impact on the amenities enjoyed by occupants of surrounding properties is acceptable; and they do not compromise the character of the area or openness of the countryside or beach; and traffic impact is acceptable in terms of highway safety and living conditions of residents .Proposals should include a traffic impact analysis or transport assessment which" is proportionate to the development and demonstrates traffic impact and measures which may be taken to mitigate impacts they comply with other policies in this Neighbourhood Plan."

36 Objections

- Arun District Council Planning and Environmental Health departments have failed to monitor or ensure compliance with the planning conditions on Rudford Industrial Estate since 1987.
- The new proposed restrictions proposed provide restrictions only to activities from 6pm Saturday evening until 6 am Monday morning. implying that residents only need their sleep 2 nights in 7.
- There are no commitments on how Arun District Council will monitor or ensure compliance with this or any other restrictions on site. Based on the previous performance nothing in this application reassures us that they are capable of this.
- There are still no restrictions applied on the business to activities outside the applicants building in this application or any confirmation that the area covered will only be used for storage and any noisy activities will remain in the workshop(s).
- It still fails to address the issues voiced by Ford Parish Council that the sound proofing is to the south of the building and fails to cover the north. There is no recognition of the European Human Rights statements.

- The existing noise level's coming from the unit, during the summer months loud crashes of metal can be heard all through the night.
- The reduced working from 18:00 on a Saturday does nothing for the 24x7 working Monday to Friday which is unacceptable we need some quality of life.
- The comment made about noise pollution being made by "blow-ins" is inaccurate as 95% of the traffic along Horsemere Green Lane is from people cutting through to avoid the busy A259.
- The residents should be granted the right not to be subjected to noise 24 hours a day.
- This amended planning application from Austin Divall is no better for local residents than their original application and I am still strongly opposed to it. This company should not be permitted any operations outside of normal working hours (Monday-Friday 8am.-5.00pm.).
- Austin Divall and the appalling noise they make have been the subject of many complaints from local residents for many years and their current hours of operation should be restricted and the loud and unacceptable noises they create substantially reduced. Their current operations are inconsistent with what local residents should expect from a light industrial estate and the banging and clanking of metal on metal often makes it sound as though we have a steel ship builders yard across the road from us
- It is inconceivable that local residents may be forced to endure these unacceptable noises outside of normal working hours and we the local residents have a right to peace and quiet when we have to sleep. Austin Divall should have their operations properly restricted and controlled.
- If they need longer working hours and to be able to make more noise, they can relocate elsewhere away from a residential area.
- Would agree 5 nights if all worked indoors
- The amendment to the application is noted which now seeks 24 hour operation on weekdays only. This does not make the application any more acceptable. There should not be any operations involving noise outside normal working hours if they take place within close proximity to residential areas as that would interfere with the residents' peaceful enjoyment of their homes. This company appears to have flouted conditions imposed previously and the Council appears to have failed to take action to prevent this. I therefore have no confidence that any conditions or restrictions will be complied with in the future. If the Council were to allow this application in whole or in part then at the very least there should be regular monitoring of noise levels and the company should be penalised if those levels prove to be unacceptable.
- If they are currently operating at full capacity during the day, the budget they will be spending on the extension & alterations would be better spent relocating to another unit elsewhere. An alternative location with this additional budget would potentially allow 24 hour operation or be big enough to meet their '24 hour operational' needs within a normal working day.
- This is a lovely rural area.
- I cannot understand why they need to operate 24 hours a day and disturb all the residents of Climping.
- I'm more than happy for them to adapt the building to minimise the noise levels, although I doubt this will decrease the noise to any great extent.
- Would set a precedent
- Even though myself and several neighbours have tried to negotiate with the applicant over loud noises and nighttime working, most noises still continue, In my latest meeting with them we brought up one case in point regarding very loud angle grinding at 8.30pm one evening, even though we had been promised a 6pm curfew. The reply was "We had a job to finish " This itself clearly demonstrates complete contempt for the residents, and gaining retrospective planning permission will give them a licence to do as they please.
- The noise from the guillotine and moving of steel is excruciating at times.
- Restrictions must be added before the application can be approved including:
A time restriction of stopping all machinery in the units including plant and percussion type activities except between 7am - 10pm, Mon-Fri, Saturday 8am and 1pm and no working on Sundays or Bank Holidays; No activities outside the units at all with time restriction of stopping loading of vehicles, machinery including plant and percussion type activities except between 7am - 6pm, Mon- Fri, Saturday 8am and 1pm and no working on Sundays or Bank Holidays. Unit U1 should have the same time

restrictions applied as they were removed by a previous planning request. Confirmation that the new covered area in between the units will only be for storage and not as an extension to the workshops. In addition, reference should be made to the Human Rights Act 1998.

3 support

- Noise from the Estate is completely minimal, and these Objectors are fabricating the noise levels. Sadly there is much more noise pollution from the enormous traffic flow which now flows through Horsemere Green Lane, caused by the many "nimbys" and "blow-ins" which we have been forced to accept.
- Most of the Opposers have arrived long after the Industrial Estate, and were well aware of its existence.
- When all the housing was planned in Horsemere Green Lane, we made no objections at all. We just hoped that Clymping could remain as it was. Now we have all the street lights, pavements, traffic calming and constant complaints about everything. This is a Countrywide epidemic.
- The proposal will increase productivity, which is what we all need to be embracing Post-Brexit.
- The traffic noise well out-weighs any industrial noise.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application results from an enforcement case and incorporates measures to reduce the noise emitted from the site which would improve the impact on residential amenity.

The proposal is no closer to proposed possible future housing than is currently the case which exists with the residential development to the south.

Environmental Health have been consulted and have no objection.

The proposal is considered to be compliant with policy CPN4 of Climping Neighbourhood Plan in that the regularisation of the existing hours and deletion of Sunday working and Saturday night and the provision of the proposed noise mitigation measures would have an acceptable impact on residential amenity.

Enforcement of restrictive conditions could be pursued.

The proposal would not set a precedent. All applications are considered on their own merits. To ensure all interested parties were aware of the changes made to the application, even though these represented a reduction in the proposal, the application has been re-advertised.

The hours of operation of Unit U1 are outside of the remit of this application. Unit U1 does not fall within the application site.

For reasons expanded on below it is considered that provided the noise reduction measures are provided the use of the site over night would be acceptable in terms of the impact on residential amenity.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection

First Response - I am aware that there have been many objections in relation to the proposed regularisation of the hours to allow 24/7 use of the application site. However, the application has been made primarily to address noise complaints made by local residents and the acoustic consultant

employed by the applicants has proposed a scheme of works and actions that will reduce the noise levels to those recommended in relevant noise guidelines. As a result, providing the conditions set out in the acoustic report are applied and adhered to the impact from noise will be significantly reduced.

There will still be some noise from this and other sites on the industrial estate and restricting the hours will prevent any noise from the application site during these hours but as stated the measures indicated by the acoustic consultant will bring the noise levels from activities at the application site in line with relevant guidelines.

Second Response - I note the applicants have now amended their proposed hours to exclude working on Saturday evenings from 18.00 hours to 06.00 hours on Monday mornings. This will obviously remove any noise impact from the site and is to be welcomed.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside the Built Up Area Boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

DEV8	Cirumstances in which Additional Development may be Permit'd
GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN7	The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

C SP1	Countryside
EMP DM1	Employment land:Development Management
D SP1	Design
SD SP2	Built -Up Area Boundary
QE DM1	Noise Pollution
D DM1	Aspects of Form and Design Quality

[Clymping Neighbourhood Plan 2015 Policy CPN11](#)

Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN4 Protection of existing commercial premises or land

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's

Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Ford does not yet have an adopted Neighbourhood Plan, but the draft employment policies which support expansion and retention of businesses would be relevant and policy CPN4 and CPN 11 of Climping Plan are development plan policies.

Ford Neighbourhood Plan (FNP) has not yet been formally adopted but is at Regulation 14 stage. Within the FNP Policy EE1 Supports development proposals to upgrade or extend existing employment sites and policy EE2 supports the retention of existing employment sites. Policy EE3 seeks to protect existing businesses.

Policy EE7 requires new commercial development to include secure parking and storage for cycles and the use of energy efficiency measures. EE10.1 requires new commercial buildings to be designed to a high quality and be energy efficient and in keeping with their surroundings. Policy BUA1 Built Up Area boundary and SA1 are also relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 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."

The proposal is considered to conflict with relevant Development Plan policies in that it would represent development outside the built up area which is not permitted under policy GEN3.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background namely the site is part of an established industrial estate and would not represent expansion into agricultural land and there would be no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

CONCLUSIONS

BACKGROUND

Since 1993, Austin Divall Steel Fabrications (ADSF) Limited have manufactured steel frames from the premises. The company has grown since it was initially formed in 1991 to the point where 35 members of staff are now employed at the company. The work undertaken at the site is the assembly of steel frameworks which is typically carried out in the daytime with a night shift period when the steelwork is welded in situ in the main factory/workshop area.

Due to the weight of the steelwork, gantry operated travelling cranes are used to lift and move the steel beams. With a need to deliver the steel lengths inside of the workshop the gantry crane rails transit through an opening in the Western elevation of the main workshop.

There have been recent complaints made directly to Austin Divall and to the enforcement section with allegations of noisy working from the site. Specific reference has been made to noisy night time operations.

The company has operated in breach of the planning conditions on the estate, without observing time restrictions. The application it to regularise hours of operation for the business and increase hours of operation to include Saturday afternoon. The applicant's have stated that these hours are crucial for the ongoing operation of the business.

This scheme has been developed for the sole purpose to address the potential noise impacts of the existing operation of Austin Divall Steel Fabricators and in so doing, allow the business to regularise its operating hours to allow some 24 hour in a week. It seeks to provide for a best practice approach to noise management and mitigation and includes for both short term and longer term measures. It is understood that the large steel doors in the Western elevation are closed at 18:00 hours. Additionally, at 18:00 hours, the travelling crane is placed into the doorway aperture. From 18:00 to 21:00 hours grinding of steel takes placethereafter. From 21:00 hours until the finish of the night shift, there should not be any banging or grinding, only the welding of steels.

The site currently operates 24 hours a day, six days a week and is not operational on Sundays without the benefit of planning permission. From the planning site history the following restrictions on operating hours apply:

Unit J1, J2, U & Z - No machinery, vehicles or plant shall be operated on the site except between the hours of 7am & 6pm on Mondays to Fridays inclusive, 7am & 1pm on Saturdays, not at any time on Sundays or Public Holidays.

Unit U1 (Extension to the East) F/13/16/PL - Approved Conditionally - 18/10/2016. No time restrictions were imposed for this extension.

It is important to note that the restrictive conditions on hours relate to the operating of machinery only; they do not relate to the hours within which the building can be open for staff to be working.

The application has been amended since originally submitted to remove Sunday operating and Saturday operating after 6pm.

COMPLIANCE WITH CLIMPING AND FORD PARISH NEIGHBOURHOOD PLANS

The proposal is supported in principle by policy CPN4 of Climping Neighbourhood Plan since it upgrades and extends an existing employment site. The proposal is also considered to be compliant since it has an acceptable impact on local residents, doesn't compromise the character or openness of the countryside, being located within the existing industrial estate, the traffic impacts are acceptable and it is compliant with other policies in the local plan, namely policy CPN11 and CPN14. Policy CPN11 requires the design of buildings to be of high quality and to protect and enhance local character. The design of the extensions is of appropriate design and quality for its location within an established industrial estate. The proposal will not significantly add to highway activity. The increased hours over night would only facilitate overnight working by a maximum of 4 employees.

The proposal is considered to accord with Ford Neighbourhood Plan policies. Although no additional parking and storage for cycles is proposed as required by policy EE7, the extension and alterations to the buildings to provide better sound insulation would not result in additional demand for car or cycle parking.

Policy EE10.1 requires new commercial buildings to be designed to a high quality and be energy efficient and in keeping with their surroundings. The building design would be in keeping with the appearance of other industrial units on the estate. Since the building expansion and changes are intended to provide better sound insulation and prevent some activities from taking place outside the additional insulation would also improve energy efficiency.

VISUAL AMENITY

The proposal seeks to provide for an enclosure to the yard area to contain noise emitting activities from the yard in the form of a new extension to the existing building. The development would also therefore envelope the overhead crane and its structure and will subsequently limit noise break out to the south from the existing workshop building to which the proposed extension is connected.

The proposed extension would essentially retain the appearance of the existing workshop facade to the east with a brick lower element (matching existing) and a profiled metal cladding above. The existing cladding on the southern elevation of the workshop will be replaced with new metal cladding designed to limit noise impacts of the operation. Two metal roller shutter doors are proposed on the south elevation of the new yard enclosure.

The proposed roof structure is a trapezoidal metal roof in grey to match existing which results in a shallower less visually intrusive pitched roof.

The proposal also seeks to provide for a new demountable timber wall and enclosure to Unit 1 to the south which would be constructed with steel columns and removable timber beams.

The extension and alterations are considered to be acceptable in terms of their impact on the visual amenities of the locality. They would be in keeping with appearance of units on the estate.

IMPACT ON RESIDENTIAL AMENITY

The application has been submitted to reduce the noise emitted from the premises. Noise mitigation measures are set out within the accompanying Acoustic Assessment report. The acoustic survey sets out the measured noise emanating from the existing operation during daytime and night time activities. The focus of the investigation was to better understand the night time working, and why this may be attracting complaints and to recommend mitigation measures to assist in the longer-term proposals and the interim period.

The processes and activities associated around steel fabrication can be noisy. Whilst the later time periods of the night have been chosen to minimise the influence of other industrial sites on the soundscape, it is clear that there are loud events inside the factory during the night shift. It is also clear that the louder single events may well be audible at distance and heard in bedrooms with windows open.

The nearest residential neighbours, likely to be considered as noise sensitive receptors are located to the South of Horsemere Green Lane, at May Close, Waterford Gardens, and Crophorne Drive. At the nearest point, such residential uses are located approx. 80- 100m due south of the factory/workshop.

Noise and how it is able to travel to the receiver location can be complex. Noise absorption is a criteria. The internal factory environment is a large and reverberant space with numerous hard surfaces and finishes which encourage the onward reflection of sound energy. Interrupting the sound waves as they occur on a surface using absorption will reduce sound levels. Sound insulation could be improved. There is room for further sound insulation to occur in the walls of the current factory remises which will insulate the inside sound levels from the outside quieter environment. Noise could also be better contained. The western elevation requires a treatment or solution to help contain the noise inside the factory premises. Attention may be required to the acrylic roof lights to reduce noise transmission from inside to outside via these elements.

The Acoustic Survey identified high daytime and night time readings from within the workshop area of Unit J1 and at a location outside the workshop. The survey also found that, on the basis of a constant noise level emanating from the site, there is limited impact on the residential receptors of development to the south. However, the noise output from the factory is not a continual and steady noise source and the average noise energy for the L_{Amax} events was considered as part of the modelling exercise within that study to see how the elevated noise levels propagate across the site. The acoustic survey further modelled the potential worst case daytime and night time noise scenario on the basis that the proposed development is implemented (i.e. partially enclosed structure no openings with acoustic cladding to Unit J1 / J2).

The Council's Environmental Health team have assessed the information submitted by the applicants with regards to noise levels/reduction. They agreed with its contents and have requested that any permission is conditioned with reference to the noise consultants study. The study demonstrated that the proposal will result in a reduction of noise levels to neighbouring residents to an acceptable level. They have added that as regard to night time noise levels, 'The night-time model outputs showed that the predicted noise levels are reduced at receptor location, and individuals with windows open should not be impacted.'

The highest night-time noise levels modelled with the worst-case impact noise level of 107dB within the nearest residential properties would all be below 40dB (open windows) rendering the impacts acceptable in this regard. The extension of operational hours as proposed, subject to the planned physical building works would not therefore have a harmful impact on the amenities of neighbouring residents to the south.

Recommendations from the report have also been made for shorter term measures to improve the

existing noise environment. The Acoustic Report also sets out the steps to be taken to reduce noise impacts.

Short term measures include changes to the management of the business and activities undertaken by employees, proposed changes to how the manufacture of steel frames is undertaken and sound insulating / absorbing measures that will be implemented.

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 application of the shorter-term noise mitigation measures are proposed for the main factory workshop, and adjacent to Unit U1 which is closer in proximity to the nearby residents to the South. The paint shop is totally enclosed and is not considered to generate noise perceptible outside of the site.

The cumulative effect of both physical works to the existing building and improved working practices are considered to significantly reduce the potential for noise break out and disturbance of residents to the south of the site to allow 24 hour operations to continue on site.

The existing cladding on the southern elevation of the workshop will be replaced with new metal cladding designed to limit noise impacts of the operation (as detailed in the acoustic report). Environmental Health have no objection to the proposal.

24 hour operations are commonplace within industrial settings such as the Rudford Industrial Estate and indeed many of the existing occupants work on such a basis. Industrial Estates such as Rudford provide the only justifiable location for such activities located appropriately outside of residential areas.

COMPLIANCE WITH POLICY DEV8

The background text to Policy DEV8 Circumstances in which Additional Development may be Permitted - Local Firms at paragraph 3.09 states:

It is likely that the continued health of the local economy will depend to a significant extent on being able to accommodate the future expansion needs of local firms. It is recognised that there may be circumstances where a local firm is unable to find suitable accommodation. The Council may therefore permit limited additional development where the local firm has demonstrated that existing provision is genuinely unsuitable for its requirements. If a firm can demonstrate a need, any further application for a change in occupancy will need to demonstrate the economic benefits to the District.

The proposal is considered to be within the spirit of Policy DEV8 which seeks to support local businesses and to protect local jobs. ADSF has sought alternative premises over the years but has been unable to relocate. Subsequently, significant investment to their existing premises has been made as the only option for growth / expansion.

CONCLUSION

The application is therefore recommended for approval subject to the following conditions.

The application has been re-advertised following agreement to an amended description deleting reference to Sunday working and Saturday evening and the advertising period now expires on 12-07-2018. Therefore it is requested that the decision on this application is delegated to the Group Head of Planning in consultation with the Chairman and Vice Chairman of Committee

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Existing Site Location,
Site Block and Site Layout (PL)001 revA,
Proposed Site Block Plan,
Site Layout and Elevation (PL) 005 rev B,
Proposed Floor and Roof Plan (PL) 006 revB,
Proposed Elevations and Section (PL) 003 revA and (PL) 007 revB and
The Noise Assessment dated 10-04-2018 by Acoustic Associates.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 3 The development of the 'longer term measures' as outlined within section 10 of the Noise Assessment accompanying this application, ref J2407, dated 10-04-2018 by Acoustic Associates, including but not limited to new extension covering the existing courtyard area &

new acoustic metal cladding to southern elevation of existing workshop at Unit J1 & J2, shall be fully implemented before the expiration of 1 year from the date of permission

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 4 The noise mitigation measures in section 9 of the Noise Assessment accompanying this application, ref J2407, dated 10-04-2018 by Acoustic Associates are being implemented at the moment and shall continue to be implemented and provided and retained in perpetuity, unless other alternative measures are agreed by the Local Planning Authority.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 5 The guillotine shall only be operated within the hours Mon-Fri 0800-1800, and Saturdays 0800-1300 (not at all on Sundays or Bank Holidays).

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 6 The noise mitigation measures checks to be made by senior management of Austin Divall, around the industrial estate and May Close, referred to in section 9 of the Noise Assessment accompanying this application, ref J2407, dated 10-04-2018 by Acoustic Associates, shall be recorded and kept and made available to officers from Arun District Council upon request.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 7 Where plant and equipment is subject to regular checks, servicing and maintenance to ensure it is operating at optimal conditions, records of these checks shall be kept and made available to officers from Arun District Council upon request.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 8 Mitigation measures detailed in para 10 of the Noise Assessment accompanying this application, ref J2407, dated 10-04-2018 by Acoustic Associates to be installed and checked by an acoustic consultant to ensure that the chosen methods for attenuation achieve the mitigation levels detailed in the report whereby the day time noise level at the nearest residential premises does not exceed 54 dB LAeq and these records shall be submitted to and approved by the Local Planning Authority. If the mitigation measures detailed in the said report fail to secure a reduction in noise levels to the stated limit then further measures shall be implemented with the written agreement of the Local Planning Authority. The approved development shall not be used until the noise limit is met.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 9 During construction of the new compound construction hours and deliveries should be limited to 08.00 - 18.00 Monday to Friday, 08.00 - 13.00 Saturdays and no construction work on Sundays or Bank Holidays

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 10 With regard to units J1, J2 and Z working hours for welding operations/process shall be 00:00 - 00:00 Monday - Friday and 00:00 - 18:00 Saturday with nothing on a Sunday or Bank

Holiday.

With regard to units J1, J2 and Z working hours for all other operations shall be 08:00 - 21:00 Monday - Friday and 08:00 - 18:00 Saturday with nothing on a Sunday or Bank Holiday.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.