

Recommendation Report for Planning Permission

REF NO: CM/16/19/PL

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

PROPOSAL: Variation of conditions imposed under CM/1/19/PL relating to conditions 2 -plans condition relating to external appearance & 3-amendment of wording to remove reference to acoustic metal cladding to south elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application relates to the following changes from permission CM/1/19/PL. Condition 2 relates to the approved plans which are being altered as set out below: Southern Elevation - The proposal retains the existing cladding on the workshop area and provides internal sound insulation. The proposed new external cladding will match the existing cladding in colour and appearance. The size of the proposed roller shutter door is reduced to allow the internal crane to operate satisfactorily and safely. A new metal link is provided at the western extent of the new yard enclosure extension and at the join between the existing structure and new extension. Western Elevation - A small metal link to the roof at the southern corner of the extension is provided. The southernmost projection of this elevation will be partially clad with the remaining part section faced in brick. Later changes - Setting back of the mid-section of the Western elevation to allow access relating to the existing easement with the neighbouring building and additional access door to the void between buildings for service/maintenance purposes. Northern Elevation - A small metal projection is being added at ridge level between the existing workshop and proposed extension building. It has a projection of 10cm above the ridge line. Roof Plan - The northern roof lights are being removed to improve the sound performance of the building.
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	In addition variation to the wording of Condition 3 of CM/1/19/PL, which refers to the previously agreed noise assessment report, is being sought to delete reference to the new acoustic metal cladding on the south elevation.
SITE AREA	0.28 hectares.
BOUNDARY TREATMENT	Palisade fencing and open.
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 is located 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 outside of the industrial estate, on the south side of Horsemere Green Lane is a residential estate located circa 90m to the south of Unit 1.

RELEVANT SITE HISTORY

CM/1/19/PL	Variation of condition 10 imposed under CM/12/18/PL relating to hours for all other operations to be from 07:00.	ApproveConditionally 06-03-19
CM/12/18/PL	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.	ApproveConditionally 18-07-18

Condition 2 of CM/1/19/PL refers to the approved plans and Condition 3 of planning permission states: '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.'

Condition 8 states:

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.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection:

- This would be a retrograde step.
- The condition was imposed to reduce noise pollution and should be retained.

COMMENTS ON REPRESENTATIONS RECEIVED:

All other conditions would remain in place. The proposal would not increase noise levels at the site as commented by the Council's Environmental Health Officer.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection providing condition 8 remains in place. This will ensure that any changes made do not effect the overall acoustic performance of the building and that this performance is verified by an acoustic an consultant when the scheme is completed.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
DDM1	D DM1 Aspects of form and design quality

Clymping Neighbourhood Plan 2015 Policy CPN11 Quality of Design**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Neighbourhood Development Plan

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.

Ford Neighbourhood Plan contains no relevant policies and only policy CPN 11 of Clymping Neighbourhood Plan is relevant to consideration of this application.

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 comply with relevant Development Plan policies in that the extension has extant permission and the changes would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS**BACKGROUND**

This application seeks to amend planning permission CM/1/19/PL. The use and principle of the development are established and it is only the alterations to sound insulation and the appearance of the building which can be considered as part of this proposal.

The proposal seeks permission to alter the plan numbers previously approved under CM/1/19/PL and

amend the wording of conditions 2 and 3 to reflect these changes.

CLIMPING NEIGHBOURHOOD PLAN

The proposal is considered to be compliant with policy CPN11 of the Climping Neighbourhood Plan as it does not compromise the character or openness of the countryside.

VISUAL AMENITY

The alterations remove the approved acoustic cladding to the west elevation of the new workshop extension and replace it with internal noise insulation and faced brick work. The changes to the west elevation and roof will not be visible and this amendment is considered acceptable. The external cladding on the south elevation will remain as approved and the new cladding on the extension will match the existing cladding in colour and appearance. The reduction in size of the roller shutter door and new metal upstand profile would not be out of keeping with the appearance of the building or industrial area generally. The changes would therefore accord with policy DDM(1) and (2) since they reflect the design and appearance of other units on the estate and the materials will match the existing.

IMPACT ON RESIDENTIAL AMENITY

The proposal seeks to remove a section of previously approved acoustic cladding which could potentially result in additional external noise being generated. 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. The impact of any resultant noise on these dwellings needs to be considered in accordance with policy DDM1 (3), which requires development to have minimal impact to users and occupiers of nearby property by avoiding unacceptable noise and disturbance.

The original application CM/12/18/PL was supported by a Noise Assessment study. The Council's Environmental Health team as part of consideration of CM/12/18/PL assessed this information. They agreed with its contents and requested that any permission was conditioned with reference to the noise consultants study. The study demonstrated that the proposal would result in a reduction of noise levels to neighbouring residents to an acceptable level. The original permission CM/12/18/PL was subject to Condition 3 (which became condition 3 of planning permission CM/1/19/PL) and stated '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.'

It is proposed to vary the wording of this condition to reflect the changes within this application as follows:

The development of the 'longer term measures' as outlined within section 10 of the Noise Assessment accompanying application CM/12/18/PL, ref J2407, dated 10-04-2018 by Acoustic Associates, including but not limited to the new extension covering the existing courtyard area shall be fully implemented before 31-03-2020.

The proposed cladding better aligns with the recommendations of the acoustic report submitted with the original application which didn't require external cladding of the existing workshop. The permissions are subject to Condition 8 which requires attenuation mitigation to reduce external noise levels at the nearest residential dwellings to 54dB LAeq. In this respect, as set out within the acoustic report, sound insulation shall be delivered through internal cladding to meet the required sound insulation performance of Condition 8. The external cladding will be sourced to match the existing cladding in colour and appearance. Subsequently, this approach is considered acceptable in terms of acoustic performance.

The wording of condition 8 states:

'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.'

This condition is re-imposed in this recommendation.

Environmental Health have no objection to the alterations to sound insulation as proposed on the basis that condition 8 is re-imposed. The proposal would therefore accord with policies DDM1, QESP1 and QEDM1 of Arun Local Plan.

CONCLUSION

The proposed amendments will have no material impact on occupiers of nearby properties from noise related activities (by virtue of Condition 8) and will be acceptable in design terms due to the minor nature of the amendments proposed. The application is therefore recommended for approval subject to the following conditions.

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,
Existing Site Block and Site Layout (PL)001 revA,
Proposed Site Block Plan, Site Layout and Elevation (PL) 005 rev D,
Proposed Floor and Roof Plan (PL) 006 revD,
Proposed Elevations and Section (PL) 007 revD 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 DDM1 of the Arun Local Plan.

- 3 The development of the 'longer term measures' as outlined within section 10 of the Noise Assessment accompanying application CM/12/18/PL, ref J2407, dated 10-04-2018 by Acoustic Associates, including but not limited to the new extension covering the existing courtyard area shall be fully implemented before 31-03-2020.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policy DDM1 of Arun Local Plan.

- 4 The noise mitigation measures in section 9 of the Noise Assessment accompanying application CM/12/18/PL, 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 Local Plan policies DDM1 and QE DM1.

- 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 Local Plan policies DDM1 and QE DM1.

- 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 application CM/12/18/PL, 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 Local Plan policies DDM1 and QE DM1.

- 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

Local Plan policies DDM1 and QE DM1.

- 8 Mitigation measures detailed in para 10 of the Noise Assessment accompanying application, CM/12/18/PL 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 Local Plan policies DDM1 and QE DM1.

- 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 Local Plan policies DDM1 and QE DM1.

- 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 07:00 - 21:00 Monday - Friday and 07:00 - 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 Local Plan policies DDM1 and QE DM1.

- 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.