

Recommendation Report for Planning Permission

REF NO: CM/1/19/PL

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

PROPOSAL: Variation of condition 10 imposed under CM/12/18/PL relating to hours for all other operations to be from 07:00.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the increase in hours only. The other development which formed part of planning permission CM/12/18/PL has been approved and cannot be reconsidered as part of this proposal. This application is accompanied by a Noise Assessment examining night time noise dated 10-04-2018. The description of the application has been amended to delete reference to the hours being in line with other operating hours for other units within the industrial estate since this has not been checked and corroborated by the Local Planning Authority.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Some 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. 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/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
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/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

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.

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/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/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 Condition 10 stated :

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.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

No Objection - For the avoidance of doubt it should be made clear that these new operational times do not apply to the Guillotine which under condition 5 of the approval for CM/12/18/PL is limited to operate Monday- Friday 8am - 6pm and Saturdays 8am - 1pm and not at all on Sundays or Bank Holidays and that the company adheres to the new operating hours and any breach of this is immediately followed up by the Arun Compliance Officer.

6 Objections

- This organisation is claiming Normalisation. During the 10 years before this application there have been numerous complaints about noise. The retention period for nuisance records with Arun District Council is 36 Months so we assume that any records submitted before Feb 2015 are destroyed.
- Environmental Health's comments once again state that the planned improvements will reduce noise. It is not built yet.
- It is understood Arun DC rely on residents and others as their system of checking for compliance.
- It's bad enough at the moment with the noise that emanates from Rudford ie lorries, phones, banging which we can hear even though we have our windows closed due to the cold weather but once the warmer weather comes and we have our windows open its going to be a nightmare.
- Despite repeated requests from local residents, Arun District Council declined to enforce the previous limit to operating hours for these units.
- This company has repeatedly ignored the time restrictions applicable to their units.
- Occupiers of adjacent houses have been complaining for many years about the noise from the steel fabrication operations.
- Condition 8 required mitigation measures to be carried out in accordance with the Noise Assessment. These measures have not yet been implemented or tested.
- Object to any extension of operating hours until the mitigating measures are fully implemented and

confirmed to meet the requirements specified in the Decision Notice.

- This company continually operates outside their approved working hours and are not meeting the terms set out in their last planning approval. What is Arun District Council doing to enforce this?
- This company is the main contributor of problem noise from Rudford estate and giving them approval to extend their hours even further will bring even more misery to Climping residents.
- The new buzz word for planning seems to be 'regularisation'.
- Austin Divall cannot use the argument that other companies operate from 7am on the Rudford Industrial Estate, as no other company makes the appalling noise that they do.
- Before Austin Divall are given anything more at the expense of local residents, they must install the new extension approved under planning application CM/12/18/PL. So far they have done absolutely nothing to mitigate the noise that they impose on local residents.
- Why has Arun District Council not posted notices in the village again?

COMMENTS ON REPRESENTATIONS RECEIVED:

The guillotine is not subject to the condition which is the subject of this application.

Any alleged breaches of operating hours reported to the planning department would be investigated.

The planning and environmental health departments of the Council are currently investigating noise and operating times at the premises.

The application has been advertised in accordance with procedure. 4 Notices were posted around the site.

The impact of the development on residential amenity is considered in the conclusions section of this report.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside the Built Up Area Boundary.

DEVELOPMENT PLAN POLICES

[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

[Clymington Neighbourhood Plan 2015 Policy CPN14](#) Traffic and the Environment

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

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

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; Ford, Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policies CPN4 and CPN 11 of Clymping Neighbourhood Plan are 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 comply with relevant Development Plan policies in that 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.

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

The agent has advised that the approved start time (08:00) for all other activities does not allow Austin Divall to operate efficiently. The production process is such that welded beams/structures produced during the night shift within the factory need to be moved into the yard prior to the 08:00 shift commencing. From the yard, the beams are loaded onto lorries. A start time of 07:00 would allow a limited number of employees to move the beams to clear the factory ahead of the working day at 08:00.

Allowing a start time of 07:00 would also avoid the potential for queuing lorries within the Industrial Estate, some of which arrive prior to 08:00.

The additional hour at the start of the day is requested for every day except Sunday.

The yard will be fully enclosed in due course in line with the requirement of the recent permission reference CM/12/18/PL which will significantly reduce noise associated with movement of beams and structures.

Application CM/12/18/PL regularised and increased hours of operation for the business once it was found that they were in breach of originally imposed restrictive hours. This application seeks to increase the hours allowed by one hour a day Monday to Saturday. A 7am start time would be reasonable and would allow for the continued operation of the units for steel manufacturing. Some other businesses within the Industrial Estate operate before 8am and so it would be reasonable to allow a marginal increase in the case of this business.

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

The previous application was amended 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 with policy CPN11 as the proposal does not compromise the character or openness of the countryside. In addition being located within the existing industrial estate, the traffic impacts are acceptable in compliance with policy CPN14.

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 increased hours would not impact on the level of provision.

VISUAL AMENITY

This application to vary hours of operation does not involve any building works and therefore has no impact on visual amenity.

IMPACT ON RESIDENTIAL AMENITY

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.

This proposal is supported by the Noise Assessment which accompanied the original application CM/12/18/PL.

The Council's Environmental Health team as part of CM/12/18/PL assessed the information submitted by the applicants with regards to noise levels/reduction as part of the original application. They agreed with its contents and 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.

Environmental Health have no objection to the increased hours as proposed. It is not considered that the

one hour earlier start time to the working day, with other restrictions imposed by conditions would adversely affect the residential amenities of adjoining properties. The proposal would therefore accord with policies DDM1 QESP1 and QEDM1 of Arun Local Plan.

The potential of other units to carry out 24 hour operations is widespread within the Rudford Industrial Estate and indeed a number 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.

CONCLUSION

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,
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 DDM1 of the Arun 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 Local Plan policy DDM1 of Arun Local Plan.

- 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 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 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 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 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 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.