

Recommendation Report for Planning Permission**REF NO:** CM/20/17/PL**LOCATION:** Unit H21
Rudford Industrial Estate
Ford Road Ford**PROPOSAL:** Change of use from storage (B8 Storage & Distribution) to industrial use (B2 General Industry) for manufacturing, storage & distribution of concrete products.
This application is a Departure from the Development Plan.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposal relates to use of the existing building as a work shop, office and storage area and the surrounding land to the east and west for storage and manufacturing of concrete products for the construction industry.
SITE AREA	0.2464 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	6m high evergreen trees on boundary with highway and 2m high gates. Other boundaries are undefined
SITE CHARACTERISTICS	The site has recently been cleared. Some vehicle and container storage along road frontage adjacent to site.
CHARACTER OF LOCALITY	Predominantly rural on edge of industrial estate. Site has the appearance of waste ground. It faces onto the exit route from Rudford Industrial estate. Central section is loosely surfaced.

RELEVANT SITE HISTORY

CM/6/14/PL	Change of use of unused land for use as open storage for caravans (Class B8) together with associated works.	ApproveConditionally 09-06-2014
CM/24/16/PL	Change of use of grassland to storage area - This is a Departure from the Development	ApproveConditionally 17-01-2017

Plan

CM/24/16/PL was for change of use of grassland to storage area associated with this current application and related to the outer area adjacent to the boundary. The permission included restrictions on the hours of operation and height of stored items and similar restrictions are proposed to be imposed by condition in this application. The height restriction on the storage area has increased from 2.5m to 3.6m in this area to accord with the height of the building.

REPRESENTATIONS

Representations received:

Climping Parish Council

Climping Parish Council has no objection to the application providing there are conditions imposed relating to:

- a) the area the application refers to be clearly defined on site (e.g. suitable fencing)
- b) a restriction on the height of items to be stored (e.g. no higher than the single storey building already on the site)
- c) the surface of the storage area should continue to be grass.
- d) prevention of nuisance from the storage area (e.g. re noise and odour)
- e) hours of operation to be as set out in the application: 7am - 5pm.

One support - This is a local company who are having to re-locate. The unit is next to an existing industrial building and has previously been used as an engineering workshop for 10 years. It is noted there is no problem with either noise or dust and so can see no reason why this shouldn't be passed. This is a local business wishing to remain in the area.

2 Objections - Pollution & noise will be produced, also there is a lack of clarity on the site layout, as there appears no updated site plan. This extends an industrial estate closer to 17th century church, Climping's village hall, a chapel and 50 other residents which all are within 200 metres of this proposed site.

This is an open air unenclosed industrial operation generating noise and dust emissions in close proximity to residential dwellings. There is no mention of dust suppression. Much of the use in the current existing premises occurs within the building. At this proposed site it would blow straight into neighbouring gardens. Concrete dust is an acknowledged health risk.

Vincent Cottages are 20m from the boundary. The background noise levels are agreed, Noise would be substantially increased and cause a statutory nuisance. No measures have been taken to mitigate noise in the garden area of the adjoining dwelling eg acoustic fence panels to 2m height. Neighbour will be data logging on a noise recorder for 12 x hour periods daily and taking dust readings. Only visual barrier is large overgrown tree trunks. Lighting in close proximity would impact on privacy of neighbours.

This new development is not comparable with the small machine shop which emitted no noise or pollution and involved no outside activity. This is an unsuitable operation in an unsuitable location and would adversely affect the use and enjoyment of home and garden.

Comments on Representations received:

The recommendation includes conditions relating to details of the means of enclosure, a restriction on the height of storage limited to 3.6m which accords with the height of the building and operation and noise restrictions. The majority of the site area is not grassed. No odour would result from the use. The hours of operation are stated as 7am to 6pm on the application form, not 5pm. A condition is imposed in accordance with the hours on the

application form.

The clarity of the submitted plans is acceptable. There is no need for the precise layout of the premises to be indicated, To restrict plant/machinery and storage of materials to particular parts of the site would be unreasonably restrictive for the applicant and would not be justified. It is not considered that the proposal would have an adverse impact on the setting of the church, village hall, chapel or other residential properties which are located on the opposite side of Ford Lane which is a very busy road. There is also a 40m buffer between the application site boundary and the Ford Lane carriageway.

The applicant has advised that the proposal does not generate dust and that the only element which could potentially cause a nuisance would be carried out within the building workshop.

It is agreed that the proposal does significantly alter the use of the premises, but that does not mean that it should be refused. Environmental Health are satisfied with the details submitted from a statutory noise nuisance perspective and it is proposed to condition the provision of fencing around the site to reduce the perception of activity from the site and to provide an additional noise and visual barrier.

External lighting is proposed to be controlled by condition.

CONSULTATIONS

Environmental Health
WSCC Strategic Planning
Economic Regeneration

Consultations responses received:

Environmental Health -

First response - Having read the acoustic report by Venta Acoustics (VA170606.R1) I would make the following comments:

1. The report discusses measurements at 50m from the noise source. However, the nearest noise sensitive premises (Vincent Cottage) is approximately 30m from the boundary of the premises, and 20m from the boundary of the premises to the boundary of the garden of Vincent Cottage (as measured on our GIS system). Therefore I am not convinced that the potential impact on the residents of Vincent Cottage has been accurately represented. Please could the applicant revise the noise report to give levels at 1m from the nearest residential property?

2. The report states (page 7, 3rd paragraph) that "continuous operation of forklifts would then be expected to have a rating level of +6dB above background". Please could the applicant revise the report to take into account all potential noise sources, and their likely duration during the working day, to give an overall rating for the entire site.

No dust assessment has been made, in fact dust has not been mentioned in the application. Please could the applicant submit information to determine whether dust is likely to be an issue, and if so, the extent of the issue and how they propose to mitigate it.

Second Response - Having read the amended report, I am happy with the mitigation and conclusions and therefore have no further comment on this matter.

Economic Development Officer - Economic Development are always pleased to see underutilised commercial buildings put back into use and would support this application.

County Highways - No objection.

The change of use of this site to a concrete products industry has been considered by WSCC as the Local Highway Authority. No objection is raised as the site is located on an industrial estate with existing access points capable of accommodating large HGV vehicles.

Vehicles will need to enter the estate from the main entrance, and use the existing estate roads to reach the site. The layout of the internal road where the access is located is a one way road providing exit only onto Ford Road.

As this is a private estate, providing the turn can be made so that vehicles can exit onto the highway at Ford Road in forward gear, this layout would be acceptable.

As the site already receives HGV traffic to numerous industry's on the estate, WSCC consider it most likely this additional traffic would not cause any significant highway safety or capacity issues on the highway network.

Comments on Consultation responses:

- comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
No public sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN3</u>	Protection of the Countryside
	<u>GEN7</u>	The Form of New Development
	<u>GEN32</u>	Noise Pollution
	<u>GEN33</u>	Light Pollution
Publication Version of the Local Plan (October 2014):	<u>DEV8</u>	Circumstances in which Additional Development may be Permitted
		D SP1 Design
		SD SP2 Built-Up Area Boundary
		QE DM2 Light Pollution
		QE DM1 Noise Pollution
		C SP1 Countryside
		ECC SP2 Energy and climate change mitigation
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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Policy CPN 4 'Protection of existing commercial premises or land' of the Clymping Neighbourhood Plan is considered 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 use of the site would have 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

PRINCIPLE

The site lies outside the built-up area boundary and whilst the proposed use is not related to agriculture or for quiet informal recreation it is considered to be in accordance with a policy in Sections 2 and 3 of the Local Plan.

COMPLIANCE WITH POLICY DEV8 of ARUN DISTRICT LOCAL PLAN AND PARA 28 OF THE NPPF

The site would facilitate the retention and expansion of a local firm. Policy DEV8 recognises 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. The applicant already runs a successful concrete moulding business within the parish of Climping, in a rural location and is intending to relocate to this site. No additional buildings are proposed, but storage of plant, materials and machinery would take place within the site as part of the proposed manufacturing use. The company produce wet cast concrete goods.

The site is sustainably located close to a bus stop and within walking distance of Ford Station, but it would be dependant on lorries/vans to pick up and drop off goods and materials since no alternative modes of travel can be utilised. However, the site is located adjacent to an industrial estate where traffic of this type is already generated. The building on the site has previously been used by an engineering company so industrial use of the site has previously occurred, though it is not accepted that general industrial use of the premises has historically been established. The building would be used as a workshop, office and storage area, the access is existing and ample space is available for parking.

The National Planning Policy Framework paragraph 28 states that a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

Policy CPN 4 'Protection of existing commercial premises or land' of the Neighbourhood Plan 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.

The proposal is considered to accord with this policy since it would have no materially adverse impact on residential amenity, would not compromise the openness of the countryside since the site is visually enclosed by fencing/hedging and bunds and traffic levels generated by the industrial estate as a whole would not materially increase.

VISUAL AMENITY AND CHARACTER OF THE AREA

The site is in a rural area, off the exit from Rudford Industrial Estate. It is of a size and in a position that does not readily lead to its utilisation for agricultural purposes and it is already isolated and detached from any adjoining agricultural uses. The character of the area is one of a semi-rural nature, although it is accepted that the building on the site has previously been used by an engineering company. In addition, the site is well screened by existing planting along the site frontage and bunds. It would not therefore be readily visible in the wider landscape. The provision of storage containers and plant/materials in the area would not be visually intrusive. They would be no higher than the caravans approved under planning permission CM/6/14/PL and there are already containers stored adjacent to the access road in this area.

In addition, the level of traffic generated by the use, an average of 4-6 per day, would not be inappropriate in this location given the activity that is generated by the industrial estate to the west and the infrequent nature of traffic levels associated with the use proposed.

RESIDENTIAL AMENITY

Two dwellings are located to the east of the site. The red edge of the application site is 17m from the rear garden boundary at the closest point and 30m from the closest dwelling. The traffic generated when considered against that entering and leaving Rudford Industrial Estate would be unlikely to materially increase noise and activity levels to a level that would cause material harm. The entrance to the parking area is on the boundary furthest from the residential dwellings and is located off the exit road to the industrial estate.

The applicant has confirmed that the wet cast products manufacturing operation does not create a lot of dust like a dry cast operation. The products manufactured do not need sawing to reduce their size. Any product which is made wrong or broken is put into a skip and removed from the site as hardcore. Any dust generating cutting from timber moulds would be carried out within the building. It is therefore considered that the amount of dust produced would not result in material harm to residential amenity.

With regard to noise the submitted noise survey report is acceptable to Environmental Health and demonstrates that a statutory noise nuisance would not result. The report outlines the processes undertaken on a daily basis and the way the use currently operates. The hours of operation of the use are proposed to be controlled by condition and restricted to be 7am to 6pm Monday to Friday and 8am to 12noon on Saturday. Operations are generally undertaken by two operatives with an overseeing manager. Most activities are done by hand with two forklift trucks, a Caterpillar 35 and Daewoo. Other machinery includes a concrete mixer, air compressors (operated for no more than 30 mins throughout the day) and a clipper to cut steel bar (operated for approx. 30 mins per day within the building). It is considered that given the distance to residential properties and the presence of boundary screening, subject to conditions restricting hours of operation and use of some equipment within the building the proposed use would not result in material adverse harm to the residential amenities of the adjoining properties. There are already significant levels of activity

in the area including a high background noise level from the industrial estate.

The provision of acoustic boundary fencing has been discussed with the Environmental Health officer. It is considered that the position of the boundary mid way between neighbouring residential properties and the noise source would not effectively resolve any noise issues.

CONCLUSION

The application is therefore recommended for approval subject to the conditions set out overleaf

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 Site/Location plans 1:1250 and Layout and Elevation Plans.

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 No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0700 and 1800 hours Monday to Friday and 0700 to 1200 hours on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

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

- 4 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations.

Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7, GEN33.

- 5 No material/plant/products shall not be stacked, stored or deposited on the site to a height exceeding 3.6m.

Reason: To safeguard the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 6 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended the premises shall be used for the purpose applied for only as detailed in the applicant's letter dated 19-09-2017, and the letter accompanying the application and for no other purpose.

Reason: To enable the Local Planning Authority to control the use of the premises in detail having regard to the amenities of nearby residential properties in accordance with policy GEN7 and GEN32 of the Arun District Local Plan.

- 7 Timber cutting for moulds, compressors for spraying and use of a cropping machine and clipper to cut steel bars shall only take place inside the building and the noise levels and extent of use of machinery shall not exceed the maximum time limits and levels set out in the Noise Survey Report dated 10-10-2017.

Reason: To enable the Local Planning Authority to control the use of the premises in detail having regard to the amenities of nearby residential properties in accordance with policy GEN7 and GEN32 of the Arun District Local Plan.

- 8 The use shall not commence until fencing to the site boundaries has been provided in accordance with details submitted to and approved by the Local Planning Authority. The boundary treatment so agreed shall be retained in perpetuity.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 9 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 assessing

the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.