

Recommendation Report for Planning Permission

REF NO: CM/39/18/PL

LOCATION: Land Adj Unit H21
Rudford Industrial Estate
Ford Road
BN18 0BD

PROPOSAL: Change of use of land to open storage (B8 Storage or Distribution).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is retrospective and refers to land to the east of Rudford Industrial Estate. The site is 33m at its deepest point and 47m at its widest point. The proposal is for the storage of paper products comprising bailed and compressed cardboard which are produced on the industrial estate.
SITE AREA	1120 sq m
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Mesh fencing to approx. 1.8m enclosing most of site. Palisade fencing and gates on site frontage. Mature leylandii trees on western boundary.
SITE CHARACTERISTICS	Flat open area adjacent to access road. The site is fenced off and is sandwiched between existing units and concrete depot/sales yard.
CHARACTER OF LOCALITY	Edge of industrial estate. Site faces onto the exit route from Rudford Industrial estate. The adjacent industrial estate is well-established with commercial and industrial uses.

RELEVANT SITE HISTORY

CM/20/17/PL	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.	ApproveConditionally 01-11-17
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

1st response - Objection - Insufficient information to make a proper assessment of the impact it would have on the area. Missing information includes what will be stored on the site, what size are the items to be stored, and what are the hours of operation?

2nd response - No Objection - Provided conditions requested by environmental health officer are imposed and that the height of stored materials is limited to 2m (ie no higher than boundary fencing)

2 Objections

- This is not an accidental breach of planning regulations but a speculative attempt to circumvent Arun District Council planning rules, the Local Plan and Climping Parish Council and add to the boundaries of Rudford Industrial Estate.
- It is a development illegally undertaken in opposition of Arun Council's planning decision F/16/15/PL preventing further development beyond the bounds of the existing industrial estate.
- It is contrary to the Climping Neighbourhood Plan in that it is a further loss of open land and increased traffic volumes will affect the living conditions of the local residents.
- The application incorrectly asserts that the site lies within the curtilage of the industrial estate. The boundaries of the estate are clearly defined on all relevant maps. The field has separate Titles and has been open grass land without any commercial or industrial use for at least 40 years. In fact it is literally the open field bordering a curtilage which by definition is specifically excluded from development.
- Without a height limit to the material stored, waste paper and cardboard could be randomly tipped leading to wind-borne pollution.
- This could provide a breeding ground for vermin which would be a public health hazard.
- Application lacks detail.
- Contrary to Neighbourhood Plan. This an open field outside the industrial estate.

COMMENTS ON REPRESENTATIONS RECEIVED:

- The conditions requested by the Parish Council have been imposed and these include a restriction on the height of materials stored.
- With the adoption of the Local Plan the status of the site has changed. It is now within the built up area boundary and the reasons for refusal of F/16/15/PL on the basis of the countryside location are no longer relevant.
- Adequate detail has been provided to determine the application.
- Risks to health from vermin are covered by other legislation.
- It is not an offence to carry out works without planning permission.
- It is not considered that the use of this site for storage would significantly or materially increase traffic generation at the site.
- Whilst the development is located outside the boundary of the industrial estate it is located between the boundary of the industrial estate and an approved and existing use which was granted planning permission for Change of use from storage (B8 Storage & Distribution) to industrial use (B2 General Industry) for manufacturing, storage & distribution of concrete products on 01-11-2017. It is not an unbounded open area and it does not contribute to the character of the surrounding countryside.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:**Economic Development - Support**

This site lies between existing industrial units on an established industrial estate. The application appears to recover open storage for an existing local business following the grant of permission for the extension of a B class unit.

There is a shortage of open storage land within the district which can be addressed here.

County Highways - No Objection

The site would be accessed via gates to the northern boundary via the existing service road. Trip generation would primarily come from within the site where materials would be processed and thus a capacity concern is not anticipated in traffic terms.

No parking exists within the site which will be wholly open storage use. Staff parking will take place on adjacent estate roads as per existing scenario. It is not clear whether the vehicular access to the site exists. No detrimental impact on the nearby publicly maintained road network is anticipated as a result and vehicle speeds along the private service road are anticipated to be low.

Whilst vehicle access into the site has not been demonstrated via swept path tracking there is sufficient space within the access and site for vehicles to turn and vehicles would continue to exit to Ford Road in a forward gear.

Environmental Health - No Objection. Recommend lighting and hours of machinery operation/deliveries/dispatch are controlled by condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions requested by environmental health have been imposed.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

No public sewer

DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
SDSP2	SD SP2 Built-up Area Boundary
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
EMPDM1	EMP DM1 Employment Land: Development Management
ECCSP2	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 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

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.

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 there would be no materially adverse effect on visual amenity, character of the area or residential amenity.

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 cardboard to be stored at the site is currently compressed and wrapped in South Coast Skip's own unit and stored on land within the industrial estate. Following the grant of planning permission (F/8/18/PL) for 3 small units on the area currently used for storage, there is a need for the storage element to be relocated. This site is conveniently located and would be easily accessible from the bailing area by fork lifts which would transport the bailed product from South Coast Skips within the estate to this site. The bails would be collected periodically for recycling.

PRINCIPLE

The site lies within the built up area where the principle of development is acceptable provided it accords with other relevant development policies. The proposal is also part of a recycling chain which is supported in general by sustainability policies.

COMPLIANCE WITH EMPLOYMENT POLICIES

Both the Local Plan and adopted Neighbourhood Plan seek to protect and enhance existing employment sites, such as Rudford Industrial Estate. Policy EMP DM1 of the Local Plan section 1 supports the

enhancement of existing sites to ensure the provision of a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy. The Council will promote and support positive measures to upgrade existing employment areas through:

Supporting appropriate proposals for development/re-development of employment floorspace, upgrading or modernisation of existing premises and/or proposals which make more efficient use of under-used employment sites and premises. Section 3 refers to expansion of existing businesses. Although this site does not lie within the industrial estate it is adjoined by commercial development to the east and west and is associated with relocation of storage generated by a company located within the existing estate. In this respect it would accord with this policy.

Paragraph 80 of the NPPF confirms that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Paragraph 82 goes on to confirm that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

This site is easily accessible and appropriately located adjacent to an established industrial estate and the storage use would accord with the criteria set out in the Framework.

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 and other commercial uses and traffic levels generated by the industrial estate as a whole would not materially increase.

VISUAL AMENITY AND CHARACTER

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 commercial nature. In addition, the site is well screened by existing commercial uses. It would not therefore be readily visible in the wider landscape. The provision of storage containers would not be visually intrusive.

The appearance of the application site does not at present make a positive contribution to the appearance of the area generally. It offers no landscape or visual amenity value. It appears as an underutilised area of land. It does not comprise high-quality countryside land. It is reflective of its siting adjacent to a busy industrial estate and occasional use for temporary storage of spoil, which has since been cleared. The proposed use of the land would comprise open storage, therefore, only limited changes to the layout and appearance of the site would occur. The layout would change to allow for a dedicated secure access via a new gateway.

The bailed cardboard would be stacked but limited in height due the nature of the material and also to

ensure that the site and associated storage would not be visible, other than from the service road to the north and the adjacent industrial uses. A condition is imposed to restrict it to 2m in accordance with the height of existing fencing around the site. The proposed use of the site would therefore have very limited impact on the appearance of the area.

The proposal would therefore accord with policies DDM1 (1) and DSP1 of the Arun Local Plan.

ACCESS AND PARKING

Means of access to the site would be provided via the established access road from the Ford Road. The use of the site would remain largely as existing, in terms of trip generation. The majority of movements to and from the application site would come from within the industrial estate. The existing site has no parking on it with parking adjacent on estate roads. All of the application site would be allocated for storage use and the employees would park in the same parking areas on the estate as is currently the case. Parking provision, would remain as existing. The industrial estate comprises a large area, with many on-site parking spaces clear of the public highway.

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 materials for recycling 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 site layout would also allow for machinery / plant to bring in the material to be sorted, clear of the service road. The plans provided demonstrate proposed new entrance gates to ensure that vehicles can manoeuvre safely within the site. The proposal would therefore accord with policy TSP1 of Arun Local Plan.

County highways have no objection to the proposal in terms of highway safety.

Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

RESIDENTIAL AMENITY

Two dwellings are located to the east of the site. The red edge of the application site is 67m from the rear garden boundary at the closest point and 81m from the closest dwelling. These distances are such that there would be no adverse impact upon the residential amenities of the properties and the storage activity would not be a noisy operation.

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 storage area is on the boundary furthest from the residential dwellings and is located off the exit road to the industrial estate.

Policies DDM1 and QE SP1 of Arun Local Plan of the Local Plan and CPN4 of the Climping Neighbourhood Plan seek to protect neighbouring residential amenity, which is generally considered to address matters of privacy, access to sunlight and daylight, noise, vibration, and pollution. In this instance, the proposal seeks permission for use of the land for the storage of cardboard. Whilst it is accepted that some movements and activity will take place on the site these will not impact upon any residential amenities given the separation distances.

No floodlighting is proposed as part of this application, and this would require planning permission. Lighting levels are controlled by condition as requested by environmental health.

CONCLUSION

The proposal site is not readily visible from public viewpoints, being enclosed by existing fencing, adjacent development and landscaping on the site boundaries. It would not result in the loss of countryside nor would it detract from the character of the area or adversely affect residential amenity. 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 18/1718-01, Block Plan 18/1718-02, Site Plan 18/1718-03 and Fencing Details 18/1718-04

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 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 07.00 - 18.00 Monday to Friday, 07.00 - 13.00 Saturday and none on Sundays or Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun

Local Plan policies QE SP1 and QE DM1.

- 4 The height of any storage of materials, finished or unfinished products or parts, crates, packing materials or waste shall not exceed 2m.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy D DM1 of the Arun Local Plan.

- 5 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light GN01:2011.

Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2 and D DM1.

- 6 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.