

REPORT UPDATE

Application No: CM/6/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

Consultation Responses:

Archaeology - No Objection

It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

Submission of further information relating to the sound level assessment. The environmental health officer has advised that the agent will confirm that accommodation in paragraph 6.7 of the Noise Report (Date 23 Feb 2018, Project No 1717351) is residential and not just holiday accommodation. This does not affect the calculations and Environmental Health are satisfied and have no further comments to make on this application.

The agent submitted a revised plan to clearly annotate the aggregate/hopper storage units. The plans condition has been amended accordingly

A landscaping condition has been added to the recommendation to facilitate additional tree planting and ensure existing trees are protected throughout the implementation of the permission

Officers Comment:

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

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/6/18/PL

LOCATION: Land at Northwood Farm
Yapton Road
Climping

PROPOSAL: Change of use to develop a concrete batching plant, with associated infrastructure, site offices & parking

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The development comprises the provision of cement storage

REPORT(ODB)

silos, feed conveyors, a concrete batching unit, water storage container, site welfare and parking.

The plant is formed from a number of components which include:

- Two cement silos, 13.8m high and 3m diameter.
- Batching Unit - approximately 11m high.
- Water Storage Unit.

The application is supported by a Transport Statement and an Assessment of Alternative Sites.

SITE AREA

1.15 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development. Tree planting has been carried out in the adjoining fields to delineate field boundaries.

BOUNDARY TREATMENT

Various fences and hedging.

SITE CHARACTERISTICS

The site is on the former concrete runway which runs in a south west to north east orientation. From the south western end, the runway curves around to the north, before returning to Yapton Road.

Agricultural barn to south. The land to the east of the application site is used as a lorry park. East of the lorry park, is Ford Air Rifle Range.

CHARACTER OF LOCALITY

Predominantly rural.

RELEVANT SITE HISTORY

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection:

- Not in accordance with the Clymping Neighbourhood Plan and policies C SP1 Countryside, CPN 4 Protection of existing commercial premises and CPN 14 Traffic and the Environment .
- Detrimental to the amenity of residents - nearby residents who will be affected by noise and dust emissions.
- Council considers the assumptions laying behind degree of sound attenuation highly questionable and should be verified independently.
- No mention is made of impact of and steps to control the inevitable dust arising from the blending of sand, aggregate and cement powder.
- The transport assessment fails to fully consider the impact of the application on local roads.
- It does not take account the recent spate of accidents on this stretch of road and also fails to consider the implications of the approved planning application for the Grundon Waste Plant at Ford.
- There are other suitable locations Has it been adequately demonstrated that there are no suitable

alternative sites in the area?

Yapton Parish Council

Objection:

- Concerns with regard to noise and its impact on identified residential properties.
- Inaccurate information with regards to nearest residential dwellings.
- Levels of traffic movements are already increasing along the Yapton Road and those anticipated with the growth of Clymping, Ford and Yapton
- All HGV movements must be directed away from any built up residential areas especially Yapton Village Centre so as to protect their amenity.

20 Objections:

- High levels of dust damaging the health of residents.
- Concern over noise levels . A concrete plant can only make things worse.
- Sound level assessments supplied in the application are inaccurate.
- Concern over level of traffic. Any further large commercial vehicles would only add to this.
- Will harm the rural charm of the village.
- The infrastructure cannot cope with further industrial development.
- 7am is too early for an industrial process to start when it is so close to residential areas.
- KRM is not an existing business located in the Arun District and the site is located outside the built up area.
- Pedestrians using public footpaths in the area would be endangered by lorries.

COMMENTS ON REPRESENTATIONS RECEIVED:

The applicant has submitted a review of all of the existing industrial sites and has demonstrated that there are no suitable sites within Rudford. This estate would meet the needs of this business.

The proposal is considered compliant with policies SP1 Countryside, CPN 4 Protection of existing commercial premises and CPN 14 of the Neighbourhood Plan for the reasons set out below.

There are no objections from Environmental Health relating to noise and pollution and County Highways have no objection in relation to highway safety. Environmental Heath have asked for additional information relating to the distance of the proposal to closest residential dwellings and additional information will be reported to Committee as a report update.

CONSULTATIONS

Environmental Health

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Surface Water Drainage Team

Southern Water Planning

WSCC Strategic Planning

Archaeology Advisor

Southern Water Planning

Economic Regeneration

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health

No Objection in principle to this application subject to imposition of conditions relating to air quality impacts, restrictions on time of operation of machinery, deliveries, noise and external lighting.

Economic Regeneration Officer

No Objection.

Southern Water

No Objection. We are satisfied that the location of the foul rising main is not located within the site boundaries. The applicant is advised to consult the Environment Agency directly regarding the use of a sewerage treatment plant which disposes of effluent to sub-soil irrigation. The application proposes development that may produce a trade effluent. No trade effluent can be discharged either directly or indirectly to any public sewer without the formal consent of Southern Water

West Sussex Drainage Engineers

No Objection. The change of use of this site will continue to use the existing impermeable area.

County Highways

No Objection. It is not considered that the proposal would have 'severe' impact on the operation of the highway network, therefore it is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

Drainage Engineer

No objection. As the proposed development is to utilise an existing area of concrete hard standing we will not be applying any drainage conditions to the application. It should be noted that the proposed development overlies a sewerage rising main, therefore Southern Water should be consulted. There is also the possibility of a culvert running beneath the south western corner of the proposed site that the developers should be made aware of.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The requested conditions have been imposed.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICES

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

GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN2	Built-up Area Boundary
DEV8	Cirumstances in which Additional Development may be Permit'd
GEN26	Water Quality
GEN33	Light Pollution
GEN6	Amount of New Commercial Development

GEN7 The Form of New Development

GEN34 Air Pollution

Publication Version of the Local Plan (October 2014):

C SP1 Countryside

T SP1 Transport and Development

EMP DM1 Employment land:Development Management

EMP SP1 Employment land provision

QE DM1 Noise Pollution

QE DM2 Light Pollution

QE DM3 Air Pollution

QE SP1 Quality of the Environment

Clymping Neighbourhood Plan 2015 Policy CPN11 Quality of Design

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

Clymping Neighbourhood Plan 2015 Policy CPN8 Protection of Trees and Hedgerows

Clymping Neighbourhood Plan 2015 Policy CPN14 Traffic and the Environment

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).

Policies CPN4, CPN14, CPN 11 and CPN8 of Climping Neighbourhood Plan are considered relevant to determination 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 conflict with relevant Development Plan policies in that it would result in a form of development outside the built up area boundary which is not referred to in policy GEN3 of the Local Plan.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations which warrant approval of the application in that the exception policy DEV8 is unduly restrictive and out of keeping with Government guidance and the emerging local plan. Provision of an additional commercial unit to expand an existing business located outside of Arun should be supported provided the impact on amenity is considered acceptable.

The proposal 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.

CONCLUSIONS

BACKGROUND

KRM1 Concrete Ltd is a long established family owned business. The company specialise in the supply of marine dredged aggregates and the supply of ready mix concrete. They currently operate marine aggregate wharves at Portsmouth and Shoreham-by-Sea They import limestone aggregate by rail into a railhead at Fareham. They also operate ready mixed concrete plants in Portsmouth, Shoreham, Romsey, Alton and Newbury.

The operation of a concrete batching facility incorporates the following activities:

- The importation and storage of raw materials (aggregates, sand, cement and water).
- The mixing of aggregates, sand, cement and water in defined quantities to produce concrete. This will take place in a dedicated processing plant.

The process is likely to produce in the region of 40,000m³ of concrete per year. This would equate to approximately 140m³ per day, which will require 280 tonnes of aggregate and 42 tonnes of cement.

DEVELOPMENT OUTSIDE BUILT UP AREA

The site lies outside the built up area boundary where development unrestricted to the needs of agriculture is not acceptable in policy terms. A proposal for a local firm wishing to relocate or expand within the District in this location would be acceptable under policy DEV8 of the Arun District Local Plan (ADLP). However, as this is not a local company their proposal is therefore contrary to this policy.

As a result companies outside of the District wishing to expand in the District should seek to utilise the strategic employment allocations or other such existing employment sites within built up areas of the District. However, the proposal for an industrial use in this location would otherwise be supported by the National Planning Policy Framework (NPPF) and, unlike the ADLP, other employment policies in the Emerging Local Plan.

The National Planning Policy Framework (NPPF) states "Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision" (paragraph 15).

In delivering sustainable development there are three dimensions to consider; economic, social and environmental. All three contribute to the provision of sustainable development.

The NPPF states that the economic role contributes "to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure" (paragraph 7).

The NPPF states that minerals are essential to support sustainable economic growth. It also requires local planning authorities to safeguard existing, planned and potential sites for concrete batching.

The applicants have set out the exceptional circumstances which are considered to outweigh the departure from policy in this case. It follows the provision for new employment development in emerging policy EMP DM1. Policy EMP DM1 has been referred to and considered in the Supporting Statement.

The assessment has reviewed emerging planning policy to establish the policy support for new employment opportunities in the District. There is policy support for existing businesses in the District to relocate to sites outside the built up areas, providing that no acceptable alternative sites exist. Whilst KRM is not an existing business in the District, the principle of the policy has been applied. KRM is seeking to support the planned growth in the District

KRM has searched for alternative sites in Arun District to meet this growing demand. There is a need for a concrete batching plant in the District as there are currently no permitted facilities.

The lack of existing permitted facilities, combined with the lack of opportunities on existing and planned employment land, has directed the applicant to find alternative, suitable sites. The application site meets their business need. It will serve the planned growth areas. It has good access to the main road network and is relatively remote from sensitive receptors

COMMERCIAL CONSIDERATIONS

The application site is ideally located to support the applicant's business along the south coast, specifically serving construction proposals in and around Arun District. The batching plant will mix aggregates, sand, cement and water in different ratios to produce different grades of concrete. The products are designed, manufactured and tested to comply with British Standard BS8500. Cement will be stored in two silos and the mixing will take place in a dedicated mixing unit. The mixing process is

automated. The company operate a fleet of mixer trucks which will be loaded directly from the batching plant. The mixing continues in the vehicle once it has left the site. Storage bays will be provided for aggregates. A water tank will also be provided.

The company is a significant supplier of aggregates and building materials to the construction industry in West Sussex and surrounding region. As it supplies their customer needs in and around Littlehampton and Bognor, the applicant started to look for premises within Arun District. There is an identified need for an intermediate site within Arun to serve the planned growth in the District. There are currently no permitted concrete batching plants in Arun.

Whilst there are companies in the District supplying concrete, these tend to support smaller projects and use volumetric vehicles which act as the batching unit. These are limited to set volumes and would therefore incur a higher number of HGV trips to supply the same volume as a conventional concrete batching facility. The objectives of the District Plan is to deliver regeneration and sustainable development, in the form of providing housing, employment, improved public transport links and associated facilities to create sustainable communities.

The broad locations for Strategic growth are Barnham/Westergate/Eastergate and Littlehampton Economic Growth Area and Angmering. The applicant will be able to serve this growth agenda from within Arun District, rather than from their existing sites in Portsmouth and Shoreham. This is considered to be sustainable in terms of meeting a local need and reducing the distances that HGVs will travel to serve those developments.

The use will create 6 new jobs.

NEIGHBOURHOOD PLAN CONSIDERATIONS

With regard to policy CPN4 the site is currently used for HGV driver training and is therefore in commercial use. The proposal is deemed to have an acceptable impact on residential amenity for the reasons discussed and it would not compromise the character of the area or openness of the countryside and traffic is acceptable in terms of highway safety.

The proposal retains existing hedging in compliance with policy CPN 8 and the design of the proposed structures accords with this countryside location, by replicating the appearance of modern farm structures, in accordance with policy CPN 11.

For the reasons set out below, the proposal is not considered to have an adverse impact on highway safety or the living conditions of residents and would therefore comply with policy CPN 14.

RESIDENTIAL AMENITY

The provision of a concrete batching facility within Arun will reduce HGV movements and provide a sustainable transport solution, which is in accordance with the NPPF. Paragraph 30 states "encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion." The provision of a local facility to serve local construction projects should be considered favourably. The operation will be subject to an Environmental Permit regulated by the District Council.

The nearest residential properties are those in:

- Rollaston Park to the east on the opposite side of Yapton Road and approximately 80m from the entrance to the site and 400m from the proposed concrete plant and
- 1 & 2 Meadow Cottage north of the site approximately 250m from the entrance and 400m from the concrete plant.

Construction noise will be of short duration and will therefore have a limited impact on neighbouring properties. The potential operational noise has been assessed by the applicants consultants. Their assessment is provided as a separate report and has been used to inform the operational layout. It is a recommendation that vehicles being loaded with cement face a southerly direction. Background noise levels surveys have been measured and actual sound level data from an operational KRM site in Shoreham obtained. This data was used to predict the sound level at each of the receptors identified and assess this against the background noise level.

The Sound Assessment concluded that the proposed batching plant operation is not likely to be the dominant feature across the receptor locations. It is capable of achieving an acceptable level of sound at residential properties and Environmental Health officers have no objection in principle subject to imposition of conditions relating to hours of operation. They are however assessing further information supplied in relation to proximity of residential dwellings to the site. The Committee will be updated with their findings.

HIGHWAY CONSIDERATIONS

Access to the site would be via the northern entrance into the former Airfield. Vehicles would continue along the road before turning on to what was the former runway. A one-way system will be set up within the site. This is to ensure safe access to and from the agricultural barn and also the existing yards to the north of the application site.

In terms of vehicle movement to supply the raw materials this will require approximately 12 loads per day, which equates to 24 movements. The concrete will leave the site in mixer lorries which can carry 6m³ of concrete. Up to 26 loads of ready mix concrete will leave the site per day, which equates to 52 movements per day. The maximum number of HGV movements per day could be 76. Staff vehicles would generate another 12 daily movements.

In terms of the delivery vehicles, these are similar to agricultural delivery vehicles that already use this access. Also, the site is currently used for articulated lorry driver training and therefore there is an established presence of such vehicles. Ready-mixed concrete is locally supplied, which means that it does not travel too far to the end destination. The average delivery distance from the production site to the construction site is 12km.

County highways have no objection to the proposal in terms of vehicle movements, access, highway safety or car parking.

VISUAL AMENITY

The site benefits from screening comprising mature hedgerows along the site boundary of 3 - 4m high, tree planting on the wider farm estate (up to 6m high), existing steel palisade fence 3m high. In addition the existing rifle range with various buildings and earth bunding on the former runway is approximately 5m high and the existing agricultural storage building 30m x 15m x 10m high on land to the south.

The existing articulated lorry training school. Height of lorries vary but can be up to 4.87m high (from base of wheel to top of trailer). Storage of vehicles on adjoining land, various heights up to 6m. Earth bunds in the immediate area approximately 4m high, with additional tree planting to provide overall screening to 6-7m.

The proposed buildings would be similar to farm buildings in appearance. The cement storage silos would not be dissimilar to those used in agriculture. It is proposed to provide silos that are green in colour, to match the adjacent agricultural barn. They would not therefore appear prominent or obtrusive or out of keeping in the rural landscape.

CONCLUSION

There is an identified need to provide a concrete batching operation with Arun District to meet the planned growth set out in the emerging local plan. Whilst the proposal is contrary to development plan policy there are sufficient material considerations that outweigh this policy conflict and planning permission is therefore recommended 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:
Location KEN-YAP-APP-01A, Site Plan and Elevations 8975 /200 revP5, Elevation and Floor Plan KRM-YAP-ELE-01.

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 development shall take place before a report has been submitted to and approved in writing by the Local Planning Authority, which assesses the potential Air Quality impacts from the site and provides mitigation measures if necessary. Thereafter, the use shall not

commence until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of nearby residents in accordance with Arun District Local Plan policies GEN7 and GEN34.

- 4 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light,GN01:2011, Environmental Zone E2.

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

- 5 No machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the hours of 0700 - 1800 Monday to Friday, 0800 - 1300 Saturday nor at any time on Sundays and Public Holidays.

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

- 6 All vehicles, plant and machinery used on site and those under the applicant's control moving to and from the site that are required to emit reversing warning noise, shall use white noise alarm as opposed to single tone "bleeping" alarms throughout the operation of the development hereby permitted.

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

- 7 No part of the development shall be first occupied until the parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 8 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 9 INFORMATIVE:The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737755.

- 10 INFORMATIVE:This process will require an authorisation or permit under the Environmental Protection Act 1990, The Environmental Permitting (England and Wales) Regulations 2016, Part B before operations commence and the applicant is advised to contact the Environmental Health Department on 01903 737755.

- 11 INFORMATIVE: The applicant is advised to consult the Environment Agency directly regarding the use of a sewerage treatment plant which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the works to ensure its long-term effectiveness
- 12 INFORMATIVE: The application proposes development that may produce a trade effluent. No trade effluent can be discharged either directly or indirectly to any public sewer without the formal consent of Southern Water. The applicant is advised to discuss the matter further with Southern Water's Trade Effluent Inspectors. Please see <https://www.southernwater.co.uk/BusinessCustomers/wasteServices/tradeEffluent/> for further information.
- 13 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.