

PLANNING APPLICATION REPORT

REF NO:	CM/56/19/PL
LOCATION:	Unit H6 Rudford Industrial Estate Ford Road Ford
PROPOSAL:	Erection & operation of concrete batching plant to include distribution of concrete from the facility.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The development comprises a mobile concrete batching plant consisting of an aggregate feed hopper and small cement silo linked to a mixing unit. The existing use of the site is for B2 (General Industrial) and B8 (Storage and Distribution) uses. The proposed use for a concrete batching plant is a B2 use.</p> <p>The batching plant will mix aggregates, sand, cement and water in various ratios to produce different grades of concrete.</p> <p>Cement will be stored in a single silo which will have a height of 9.13m and will feed automatically into the mixing unit. Aggregate will be fed into the mixing unit from a hopper which will be supplied by a wheeled, loading shovel which will transport sand and other aggregate from storage bays sited close to the batching plant.</p> <p>The applicant is a major supplier of concrete to users within West Sussex and further afield along the south coast. The application is supported by a Noise Assessment report.</p>
SITE AREA	2120 sqm.
BOUNDARY TREATMENT	Metal Palisade fencing to approx. 2m height to eastern boundary. Gates to site frontage. Buildings to west and rear.
SITE CHARACTERISTICS	The application site lies on the northern side of the industrial estate and is accessed via its southern access. The site is surfaced and the proposed concrete batching plant will be sited at the southern end of the site. To the front of the site is a flat roofed office building which will be retained.
CHARACTER OF LOCALITY	The site is located within the Rudford Industrial Estate bounded by Ford open prison to the east and north. To the south there are properties on Horsemere Lane some 150m away and to the east adjacent to Ford Road Road Vincent Cottage is 110m away.

RELEVANT SITE HISTORY

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

The site pertaining to the two approvals shown above is to the east of the site the subject of this application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection:

- Contrary to policy C SP1 of the Arun Local Plan as it is outside the built up boundary.
- It is in close proximity to residential properties, important Listed buildings and a Scheduled Ancient Monument.
- Negative traffic and pollution impact on the area.
- The need for such a second plant in Climping has not been demonstrated.

12 Objections:

- Adverse noise pollution from the proposal on the area.
- Adverse impact on road and pedestrian traffic.
- Need for a second plant installation has not been proved.
- Contrary to policy C SP1 of the Arun Local Plan.

One neutral comment from the agent for approved application for concrete recycling plant concrete batching operation at Northwood Farm (CM/6/18/PL) updating their client's position, confirming that Aggregate Industries is fully committed to deliver the concrete batching facility at this nearby site.

COMMENTS ON REPRESENTATIONS RECEIVED:

The site no longer lies outside the built up area boundary and therefore policy CSP1 is not relevant. The boundary has been redefined since adoption of Climping Neighbourhood Plan. All other material planning issues raised are addressed in the conclusion section of this report.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Ecology Advisor

Engineers (Drainage)

Engineering Services Manager
Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection.

County Highways - No Objection.

Environmental Health - No Objection. Conditions suggested relating to contamination, noise and operational hours.

Ecology Officer - No Objection.

Economic Regeneration - No Comment

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. So as to reasonably protect neighbouring residential amenity requested conditions have been included. Contamination condition not required as the proposal will not require demolition of hardstanding.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
EMPDM1	EMP DM1 Employment Land: Development Management
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment

<u>Clymping Neighbourhood Plan 2015 Policy CPN11</u>	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 Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The relevant policies of the Climping Neighbourhood Plan have been taken into account in the 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 comply with relevant Development Plan policies in that it would not result in material harm to visual or residential amenity or the character of the 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 within the built up area boundary of the Arun Local Plan.

The key policy considerations in the determination of this application are policies D DM1, D SP1, HER DM1, QE DM1, QE DM2, QE DM3, TSP1 and EMP DM1 of the Arun Local Plan and policies CPN 4, CPN 14, CPN 11 and CPN 8 of Climping Neighbourhood Plan.

Policy D DM1 sets out 13 design aspects which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Layout, and Scale.

Policy D SP1 of Arun Local Plan and policy CPN 11 of Climping Neighbourhood Plan relate to design and seek that all development proposals make efficient use of land and reflect the characteristics of the site and local area in their layout, landscaping, scale, massing, character and materials.

Policy HER DM1 seeks to protect and where possible enhance the setting of listed buildings.

Policies QE DM1,2 and 3 seek to ensure all new development contributes positively to the quality of the environment, particularly in terms of the impact on air, light and noise pollution.

Policy T SP1 of Arun Local Plan and CPN 14 of Climping Neighbourhood Plan seek to ensure development provides safe access on to the highway network, provides mitigation, does not adversely impact on residential amenity, contributes to highway improvements and promotes sustainable transport.

Policy EMP DM1 of Arun Local Plan and policy CPN 4 of Climping Neighbourhood Plan seek to protect and enhance existing employment sites and premises.

Policy CPN 8 of Climping Neighbourhood Plan seeks protection of trees and hedgerows.

VISUAL AMENITY AND CHARACTER

The site benefits from screening by existing 2 storey industrial buildings to the west and south and structures and hedging along the adjacent eastern boundary to approx. 3m height. The site area is hard surfaced and currently used for vehicle parking and storage which is not readily visible from outside the site, other than from the site frontage.

The equipment will be located at the southern end of the site. The storage of materials and plant on adjoining land is up to 4m in height and the adjoining portal framed industrial unit to the west has a ridge height greater than 9m. The submitted equipment details indicate that the highest items, the cement silo and mixing unit are 9m tall, which would not therefore be prominent or obtrusive within the wider area, particularly since they are sited to the rear of the site adjacent to other structures.

The proposed structures would not look out of place within this industrial setting . Many buildings and much of the equipment stored adjacent to the site is comprised of metal. The adjacent buildings are green/grey in colour and the proposed equipment would not therefore appear out of keeping with the industrial backdrop. The proposal would accord with policy DDM1 of Arun Local Plan. The design of the proposed structures accords with this industrial location, by replicating the appearance of modern industrial units and machinery in accordance with policy CPN 11.

COMMERCIAL/EMPLOYMENT

The applicants were originally a haulage firm which has grown and adapted within the industry into an independent group that supplies aggregates and ready-mixed concrete across the South coast using its own haulage fleet, including tippers, articulated lorries, mixers and sweepers. Aggregate will be supplied from the applicant's existing site at Kingsam, Chichester. The application site lies equidistant between the applicant's operations at Chichester and Shoreham.

The application site is within an industrial estate with good access to the main road network and has been selected to facilitate expansion of the company and meet the significant growth planned within the immediate area (as detailed in the Local Plan Strategic Site allocations). This batching plant is intended to service the increased demand for concrete associated with this growth. The applicant has no current site within Arun and there is currently no concrete batching plant operating within the District, although there is a yet to be implemented permission for a plant at Northwood Farm, Ford. This permission was granted in 2019.

The site is located close to strategic housing sites in Ford and Climping. 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. The company operate a fleet of mixer trucks which will be loaded directly from the batching plant.

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 proposal will provide up to 5 additional jobs. There will be 2 additional persons at the site, the remaining jobs being drivers (either of aggregate wagons or concrete mixers).

Policy EMP DM1 (1) of Arun Local Plan supports protection and enhancement of existing employment sites and premises in order to maintain a supply of good quality commercial sites and premises to meet

the needs of businesses and the local economy.

This proposal for a local firm wishing to expand within the District, in this location, on the edge of an established industrial estate would be acceptable under this policy. In accordance with part 1.a. of the policy it would upgrade and make more efficient use of under-used employment sites and premises and in respect of 1.b the application allows the developer to achieve a better management of the site and increase productivity, employment and sustainability by reducing the need to travel. Crime would also be reduced by the more intensive use of the site which will provide increased surveillance. The site is already secured by high protective fencing and a gate which is locked at night.

The National Planning Policy Framework (NPPF) para 143 states that existing, planned and potential sites for concrete batching should be safeguarded.

With regard to policy CPN4 the site is currently used for storage and is therefore in commercial use. The proposal is deemed to have an acceptable impact on residential amenity for the reasons discussed below 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 is considered to comply with local and national employment policy.

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. Reducing HGV trips on local roads would positively impact residential amenity.

The nearest residential properties are those in:

- Ford Road, Vincent Cottages to the east which are approximately 110m from the site and the properties on the north side of Horsemere Green Lane which are 150m from the site boundary.

The potential operational noise has been assessed by the applicant's consultants and is detailed in the submitted noise assessment which measured the equipment whilst fully operational off-site, and a comparison was made of the impact of the proposed equipment on the existing noise climate at the application site. The assessment concluded that the proposed batching plant operation is not likely to be an overly dominant noise source across the area in respect of the impact on residential dwellings. The Applicant has confirmed that on a typical day the process of batching / pumping will approximate to up to 30 minutes in each hour. The proposed site is one of many commercial / light industrial units based on the industrial park, several of which are already in closer proximity to the surrounding residential properties. Sound resulting from the proposed plant during weekday operation is expected to be consistent with, (and largely indistinguishable from), this existing sound climate. Environmental Health officers have no objection in principle subject to imposition of conditions relating to hours of operation. The agent has advised that no working would be undertaken on a Sunday and other hours of operation would be restricted to 0700 - 1900 Monday to Friday and 0700 - 1300 Saturdays.

The proposal would therefore accord with policies D DM1, QE SP1 of QE DM1 of Arun Local Plan.

With regard to dust/air pollution and contamination the proposal can be adequately controlled by the imposition of conditions suggested by Environmental Health. The mixing unit is equipped with an expansion chamber (airbag) which suppresses dust generated by the aggregates and cement entering the mixer.

HIGHWAY CONSIDERATIONS

The application site is within Rudford Industrial Estate which has established accesses from the Estate to the A259 via Ford Road/Church Lane. Access to the site would be via the southern entrance into Rudford Industrial Estate.

The site is laid out to provide space for parking within the front section of the compound comprising 5 parking spaces for HGVS, and 5 car parking spaces for the staff who are employed at the site. Arun's parking standards require 1 space per 40 sqm for vehicle parking (5 spaces) and 1 space per 200sqm for staff and 1 space per 500 sqm for visitors for cycle parking (14 spaces). Therefore generating a potential 19 spaces. However in reality it is unlikely that customers would visit the site by bicycle and one space for each staff member would result in a demand for 6 spaces. There is adequate space within the site compound for cycle parking.

The applicant has anticipated that over the course of a day there will be 36 HGV's per day which equates to 72 movements, which could equate to 5-6 movements in an hour. Given the sites location in an industrial area, good access points which are large and wide to accommodate the proposed size of vehicle, its close proximity to the A259 strategic lorry route, and its existing B2/B8 use class (which does not have any traffic restrictions imposed) County Highways are satisfied this is a sustainable development and is acceptable in terms of highway safety.

The proposal would accord with policy T SP1 in that it reduces congestion by locating concrete batching closer to future demand associated with strategic housing sites.

Policy CPN 14 of Climping Neighbourhood Plan refers to Traffic and the Environment. It states that development which will have a detrimental impact on highway safety and the living conditions of residents will be resisted. The proposal would comply with this policy in that it would reduce the impact of heavy goods vehicles on local roads by reducing the need to transport concrete over long distances.

ECOLOGY AND BIODIVERSITY

The site is not within an area of statutory nature conservation interest and is hard surfaced with no wildlife habitats. The proposal would not therefore adversely affect biodiversity. In addition given the position of the site within an industrial estate it would not be reasonable to seek to achieve a net gain in biodiversity in accordance with policy ENV DM5 of the Local Plan.

In terms of trees these are located outside of the application site and may not be within the control of the applicant. The proposal does not impact existing hedging/trees and is therefore in compliance with policy CPN 8 of Climping Neighbourhood Plan.

HERITAGE ISSUES

There are a number of Listed Buildings in close proximity of the site. The Parish Church is 300m from the site and The Vicarage is 330m. Church Farm Cottage and Church Farmhouse are also Grade 2 Listed. All of these properties are located to the south east of the site and are separated from the application site by Ford Road and other industrial uses, storage and residential dwellings which prevent the settings of the buildings from being adversely affected.

Given this distance and the proposal does not harmfully impact on views of the buildings. No heritage assessment has been submitted by the agent, but it is as a matter of judgement with regard to the necessity of a Statement which should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance' (para 189 NPPF). Since it has been assessed that the development has no adverse impact on the setting of the listed building it

is not considered that a Heritage Statement is essential in this particular case.

Since the proposal would conserve the setting of the Listed Buildings it would not result in any harm and the requirements of Paragraph 193 of the National Planning Policy Framework are met (consideration under Paragraph 196 is not relevant). The proposal therefore accords with policies HER SP1 and HER DM1 of Arun Local Plan.

CONCLUSION

There is an identified need to provide a concrete batching operation with Arun District to meet the planned growth for housing, infrastructure and employment set out in the local plan. The proposal 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:

Location Plan DG/RIE/PA-01
Site Plan DG/RIE/PA-02

Proposed Site Layout 03B
Cross Section Plan DG/RIE/PA-04B

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of Arun Local Plan.

- 3 No development shall take place until 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. The use shall not commence until the approved scheme has been fully implemented and it shall be adhered to whilst concrete batching is operational on site.

Reason: To safeguard the amenities of nearby residents in accordance with Arun Local Plan policies D DM1 and QE DM1.

- 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 Local Plan policies D DM1, and QE DM2.

- 5 No machinery shall be operated, no process shall be carried out and no deliveries shall take place from the site outside the hours of 0700 - 1900 Monday to Friday, 0700 - 1300 Saturday nor at any time on Sundays and Public Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun Local Plan policies D DM1, and QE DM1.

- 6 White noise alarms are to be fitted to any vehicles, plant and machinery on site. Prior to their use, details of the noise that will be emitted shall be submitted to and approved by the Local Planning Authority and any such warning systems so agreed to be fitted shall be maintained and retained throughout the operation of the development hereby permitted.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun Local Plan policies D DM1, and QE DM1.

- 7 Machinery and plant shall be operated on the site in accordance with the submitted noise assessment by Clarke Saunders Acoustics, dated 13/12/19 Report ref; AS11466.191121.NIA which is based on the use of the Elkon Mobile Master 60.

Reason: In the interests of amenity in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 8 **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.

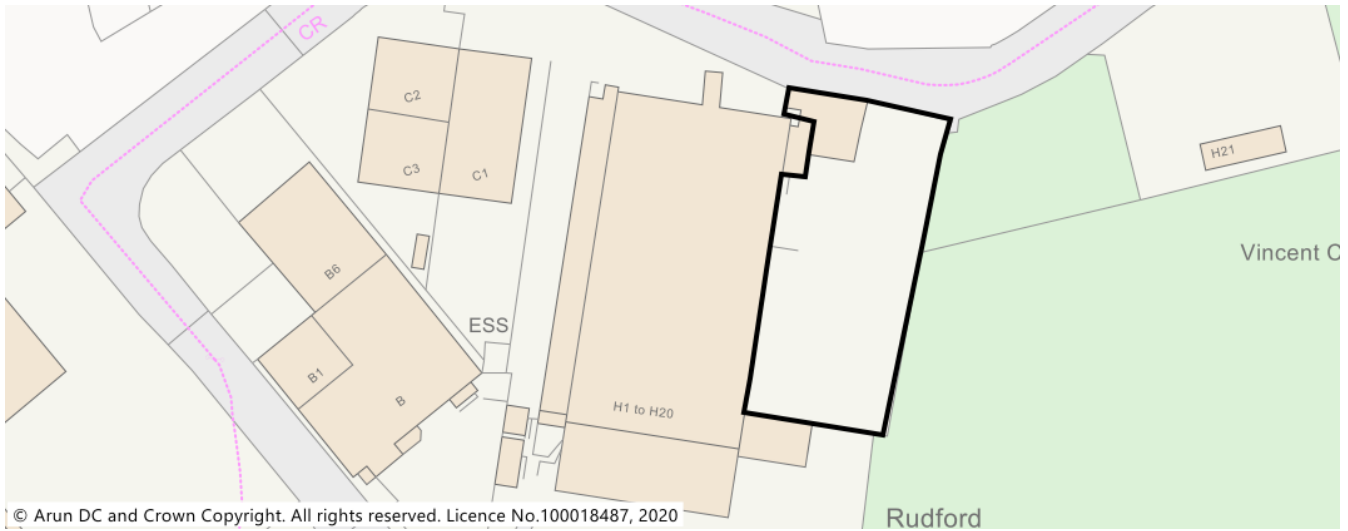
- 9 **INFORMATIVE:** This process will require an authorisation or permit under Part 1 of the Environmental Protection Act 1990 or a permit under Environmental Permitting (England and Wales) Regulations 2010, and if any changes are proposed to the authorised process or permitted activity, or if any changes to the emissions are proposed, then the applicant is advised to contact the Environmental Health Department on 01903 737755.

- 10 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 11 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.
- 12 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.
- 13 INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a each property in their portfolio. As the proposed development is being developed, the Council need to be satisfied identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold A copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the any works commencing.
- 14 INFORMATIVE: A vehicle operating licence will be required.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

CM/56/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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