expires 29/12

Development Control – Delegated Officer Report

Application Number: ADC/0505/08 **Recommendation - Application Permitted**

Site: **Unit A Wayside Commerce Way Sompting Lancing**

Proposal: **Removal of condition 5 of L/135/85 and 4 of L/67/86 to enable up to 24hr/7 days per week working (renewal of temporary permission L/134/03)**

The Application

The application property is an industrial unit in the north west corner of the Commerce Way industrial estate (Lancing Business Park) which has a lawful B1 use with an ancillary B2 use. Temporary planning permission was granted in 2003 for one year for the removal of condition 5 of L/135/85 & condition 4 of L/67/86 to allow 24 hours per day/7 days per week working. This consent was renewed in 2004 for 2 years, expiring in December 2006. This application seeks a further renewal (albeit retrospectively).

The site lies adjacent to the railway line on its northern boundary with residential properties in Derwent Close and Burnside Crescent immediately beyond, behind a tree screen. The closest property is about 37m away from the rear of the factory.

To the east and south lie other industrial units while to the west is a garage compound set below the level of Western Road, and to the south west lie flats at St Peter's Place, approximately 50m away.

Consultations and Representations

Consultations/Comments

Adur District Council – The Environmental Health Officer has confirmed that they have not received any complaints in connection with the use of this unit (NB after being made aware of the objection referred to below, the EHO has recommended a further temporary permission rather than permanent).

Sompting Parish Council - no objection

Third Parties

1 letter of objection received from the occupier of 20 Burnside Crescent stating that they objected to the previous temporary application to no avail.

They also state that there are fumes noticeable in the summer months and a constant low humming noise at night.

1 letter received from the occupier of 3 Derwent Close stating that they are happy for the 24 hours working provided the applicants keep the rear doors closed. There have been no problems since the doors were closed.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-2016 (WSCC 2005) (saved policies): LOC1, NE6, ERA5, DEV1
Adopted Adur District Local Plan 1993 – 2006 (ADC 1996) (saved policies): AG1, AE2, AE4
PPG24 'Planning and Noise' (DoE 1994)

Planning Assessment

Policies

The site lies within the Lancing Business Park which is identified for business, industrial and storage purposes within the Local Plan. Policy AE2 states that industrial units in close proximity to residential areas should be restricted to B1 use only. As a result of the site's position on the edge of the business park, the original conditions were imposed because of concerns over protecting residential amenities.

Policy ERA5 seeks to prevent sensitive development in areas subject to existing or potential poor air quality, or noise or smell pollution.

PPG24 states that the impact of noise can be a material planning consideration and identifies housing as noise-sensitive development for which local planning authorities should consider carefully whether such uses are incompatible with existing activities.

Residential amenity

The residential properties most affected lie directly to the north. Since the last temporary permission was granted at the end of 2004, the applicants have carried out a number of measures, including ceasing to use particularly noisy machinery at night, and the Council has not received any complaints.

However, the current application has generated one letter of complaint referring to fumes and a humming noise, although a second letter states that there have been no problems since the rear doors have been kept closed. The Council's Environmental Health Officer has recommended that, in light of

the complaint, it would be prudent to issue a further temporary consent rather than a permanent permission to enable continued monitoring of the site to take place.

Recommendation

APPROVE for reason that :-

The use of the premises during the additional hours for which renewal of permission is sought has the propensity to detract from the residential amenities of the area but it is considered appropriate to grant permission for a further limited period having particular regard to the needs of a business which provides employment and to policies AE2 of the Adur District Local Plan and NE6, ERA5 and DEV1 of the West Sussex Structure Plan in order to retain planning control and monitor the effect the use may have on residential amenity.

Subject to:

1. C1Diii (amended) The continued use of the premises for the additional hours hereby permitted shall be discontinued....period ending on 31 December 2010 and thereafter the premises shall revert to the hours of 07.30am to 06.30pm on Mondays to Fridays and 07.30am to 01.00pm on Saturdays as specified by Condition 5 of L/135/95/TP and Condition 4 of L/67/86/TP
   Reason – Policy AE2 (ADLP) ERA5, DEV1 (WSSP)
2. No use of the Trumpf machine for the manufacture of product part no. 490282-Printer Front Panel shall take place between the hours of 11pm and 7am
   Reason – In the interests of amenity and to comply with policy AE2 of the Adur District Local Plan and ERA5 of the West Sussex Structure Plan
3. There shall be no vehicular movements (excluding those by staff beginning or ending their shifts but including deliveries or collections of goods) between the hours of 6pm and 7am
   Reason – In the interest of amenity having regard to policies AE2 of the Adur District Local Plan and ERA 5 and DEV1 of the West Sussex Structure Plan

Case Officer..... Date..11/12/08

11/12