DELEGATED APPLICATIONS

ASSESSMENT SHEET

WB/10/0922/FULL

Retrospective application for the erection of two covered bicycle racks and one smoking shelter within the car park boundary

Unit 26-28
Decoy Road
Worthing
West Sussex
BN14 8ND

SITE VISIT

9.9.11 and 4.10.11

THE SITE

Planning permission for change the use of these large business units at 26, 27 and 28 to class use B1 (office and light industry) in March 2009 (WB/09/0185/FULL refers) and the site was subsequently occupied by Teledyne .

The units are located at the north west end of a cul de sac on the periphery of the purpose built 1970s Timberlaine Trading Estate, part of the larger industrial estates off Dominion Way and Decoy Rd in East Worthing. They comprise the main buildings on the south part of the site and a large car park on the north side of the site.

To the south and east, sits the industrial estate, comprising a range of B1 (office/light industry), B8 (storage and distribution) and B2 (General industry) uses in similarly designed units, excepting Decoy Villas which are converted business units. To the north is Harrison Road, a public right of way currently blocked off and whose status is the subject of an ongoing dispute with the residents at pair of cottages at Glendene and Glencoe close to the junction with Southdownview Road and the detached house known as Decoy Villas further to the east.

The boundary of the site with Harrison Road is marked by mature trees and planting on the Harrison Road side and substantial brick wall (around 2 metres tall) delineating the boundary of the Teledyne site. The gardens of Glendene and Glencoe and drive to Decoy Villa is characterised by several parked or stored vehicles of varying condition. The boundary with Decoy Villa is marked by a slightly lower concrete wall. The curtilage space of the property is substantially covered with outbuildings.

To the west of Teledyne is the residential two storey modern terrace 27-33 Southdownview Rd, separated by a deep landscaped verge with a row of mature trees and served by a dedicated parking court to the rear.

Teledyne Cormon Ltd provide engineered monitoring packages and applications expertise, mainly to the Oil and Gas Industry- largely an assembly and testing of

electronic components operation with allied office and research and are large employer .

Approved trading hours are 8am to 8pm Monday to Friday; 8am to 6pm Saturday and 10am to 5pm on Sundays.

THE PROPOSAL

The cycle stores and smoking shelter are sited adjacent to each other in the northern part of the car park, close to the front gardens of Glendene and Glencoe and Harrison Road.

The two cycle shelters are clear glazed with curved roof providing 4 spaces per unit and face each other. They are around 2.5 metres wide; 2 metres deep and 2 metres tall.

The smoking shelter is also clear glazed with curved roof but smaller at around 1.7 metres wide; 1.5 metres deep and 2 metres tall. It faces westwards.

The application follows enforcement complaints over unauthorised structures and the application seeks to regularise the situation.

CONSULTATIONS

The Environmental Health Manager:

I have checked our records and we have not received any complaints about noise or odour concerning this property

Post script

We have received a complaint of smoke nuisance from Mr Taylor on the 19th September. I have attempted to visit the site on two occasions recently but have been unable to identify the location of Mr Taylor's property so it wasn't me that visited him although I have sent him a diary sheet to fill in. I would expect the diary sheet to be returned in the next couple of weeks. On receipt of a completed diary we would assess the likelihood of a nuisance occurring and arrange to witness the problem if we think there is potential for a statutory nuisance.

As far as I know we haven't received any complaints about the noise that you witnessed.

REPRESENTATIONS

Decoy Villa: Harrison Road;

Object to smoking shelter sited very close to Glendene and Glencoe due to noise and smell from cigarettes. The shelter should be sited away from the boundary in the car park to the south.

Letter also sent enclosing complaint to Dept of Health and Safety expanding on concerns ;

I am writing to you, as I have tried to go through the correct channels of communication (Worthing Planning Office), but to no response.

Just over 2 years ago, we were informed that a company (TELEDYNE CORMON LTD) had applied to move in to the adjacent building to our home (we live in the middle of a trading estate). They applied for longer working hours, up to 8.0pm Monday/Friday and 5.0 pm on a Saturday. No working on Sundays or Bank holidays. We objected, as they stated there would be at most 50 cars in the car park. We know what that would mean, doors being banged, discussion by the cars between workers, lights on the vehicles, coming and going, particularly in the dark months of winter and time has proved us to be right. However permission was granted based on the owners promise that these hours would be adhered to and no disruption to residents.

I enclose all relevant copies of correspondence, including their letter prior to getting permission to upgrade to longer hours. As you will see their letter was very polite and it served a purpose for them at the time.

The first health hazard was after only a few weeks of moving in, they built a Perspex shelter for their staff to smoke in. It was sited at the north wall of their car park. On the other side of the wall is my lane which my wife and I use several times a day and just a few yards away are two family homes, (one of which has 5 small children). You can on a daily basis inhale their nicotine when walking along the lane and dependent on the wind/breeze the other residence can smell it in their homes.

I have visited Mr Davonport (planning officer), at his office no less than 3 times, to complain about the fact that my wife and I do not wish to inhale other peoples nicotine. I even wrote a letter. On my last visit he made it quite clear that he was not prepared to do anything about this problem.

We received a letter from the planning office to inform us that after more than 2 years they have realised that this company has built and used this Perspex shed without planning permission, so the planning office granted the planning permission on a Retrospective Basis, in an attempt to cover what was obviously their error. In my letter to the planning office, I realised that to try and get the "Smoking Shed" dismantled would be a waste of

time, I therefore asked if they would ask Teledyne Cormon Ltd, to move the shed to the south side of the car park and once again nothing has happened.

Over a period of several months, people have been working on site way pass 8.0 pm, until it has progressed to way pass midnight. They appear to be using a projector, which lights up the dark night and we have to pull all our curtains fully, as we do not wish to be disturbed by their lights. Last Sunday the site was opened in the early afternoon and whoever was working did not leave until after 9.0 pm.

This situation is now affecting our health. My wife and I are O.A.P. and although we have to accept a certain amount of noise during the day time, Monday/Friday, we have become stressed out by the lateness of the hours they are working and inhaling their nicotine on a daily basis when they work.

I do hope you can help us overcome these problems, as the company and Worthing Planning Office have no intention of doing so.

To support the above, I can get letters from the other residence that are also affected by these actions and are as unhappy about this situation as I am.

PLANNING ASSESSMENT

The principal issues raised by this proposal are:-

- Principle of development
- Impact on the amenity of neighbours
- Impact on the integrity of the design of the property and character of the townscape.
- Sustainable access

As such the proposal should be considered against the following development plan polices Saved Worthing Local Plan Polices RES7, H18, TR9 and Government policy in Planning Policy Statement1: Delivering Sustainable Development; PPG13: Transport and PPS4: Planning for Sustainable Economic Growth and PPG23 : Planning and Pollution; Smoke-free (Premises and Enforcement) Regulations 2006. .

Principle of development

The proposal is retrospective.

The facilities upgrade the amenities of the premises and enable the company to comply with the Smoke-free (Premises and Enforcement) Regulations 2006 and provide employees with a convenient and safe place to smoke, as well as partly discharge condition 3 of the planning permission by providing alternatives facilities for cyclists and thereby encouraging sustainable travel and contributing toward the required Travel Plan. As such, the principle is supported.

Impact on the amenity of neighbours

The site is industrial premises on an established industrial estate in a car park. Whilst the amenities of nearby residents in the few vestigial dwellings in the estate are to be respected, the standard of amenity that can be reasonably expected must take account of the situation.

The structures themselves are small in size and not visible behind the adjacent brick walls/trees.

Observed usage is modest (no more than 3 persons at any one time using the smoking shelter) and limited by the small size of the structures; the number of employees (40) and the distance from the main entrance/exits of the premises which deters casual use, especially in the rain/cold/dark.

The facilities are well screened from the nearest residential neighbours in Harrison Road by the walls; dense planting and out buildings and stored cars . This combined with the separation distance of at least 15 metres to the front facades of Glendene and Glencoe and 50 metres distance to Decoy Villas mean unacceptable noise and related disturbance would not arise.

The objector at Decoy Villas specifically raises the disturbance and pollution from cigarette smoke relating to the smoking shelter. Whilst the prevailing wind is a south-westerly which would blow smoke from the shelter towards the north east, the impact on Decoy Villa,let alone Glendene and Glencoe is not unacceptably harmful to amenities or pollutive for the same reasons out above and there is consequently adequate opportunity for smoke dispersion within the application site. No smoke was detectable within the gardens of Glendene and Glencoe on the site visits with the complainant.

Any smell/noise must also be assessed against the smells and noise that would be expected from the 36 space car park as cars manoeuvre into the spaces.

The scope of alternative sites for the smoking shelter has been raised with the applicants who report options are very constrained. The parking area referred to the by the objector to the south belong to the adjacent business and so are not available. Sites to the east or west would push the shelter closer to one or other of the houses in Harrison Road whilst a site closer to the entrance of the main business premises would be unsightly and encourage use and disturb the workers in the office.

Concerns raised over unsocial working outside of approved hours and allied disturbance at night have been raised with the applicants and referred to the Enforcement |Team. They fall outside of the current application.

Impact on the integrity of the design of the property and character of the townscape

The facilities are functional in design lightweight in structure and modest in scale harmonises acceptably in this secluded position.

Sustainable access

The facilities entail the loss of two car parking spaces reducing the number available from 38 to 36 However, this is adequate for the 40 staff.

The 8 cycle spaces encourage healthy and sustainable alternatives to car travel and is welcomed as the first phase of the required travel plan.

RECOMMENDATION:

Grant Permission; approved plans

REASONS FOR RECOMMENDATION:

The proposal accords with the relevant policies of the Development Plan.

Saved Worthing Local Plan Polices; Polices, RES7, H18 , TR9
Core Strategy Policy 16
Government policy in Planning Policy Statement1: Delivering Sustainable Development; PPG13: Transport and PPS4: Planning for Sustainable Economic Growth

IS RECOMMENDATION CONTRARY TO LETTER(S) OF REPRESENTATION?
Y / ~~N~~

DELEGATED

Case Officer sign..... [redacted] .....Date.....16.11.11.....

Authorising Officer sign..... [redacted] .....Date.....16/11/11.....