Expiry Date - 17-11-2015

Development Control – Delegated Officer Report

Application Number: **AWDM/1359/15**

Recommendation – APPROVE

Site: **378-380 Brighton Road Shoreham-By-sea West Sussex**

Proposal: **Application to vary conditions of AWDM/0842/14 involving the provision of an air conditioning unit and extractor fan in the rear yard, an additional 30 minutes of use of sound amplification equipment to account for the timing of Friday afternoon prayer in summer, and detail of flood proofing/non-car travel initiatives**

Neighbours checked: Y
Additional neighbour notifications: /N

Proposal, Site and Surroundings

The proposal is to vary conditions imposed on an earlier planning approval for change of use to from A1 retail (Adur Furniture Network) to D1 (meeting hall, as a place of worship and day care centre for the Bangladeshi-Muslim community (AWDM/0842/14 refers).

The variations will provide for an additional 30 minutes of the use of sound amplification equipment during an extended session of Friday afternoon prayer from 12.30pm until 2pm (to account for Friday afternoon prayer times shifting between winter and summer months), an air conditioning unit at ground floor in the rear yard and exterior extraction fan to serve the kitchen. There is also detail of initiatives pertaining to flood risk mitigation and to encourage non-motor car comings and goings (full details submitted in the application or confirmed in post-decision correspondence).

The application property is the ground floor of a two-storey mid-terrace building with front dormers. Adjacent to the east is Shoreham Café, an open A3 use. Adjacent to the west is a building converted to 3 no. 1 bed flats and 1 studio flat. The surrounding area is predominately commerical on the edge of the town centre.

Relevant Planning History
AWDM/0842/14
Change of use from A1 (retail) to D1 (meeting hall)
Approved Conditionally 02.06.2015

Consultations (summarised)
Southern Water: *No comments to make*
Adur & Worthing Councils Environmental Health: *no adverse environmental health comments*

Representations (summarised):-
Objection received from occupiers of 'Stedmans' 1 Cripps Lane Steyning: *This is the first communication I have received regarding any development at 378/380 Brighton Road. I am owner of next door property. When I visited your office on 02/10/15 no one could help me with the information I required. I would like to know exactly what activities are planned for the site? What parking facilities have been catered for? Where the air conditioning unit/extractor is going to be located? And what noise will it make? And is there any smell associated with the extractor fan? I have a responsibility to my tenants.*

Relevant Planning Policies and Guidance
National Planning Policy Framework
Saved Adur Local Plan (1996) policies: AG1, ACS5

Planning Assessment

Principle

Saved Policy ACS5 states proposals to develop community facilities in the built-up area will be permitted. The National Planning Policy Framework supports opportunities for meetings between community members who might not otherwise come into contact with each other (para. 69).

Extending the prayer time and installing an air conditioning unit would encourage the use of the building for such a purpose, the principle of which was deemed acceptable in the earlier planning approval.

Visual amenity

The exterior air conditioning unit is of modest scale and is to be stored inside a timber cupboard, with suitable exterior finish.

From the drawing it appears the extract fan is inside the building and likely wrongly drafted. On the exterior, it would be a discreet feature and no visual harm would arise from it.

Residential amenity – effect on existing dwellings

As before, the neighbours principally impacted upon are the flat occupiers directly above the premises and to the west.

Proposed activities, including language classes and group prayer, have the potential to create disturbance through noise transfer. However these activities were not judged to give rise to harm to the living conditions of adjacent neighbours, due to the timetabling and restrictions on the people and times involved, and yard use, together with the installation of a sound insulation scheme.

It is not the purpose of this application to revisit that decision, but rather to judge the acceptability of an additional 30 minutes of use of an amplification system. This is to allow Friday afternoon prayers to operate in both summer and winter months. It is not

believed that such a relatively short additional length of time would cause unacceptable noise and disturbance to flat occupiers - especially when set against the backdrop of the meeting hall activities previously deemed acceptable.

With an additional 30 minutes of amplified music, it is now more essential still that the sound insulation secured on the previous planning approval is installed in a timely manner (i.e. prior to commencement of the use). A standard insulation value of 50dB is sought, which is deemed sufficient by Environmental Health to mitigate the worst of noise transfer, and so safeguard the living conditions of the flat occupiers. This value is applied when a building is used for events and gatherings with music during festivals or special occasions. Insulation would be carried out to the ceiling (there is ample ceiling height for a suspended MF Grid ceiling) and fire places in the perimeter walls would be blocked up and lined with a wall lining system (the perimeter walls are plastered brick and not a problem in terms of flanking sound transmission).

This can be secured by re-imposing the relevant condition, along with all the re-imposing of the conditions previously imposed relating to operating restrictions.

If the sound insulation were not installed, the noise transfer would be unacceptably harmful to the amenities of neighbours – more the case still with an additional 30 minutes of amplified music.

Given the way in which the building would be operated along with the commitment to install the sound insulation, the severity of impact onto the living conditions of adjacent neighbours would not be intolerable. The development plan policies related to residential amenity are satisfied.

In the previous planning approval, the installation of future extract equipment was restricted by condition due to the close proximity of neighbouring flats facing into the yard. This controlled it to ensure no unacceptable harm onto neighbour's living conditions by noise and disturbance and vibration.

It is intended to install exterior air conditioning. The first conditioning unit suggested was unacceptable due its siting. However negotiations have a secured an acceptable alternative at ground floor, attached to the outside toilet wall. Although in the rear yard, it is to be housed in a cupboard and its mechanism specification would avoid undue noise and disturbance and vibration, to safeguarding the amenities of neighbours.

It is prudent to re-impose this condition for future eventuality.

Parking and Accessibility

> The parking provision was deemed acceptable in the earlier planning approval; although it was recognised the use would generate pressure on the already limited opportunities for on-street parking in the area, the highway authority did not raise objection as visitor parking would be short term and parking restrictions are in place along the A259 negated a highway safety risk. Public car parks exist nearby.

Planning approval was subject to a condition to encourage non-car travel initiatives. The agent has argued such initiatives would be difficult to monitor, but the applicant is willing to install notices in the premises of bus and train timetables.

Although a minimal effort – this is adequate for the purpose of the condition as the highway authority did not view a travel plan as a prerequisite to granting planning permission. It can be secured by condition.

Flood Risk

The previous planning approval was subject to a condition requiring the incorporation of flood resilient and resistant measures as the site is at flood risk, falling in category zone 2.

The applicant has confirmed they will register on the Environment Agency flood line warnings direct. Although a minimal effort, this would help with safe evacuation and/or avoidance of the building's use in times of flood – this is adequate for the purpose of the condition, which can be re-imposed with adjusted wording.

Recommendation

APPROVE

Subject to Conditions:-

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.*

02. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:-

   Drawing titled 1:500 date received 12-11-2015
   Drawing No. 10305-1B titled Proposed Change of use A1 to D1 date received 12-11-2015
   Document titled 60cm Chimney Extractor LAM2401 HJA2480 LAMONA User & Installation Guide date valid 22-09-2015
   Document titled Air Conditioning Product Information PKA-RP50HAL: Power Inverter Heat Pump P410A Wall Mounted System Mitsubishi Electric date valid 22-09-2015

   And the following documents approved under planning permission AWDM/0842/14:-

   Document titled Site: 378-380 Brighton Road, Shoreham by Sea, BN43 Requirement: Specification of a separating floor

construction to achieve DnTw+Ctr50dB by Acoustic Associates dated 1st April 2015, date received 09-04-2015
Document titled Sound Insulation Prediction (V8.0.0) date received 09-04-2015

Reason: *For the avoidance of doubt and in the interests of proper planning.*

03. The use hereby permitted shall not commence unless and until all works which form part of the sound insulation scheme submitted under planning permission AWDM/0842/14, for protecting the upper floor residential unit from noise has been completed. The scheme shall incorporate both airborne and structure borne noise through the entire structure (including walls, ceilings, doors and windows) and be designed to achieve a minimum airborne sound insulation value of 50dB (DnTw+Ctr dB). It shall also achieve at least the Good Standard contained in BS8233:1999 within the adjacent residential units. Following completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and achieve the specified criteria. Should this test show that the criteria has not been complied with and notwithstanding the development hereby approved, a further scheme of attenuation works capable of achieving the criteria shall be submitted to and agreed by the Local Planning Authority and completed within 2 months of the installation.

The sound insulation scheme so completed shall thereafter be retained in situ at all times and maintained in a condition to achieve the specified criteria.

For the avoidance of doubt, the sound insulation scheme submitted under planning permission AWDM/0842/14 consists of:-

i) document titled Site: 378-380 Brighton Road, Shoreham by Sea, BN43 Requirement: Specification of a separating floor construction to achieve DnTw+Ctr50dB by Acoustic Associates dated 1st April 2015, date received 09-04-2015
ii) document titled Sound Insulation Prediction (V8.0.0) date received 09-04-2015

Reason *In the interests of safeguarding the residential amenities of adjacent neighbours to comply with the core planning principle of the National Planning Policy Framework related to residential amenities.*

04. Prior to the occupation for the use hereby approved the applicant shall have registered with the Environment Agency Floodline Warnings Direct and shall remain registered for the perpetuity of their occupation of the building (378-380 Brighton Road).

Reason: *In the interest of human safety to mitigate the risk of flooding to a development situated within Flood Risk Zone 2 in accordance with National Planning Policy Framework.*

05. Prior to occupation of the building for the use hereby approved the applicant shall publicly display up-to-date bus and train timetables inside the premises and these shall remain at all times.

Reason: *To encourage and promote alternative travel options to the use of the private car and to ensure the delivery of sustainable development in accordance with National Planning Policy Framework.*

06. The hall hereby approved shall only be used between the hours of 9.00 am and 10.30 pm of the same day, every day.

Reason: *In the interests of safeguarding the residential amenities of adjacent neighbours to comply with the core planning principle of the National Planning Policy Framework related to residential amenities.*

07. All arrival, reception or dispatch of deliveries shall take place from Brighton Road and not through the rear yard.

Reason: *In the interests of safeguarding the residential amenities of adjacent neighbours to comply with the core planning principle of the National Planning Policy Framework related to residential amenities.*

08. No sound amplification shall be used inside the premises except between 12.30pm-2.00pm of the same day each Friday, during Eid prayers (9am-11am of the same day, each day) and for funeral prayers. All doors and windows shall be closed at times when the sound amplification equipment is in use. No sound amplification equipment shall be used outside of the premises at any time. No music shall be played inside and outside of the premises at any time.

Reason: *In the interests of safeguarding the residential amenities of adjacent neighbours to comply with the core planning principle of the National Planning Policy Framework related to residential amenities.*

9. No more than 60 individuals shall be present on the site at any time.

Reason: *In the interests of safeguarding the residential amenities of adjacent neighbours to comply with the core planning principle of the National Planning Policy Framework related to residential amenities.*

10. Excluding bin storage, no activity or other type of storage associated with the use hereby permitted shall take place in the rear yard.

Reason: *In the interests of safeguarding the residential amenities of adjacent neighbours to comply with the core planning principle of the National Planning Policy Framework related to residential amenities.*

11. The air conditioning unit and external mechanical ventilation system hereby approved shall not be provided unless in strict accordance with the approved plans, with the air conditioning unit not provided unless inside the associated store cupboard. Thereafter the equipment shall be maintained to the approved manufacturer's specifications to achieve the specified criteria.

Reason: *In the interests of safeguarding the residential amenities of adjacent neighbours to comply with the core planning principle of the National Planning Policy Framework related to residential amenities.*

12. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no air conditioning and/or external mechanical ventilation system (other than approved) shall be installed, erected or replaced on the application premises.

Reason: *In the interests of safeguarding the residential amenities of adjacent neighbours to comply with the core planning principle of the National Planning Policy Framework related to residential amenities.*

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only as a place of worship and day care centre for the ethnic Bangladeshi-Muslim community within Use Class D1 as defined in the Town and Country Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Reason: *In the interests of safeguarding the residential amenities of adjacent neighbours to comply with the core planning principle of the National Planning Policy Framework related to residential amenities.*

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to any representations? y

Case Officer signed: Matthew Porter Date: 19-11-2015

Authorised and signed by: Peter Barnett Date: 23 November 2015