Expiry Date – 16.09

Development Control – Delegated Officer Report

Application Number: AWDM/1097/15 Recommendation – Refuse

Site: 61 Mansell Road, Shoreham

Proposal: **New condensing unit on top of flat roof to west (rear) elevation of Post Office**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 24.9

Site and Surroundings

This application relates to the Mansell Post Office/convenience store on the west side of Mansell Road at its junction with Lennox Road. The post office is part of a terrace of three and has a separate flat at first floor level accessed from Lennox Road. 63 and 65 Mansell Road, to the north, are terraced family houses.

The property is not in a conservation area and is not a listed building.

Proposal

Planning permission is sought to erect a condensing unit (to regulate the temperature of chillers in the shop) on the flat roof of the enclosed staircase to the first floor on the rear (west) elevation of this building. Since the application was submitted the applicant has erected an air conditioning unit and the proposed condensing unit on the ground floor rear wall adjacent to the boundary with No. 63 in a stacked arrangement.

Relevant Planning History

AWDM/0473/13 -Installation of ATM in front window of post office. Granted 17.6.13

Consultations

Pollution Control: '*The refrigeration plant proposed in this application will be on thermostatic control so will be switching on and off 24 hours a day. The proposed location of the unit is immediately adjacent to a residential flat above the Post Office. After witnessing the noise of the unit it is likely that its 24 hour operation, particularly it's clicking on and off, will disturb the sleep of the occupiers of this flat and possibly neighbouring residential properties. Based on this, I feel I should object to the proposed location of this plant.*

I would advise the unit is sited away from residential properties and placed in an acoustic enclosure/housing. Any openings/vents should be acoustically treated. I

strongly recommend the applicant employs the assistance of an Acoustic Consultant who will be able to advise on the most suitable housing and location for the unit as they will be able to measure the noise of the unit and model the noise levels in surrounding residential properties.'

Representations

3 objections received summarized as follows:

1. Overbearing, unsightly, unneighbourly noise intrusion for bedrooms and gardens.
2. The unit has been erected in a different position and is noisy and can be heard when sitting in the garden or rear bedroom.
3. The unit should be relocated to the south side to avoid noise intrusion.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2012

Planning Assessment

Principle

Plant necessary to support businesses is supported where it does not lead to unacceptable nuisance to any neighbour or is unacceptably visually unattractive. It appears in this case that the proposal does not satisfy this requirement but a potentially acceptable alternative option is available which has not been pursued by the applicant.

Neighbour amenity

The condensing unit proposed has been erected in a position different to that shown in the application. It is on the boundary with No. 63, at ground floor level and stacked with an air conditioning unit, it being the lower of the two.

Noise readings taken at the time of the site visit indicate a noise nuisance from the condensing unit. Relocating the unit to the application position would not solve the problem as this is an elevated position and the noise nuisance is likely to disperse further as it would not be contained by the garden fences/planting. The application position would exacerbate a noise problem for residents of the flat above (3 Lennox Road) and possibly beyond.

Para 123 of the NNPF states that Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- Recognize that development will often create some noise and existing business wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

The applicant has been advised that the Council wishes to work with him to find a solution to this situation. He has been provided with details of various different noise consultants and advised that a potential solution is to move the unit away from the boundary, to a ground floor position, and to acoustically house it to avoid a continuing noise nuisance. The applicant will be encouraged to re-apply on this basis asap to resolve the situation.

The air conditioning unit erected is not causing a noise nuisance and is not visible from the street.

In the meantime the current application is unacceptable in terms of a noise nuisance to neighbours.

Visual amenity

The proposed position on the first floor rear wall would make the unit widely visible to neighbouring residents on this exposed corner site. It would be an unsightly and intrusive addition to the streetscene. The applicant has been advised to find an alternative ground floor position.

Recommendation REFUSE for the following reasons:

1. The proposed condensing unit due to its size, position and noise output would have an unacceptable impact on neighbours' living conditions due to a noise nuisance and would be an unsightly addition to the appearance of the area. It is therefore contrary to the National Planning Policy Framework.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Is recommendation contrary to any representations? N

Case Officer signed:	MOK	Date: 5.11.15
Authorised and signed by:	PD	Date: 5.11.15