Development Control – Delegated Officer Report

Application Number: AWDM/0372/18 Recommendation – APPROVE

Site: Crown & Anchor, 33 High Street, Shoreham-by-Sea, BN43 5DD

Proposal: Retrospective application for replacement external refrigeration units to replace existing.

Date of site visit: 29.06.2018

Neighbours checked: Y

Additional neighbour notifications: N

Site, Surroundings and Proposal

The site is within the Shoreham Conservation Area. It is a well-established Public House and Restaurant which fronts onto the High Street and backs onto the River Adur, and it has a rear, outside eating area with views across the river.

The High Street is the main shopping street of Shoreham, and because of its close proximity to the river, the area is within Flood Zone 2. The High Street is also the main A259 Worthing to Brighton road.

The neighbouring property no.'s 29 and 31 High Street are within residential use as flats, with commercial on the ground front of the buildings.

The Proposal is for Retrospective planning permission for 2no. refrigeration units (1no. Chiller & 1no. Freezer), both contained within an open, timber frame storage unit with a corrugated roof. Each of the units measure 3m wide x 2.348m high x 1.61m deep, and are located to the rear of the public house, facing east.

Relevant Planning History:

SU/94/86/TP Two storey rear extension, alterations and refurbishment.
Approved 19.08.1986

AWDM/1884/17 Partial demolition of garden wall east of parking area to approximately 1m high with Cedar planting boxes at top. New gate and extended fence. Change of use from parking area to seating area.
Approved 25.07.2018

Consultations:

Environmental Health : Noise

“The lighting that has been installed is different to what I assessed in October last year following a complaint. I did not consider the previous lighting to be a problem and I advised the resident accordingly. I am not sure when this new lighting was installed but I have not received any complaints about it. Perhaps, because of the light summer evenings it has not manifested itself as a problem yet. However, if necessary, I can look at this new lighting in more detail at a later date under our nuisance powers.

I understand the gate has been replaced.

As for the refrigeration condenser noise, the acoustic assessment submitted as part of the application does not show what the likely noise contribution from the units will be at the facade of the nearest residential units at night. Personally, I would have calculated this from the noise data for the refrigeration condensers and then estimated the internal noise impact on the flats. Trying to establish the condenser noise through monitoring, when the ambient noise level is so high is not very accurate. That said, the acoustician subjectively notes that when all the other building services in the locality are switched off then the condenser units are barely audible at the boundary of the premises. I have visited the property myself and I agree that the kitchen extract is the dominant noise in the locality during the day and the refrigeration noise is not an issue during the day. During my investigation into the noise I left a noise meter running in the bedroom of the ground floor flat for 24 hours, from the 11th to the 12th October 2017. Because of the proximity of the refrigeration units and kitchen extract to the adjacent flat the noise is audible inside, the kitchen extract being the dominant noise source. The LAeq taken in the bedroom with the window open was 42dB and around 32dB with the window closed. There was a clear drop in noise levels at around 9:30pm when the extract system was turned off. The night time LAeq in the bedroom at night with the window closed was around 25dB(A), which is well within BS8233 guidelines. There was no obvious sign in the data time history of mechanical noise switching on or off during the night. I would ask to see the noise data for the refrigeration; they must have the manufacturers’ information sheet, so we can do a check. However, I suspect the condenser noise is not really an issue and I can confirm it has never been reported as an issue by the neighbours. Furthermore, the neighbour in the ground floor flat has stated that the kitchen extract noise is not a problem.

With regards to noise from the refrigeration and freezer doors, my recordings from the flat showed that the noise from the doors being closed was quite intrusive ranging from 54dB to 70dB L(A)max in the bedroom. 49dB to 52dB L(A)max with the window closed. During the recording period 11 incidents of the door closing was logged. The neighbour’s diary sheet logs the noise from the doors closing 15 times on one day and 12 on the following day. I should put the caveat on that these are incidents noted when they were at home and may under estimate the actual refrigeration use. I would imagine if kitchen staff have their hands full then they are probably closing the door with their bums, so the latch is not being pulled opened. I

have checked on line and there are soft door closers available for commercial refrigeration and I would recommend that these be purchased for these units to mitigate any noise impact.

To summarise, I would like to see the manufacturers' noise data for the units and I would like to see a soft door closer fitted to the units. However, I have no objections to the units being there in principle."

Environmental Health 2nd Consultation

'I have reviewed the additional data and I am happy for the permission to be granted subject to the door closers. 3 months seems reasonable.'

Representations: 2no. Objections from Flat 2, 29a High Street

- Have lived next door for 6 years and have noticed a huge increase in noise in the last year alone
- The staff area is by the side of the pub where all the staff congregate for breaks and cigarettes
- Staff often open products; sort vegetables; and collapse boxes
- The noise and light levels are abhorrent and unsociable
- My life is a nightmare since the freezers were erected
- Have had to put Rockwool in 3no. window cavities
- 3no. spotlights shining into my flat and into bedroom of my child
- The lights are like search lights which light up our living room and each time a cat or staff member passes they light up
- My health has suffered since the freezers have been put in.
- The freezers should be relocated to the other side of the pub where nobody resides in proximity
- The staff open products, sort vegetables and collapse boxes relating to the contents of the fridge
- Have had to contact pub at midnight when the staff are cleaning up to ask them to keep the music and the cackling laughter down

Relevant Planning Policies
Adur Local Plan 2017: Policies 15 , 34
National Planning Policy Framework (CLG 2012)
National Planning Practice Guidance 2018

Planning Assessment

The key issues are the effect on the residential and visual amenities of the locality.

Visual Amenity

The lighting issues raised above are not part of this application, and Environmental Health will look into the issue separately from this application.

The fridge units are bespoke units for the purpose required, and are fitted into a timber casing to keep them in place. The 2no. units stand either side of the existing

flue of the building. They are very large and do have a hum noise about them, but Environmental Health have been on site and taken readings of the noise made by the units via a noise meter running in the bedroom of the ground floor flat for 24 hours and confirm that they are within the BS8233 guidelines.

Visually the refrigeration units are sited so as to minimize their impact onto the neighbouring properties, and although opposite the residential properties, they are sited approx. 4.5m from their side wall. The gap between the fridges and the boundary is shown on the plans as being 2m, which is considered reasonable to allow the space to be adequately utilized by staff etc.

Residential Amenity

Environmental Health have advise that these units adhere to BS8233 guidelines. However, from the readings taken at the neighbouring properties with regards to noise from the refrigeration and freezer doors, recordings from the flat showed that the noise from the doors when they are being closed was quite intrusive ranging from 54dB to 70dB L(A)max in the bedroom, 49dB to 52dB L(A)max with the window closed. These readings showed a frequency of use of the doors. Therefore Environmental Health require soft door closures to be put onto the refrigeration units within 3 months of any approval. Once fitted, these should mitigate any noise impact.

The points raised by the neighbours have been noted, and the Environmental Health Officer has visited the property in order to monitor the noise levels from the application site. This application relates to the refrigeration units only, and the Environmental Health Officer requires soft door closers to be fitted which he feels will resolve the noise problems relating to them.

Recommendation

APPROVE subject to Conditions:-

1. Approved plans
2. Within 3 months from the date of this approval, soft door closer fittings must be provided and fitted to both of the refrigeration units, and shall remain in place in perpetuity of the units.

Informative

1. Approved following amendment

Is recommendation contrary to letter(s) of representation? N

Case Officer: Eve Hearsey Date: 21.08.2018

Authorised by: Peter Barnett Date: 21 August 2018