**Expiry Date - 30-10-2014**

# Development Control – Delegated Officer Report

**Application Number:** **Recommendation – APPROVE**
**AWDM/0842/14**

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

**Proposal:** **Change of use from A1 (retail) to D1 (meeting hall)**

Neighbours checked: Y
Additional neighbour notifications: /N

**Proposal, Site and Surroundings**

The proposal is for change of use from A1 retail (Adur Furniture Network) to D1 (meeting hall, as a place of worship and day care centre for the Bangladeshi-Muslim population of the district).

The hall will be available for small gatherings, including English classes, and as a place for individual prayer. Calls to prayers will be made as per ritual but that will be done within the building.

The use will operate between 10am and 11pm each and every day. Additionally, on two days during the year prayers will be held between 9am–11am (Eid prayers). Currently, the Bangladeshi-Muslim population hires various community halls for its activities.

No music will be played at the centre at any time but there will be a need for sound amplification on the following events; once a week for Friday afternoon prayer (12.30pm-2pm), annually, for two Eid prayers (9am-11am) and on rare occasions of funeral prayers.

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 recently 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**
None

**Consultations** (summarised)

> ***West Sussex County Council Highways:*** *The proposal is situated in a sustainable and easily accessed by means of transport other than the private car. For example, Shoreham train station is located within 0.5km and there are a number of bus stops for various routes within close walking distance, Shoreham*

*town centre is also a short walk away. It is therefore considered that this proposal meets those guidelines set down to encourage and enable the use of sustainable transport options.The proposal will have a nil car parking provision. Visitor parking would be short term and unlikely to generate any significant highway safety issue, therefore an objection on the basis of a short falling on parking would not be raised. There in any case comprehensive parking restrictions in place along the Brighton Road (A259) frontage to ensure that parking do not occur in an area that could be detrimental to Highway Safety. The Planning Authority may wish to consider the implications of this proposal upon on-street parking in nearby surrounding roads. The site is recognised as having a permitted A1 use in the past which would have drawn passing trade throughout the day. In considering the change of use the potential vehicle movements from the permitted use is a material consideration. In light of the scale of the permitted and proposed development, it is not considered that traffic generation would significantly vary between the two. It is not considered that this proposal could be resisted on the basis of traffic generation. Based on the submitted information there would be no concerns with this application from the Highway point of view subject to the following condition: Cycle parking No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.*

**Environment Agency:** *The site lies in flood zone 3 but as there is no change in the Flood Risk Vulnerability classification we have no objection. Flood Proofing. We recommend that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood resilient and resistant measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Whilst we encourage the provision of such measures, the approval or otherwise of these lies with the Local Planning Authority in consultation with relevant specialists. Additional guidance can be found in the Communities and Local Government Publication 'Improving the Flood Performance of New Buildings: flood resilient construction', which is available at: http://www.communities.gov.uk/publications/planningandbuilding/improvingflood Further guidance is also available on our website at:http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/flood-resilience-and-flood-resistance/ Flood Warning and Evacuation. We do not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to the occupants/users. Within the Planning Practice Guidance, Paragraph 57 states that consultation should take place with the authority's emergency planning staff to ensure that evacuation plans are suitable. Flood warning and evacuation plans will need to take account of the likely impacts of climate change. In all circumstances where warning and evacuation are significant measures in contributing to managing flood risk, we will expect local*

*planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.*

***Worthing & Adur Councils Environmental Health**:*

*1st consultation: Request condition hours proposed in the application i.e. 10am to 11pm. Please can I get some more detail on the proposed use with regards community gatherings and meals. For example, will they be cooking on the premises, is music and dancing proposed, a rough timetable for classes and the numbers of people expected to attend etc? This information will help me make a decision on the necessary sound insulation and kitchen extraction for the building*

*2nd Consultation: We are asking for a more robust assessment prior to permission being granted. The standard airborne sound insulation value to be achieved by Building Regulations is 43dB, (DnTw + Ctr dB). I would need to check this though. However, if you want versatility in the building for events and gatherings with music during festivals or special occasions etc, it may be better to insulate to a higher level. We normally recommend a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB).*

*3rd consultation: The kitchen shall be designed to meet current food hygiene requirements and for this purpose it is recommended that the applicant liaises directly with the Council's environmental health department for this purpose. That said consideration shall be given to the following areas: the structure shall be as far as practicable pest proof; floor surfaces shall be even to reduce the risk of falls on level surfaces; all floor surfaces shall be non-permeable that can be affectively cleaned. EG, Tiles, vinyl safety flooring, cast resin flooring; walls shall be non-permeable in order that they can be effectively cleaned. EG, washable paint, epoxy resin coating, ceramic tiles with epoxy based grouting, stainless steel or plastic sheeting for use on walls; ceilings shall be non-permeable in order that they can be effectively cleaned. EG, smooth washable painted plaster. Suspended ceilings are not recommended unless they are easy to clean and have suitable access points for cleaning; all kitchen work surfaces shall be smooth and washable so they can be easily cleaned and disinfected; it is noted that there is a WC that opens directly into the area where food will be handled; toilets must not open directly into a room where food is handled and prepared and a lobby will be required; the kitchen will require adequate lighting and extract ventilation; the kitchen will require adequate storage, including cold and hot storage prior to serving. If food is to be heated and served immediately then adequate heating facilities will be needed. Separate storage will be required for cleaning materials; a dual food preparation/washing up sink may be sufficient, however, the kitchen will require separate hand washing provision.*

*4th consultation: As discussed the difference between Tom Foolery is that there were no obvious flanking points between the properties, there are points in this development where noise may flank around the ceiling. Hence we are asking for a more robust assessment prior to permission being granted. Please note the applicant's acoustician has made his initial comments following a conversation and has not visited the property, thus the caveat in his letter.*

*5th consultation: As discussed, there are two fire places shown on the plan. Stephen Bromley may be able to advise further as to whether these go upstairs*

*but if they do any scheme may need to include controlling flanking noise from these areas. I have no objections to the planned proposals in principle I just want to ensure that the building is suitably robust for the proposed planning use.*

*6th consultation: I am happy with the proposed scheme.*

**Representations** (summarised):-

Objections received from occupiers of 378 Brighton Road, 380a Brighton Road, Unit A 77 Brighton Road, c/o The Lawns, London Road, Ashington: *Concerns proposed use will result in increase in vehicles trying to stop/park on the A259 outside the premises which will add to risk of accidents occurring on already busy section of road. As there is a major development underway in the immediate area, with more planned, this particular stretch of road and junction will be swamped with more traffic in very near future. Pavement area outside shop is too small to safely accommodate number of people trying to access the premises. Furthermore, feel this parade of shops will be diminished by this change of use. As leaseholder of 380a Brighton Road (the flat above) I object. Apparently, the meeting hall would run 7 days a week from 10am until 11pm with occupancy of up to 60 people at any given time. My tenant who occupies my flat can hear every word spoken in the current shop. Due to the sound issues that would cause disturbance occur if the use changed, this would make life unbearable for my tenant as it is proposed that lunch and dinner parties will be held in the meeting hall. Another problem is cooking smells. My tenant knows when they make toast downstairs. The yard area is also a concern as it is supposed to be a shared yard for two flats and a means of escape only for the shop. But the shop has used it as a dumping area for years. My tenant and her neighbour (from the other flat) would like to make this into a nice sitting area. They believe they will lose their privacy as there is a door on the proposed plan from the small meeting room out onto the yard. Parking is also a considerable problem as you can't park near the premises at best of times – due to buildings works in the area, parking has worsened and road markings are unclear. Times of entry and exit to the building could cause traffic build up. The value of my flat will dramatically fall. I will be seriously out of pocket, and any rental income would fall. There would be disturbance due to the noise and always the chance of attack on a Muslim meeting hall. Availability of parking in area is already extremely limited and affected by new homes on corner of New Road and Surry Street. Simply not enough adequate parking and this will worsen this. Find myself having to park further and further away in adjacent streets. Parking will be an issue well into the night. Sound proofing is non-existent and can currently hear every conversation and movement from staff in the shop below (2-3 people). Proposed application complete unacceptable as noise level will drastically increase due to number of people (60!), duration of operation, and activities planned. Right to enjoy peace of own residence and that should not be infringed on especially up until 11pm, 7 days a week! Concern over us of the rear courtyard area as this is currently a communal area for myself and neighbour and as use as a fire escape route for shop staff. Attendees will frequent and loiter in yard area, creating more noise and reducing privacy rights of myself and neighbours. Front entrance is accessed via yard and see meeting room entrance/exit*

*immediately adjacent to it. Will infringe on my privacy, and access to my property as well as intimidating for my partner/visitor after dark. The change will severely devalue my property due to the fact there will be a social venue directly below operating at unsocial hours. This is a residential area and not suited for social venues, especially for the volume of people and length of operation. The clash of intoxicated patrons of the nearby pub with anti-alcohol culture will result in unwanted trouble, especially as they will leave at same time in evenings. Hope the police can keep a vigilant eye on this area. I live in a flat above the shop and I can hear every word they say and they can hear every move I make. Could the inclusion of substantial sound proofing be made part of the planning agreement? The small hard at the back is for joint use and our only access, the small meeting room overlooks the yard. Could it be part of the planning that it remains as only a means of fire escape for the occupants of the ground floor and the overlooking door is covered to maintain privacy at all times. The proposed length of time for the halls use seems excessive. We are sometimes woken by general noise of people going past but any gathering outside will make it a common occurrence. It is almost impossible to park around the area at the moment with the potential for another 60 people it will become impossible for local residents.*

**Relevant Planning Policies and Guidance**

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

**Planning Assessment**

***Principle***

Adur Local Saved Policy ACS5 states proposals to develop community facilities within the built-up area will be permitted.

The retail use is not safeguarded; its loss is not resisted. The character of the immediate area is predominately commercial with a mix of uses.

The National Planning Policy Framework sets out to achieve places which promote opportunities for meetings between community members who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity (para 69).

To this end, the proposal would achieve this; the principle of it is therefore appropriate for the building and the site in terms of its location, and relationship with surrounding land uses.

***Visual amenity***

No external changes are proposed to the building, so no visual harm would arise from the proposal.

***Residential amenity – effect on existing dwellings***

The neighbours principally impacted upon are the flat occupiers directly above the premises and physically adjoined to the west.

Proposed activities, including language classes and group prayer, have the potential to create disturbance through noise transfer. However the activities would be timetabled and numbers involved limited (language classes, for instance, involve a max of 20 at weekends, restricted to between 10am and 12.30pm). Attendance at prayer would be limited to 15 with smaller prayer groups ending at 10pm. A 'single women and mothers with babies' session will take place from 4pm until 6pm each day, including weekends. There will be breaks between each of the activities. Twice a year there will be Eid prayers which will start at 9am. A maximum of 60 people will be present in the building at any time. Use of an amplification system will be limited to Friday afternoon prayers and annually for the two Eid Prayers. There may be very occasional use of it at other times for funerals.

Even accounting for this, it is essential the sound insulation secured in negotiations with the planning agent 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 within 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).

If the sound insulation were not installed, the noise transfer would be unacceptably harmful to the amenities of neighbours.

The rear yard is communal. It is overlooked and several neighbours have windows opening out onto it. To negate intrusive loss of privacy and unacceptable of disturbance, it is necessary the yard not be used for general access for the meeting hall. This would also avoid noise transfer into the yard, and ensure security for those who jointly use the yard. Deliveries can be taken from Brighton Road. The yard is of a size to accommodate bins without obstructing access.

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.

***Parking and Accessibility***

There is no off-street parking allocated to the application property. It is inevitable pressure for on-street parking will substantially increase, especially at peak times of demand. The surrounding highway network has limited capacity to accommodate the additional demand generated by the use.

However the highway authority has not raised objection to the proposal. They consider it meets the guidelines to encourage and enable use of sustainable transport options. They argue visitor parking would be short term and comprehensive parking restrictions are in place along the A259 to negate detriment to highway safety. They go on to state they do not consider traffic generation would significantly vary between the proposed D1 use and permitted A1 use, because the existing shop is big and would generate its own trips.

Apart from this last comment, the local planning authority is in general concurrence with these conclusions.

The highway authority goes on to request covered and secure cycle parking be provided. However, the yard space is communal and access to it should be limited to avoid harm to neighbours; there is, therefore, no ability to provide additional cycle storage. From highway's comments, it is fair to summate the acceptability of this proposal does not hinge on providing bikes.

A more effective encouragement of non-car travel would be to implement a Green Travel Plan. Although the planning agent believes otherwise, it is arguable the resultant trips and parking demands arising from up to 60 individuals has a severity of impact to warrant such an initiative. This can be secured by condition.

***Flood Risk***

The site is at risk of flooding, falling in category zone 2. The proposal involves no change in the Flood Risk Vulnerability classification, so the Environment Agency raises no objection subject to the incorporation of flood resilient and resistant measures.

With this safeguard secured by condition, no greater human health would be put at risk from flooding.

**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.

{\b Reason}: {\i To comply with Section 91 of the Town and Country Planning Act 1990.}

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

Drawing titled 1:500 date valid 04-09-2014
Drawing No. 10305-1A titled Proposed Change of use A1 to D1 date received 09-02-2015

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 date received 09-04-2015 Document titled Sound Insulation Prediction (V8.0.0) date valid 09-04-2015

{\b Reason}: {\i For the avoidance of doubt and in the interests of proper planning.}

3. The use hereby permitted shall not commence unless and until all works which form part of the sound insulation scheme, recommended by Acoustic Associates in their letter to Stephen Bromley Associates dated valid 9th April 2015, 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 out 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.

{\b Reason} {\i 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.}

4. No development hereby permitted shall commence unless and until details of flood resilient and resistant measures and a Flood Warning and Evacuation Plan have been submitted to and approved in writing by the local planning authority. The development shall not be occupied unless and until the approved details have been implemented out in full. Thereafter the approved details shall be retained at all times and maintained to manufacturers' specifications where applicable.

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.

5. The development hereby permitted shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority a Travel Plan which encourages the use by staff, residents and visitors of alternative modes of transport to the motor car and reduces its harmful impacts. The approved Travel Plan shall thereafter be implemented in full accordance with a timetable to be approved as part of the Plan. The Travel Plan shall thereafter be monitored annually and the findings submitted to the local planning authority for review and any necessary new measures or interventions shall be implemented accordingly.

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

6. The hall hereby approved shall only be used between the hours of 9.00 am and 10.30 pm of each 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.

7. 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.

8. No sound amplification shall be used inside of the premises except between 12.30pm-1.30pm 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no air conditioning and/or external mechanical ventilation system 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.

12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (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: 27 May 2015

Authorised and signed by: Peter Barnett Date: 27 May 2015