Development Control – Delegated Officer Report

Application expiry: 05.01.07

Application Number: ADC/0267/06 **Recommendation – Permit.**

Site: **16 - 18 East Street Shoreham-by-Sea West Sussex BN43 5ZE**

Proposal: **Bi-folding front doors (retrospective)**

The Application

The application relates to the Angel Lounge Bar on the east side of East Street 45 metres from the junction with Brighton Road (A259). The proposal is a retrospective application for four bi-folding front doors to the main bar area on the north side of the front elevation. The main entrance doors on the south side of the front elevation were approved as part of a previous application for the change of use of the premises from a beauty salon, to the current use of delicatessen, café and bar/restaurant (SU/189/05).

The application site had the original change of use application (SU/130/05) refused on the basis that the use of the rear yard of the premises by customers would give rise to disturbance and detriment to the residential accommodation situated in close proximity, contrary to policies AG1 and AS1 of the ADLP and DEV1 of the WSSP.

The site history shows that in the site inspection notes by an Officer for the refused planning application SU/224/83/TP (Conversion of ground floor to hot-food 'take-away') that the building originally had 'folding opening doors rather than standard shop windows'.

Consultations and Representations

Consultations/Comments

Chief Environmental Health Officer.
Although I have no objections to the use of the light and sign I do have concerns with the use of sliding doors as I do not believe it will provide the same level of acoustic attenuation as to what was originally proposed in their application for a delicatessen, i.e. a wall with glass plate window. Noise from music, singing and speech originating from inside licensed premises is a common cause of complaint and noise problems can be exacerbated if windows and doors are left open or if the structure is acoustically weak. The Council has already served a noise abatement notice to abate a nuisance arising from the premises because the sliding doors have been left open and I do have concerns with regards the management of these doors in the future should the management change. Therefore unless the applicant can

demonstrate that the use of the doors can provide the same attenuation or better than what was existing, and that the use of the doors can be managed now and in the future, then I would recommend that the application be refused.

County Planning Officer (Design & Conservation).
If the front fascade is painted and the repairs finished, then the folding doors and the fascia will sit reasonably in the streetscene.

Third Parties
A letter of objection has been received from the occupier of No. 13 East Street the flat above one of the commercial premises opposite the application property. They state that the proposed development should not even be considered due to the noise levels we experienced through the summer months, with the folding doors open. Even now in the winter we still have to suffer with the doors shut due to their customers smoking on the street outside. Myself and all my family are totally against this proposal.

Contributors
Adur District Conservation Advisory Group have no objection to the proposals.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, NE9, CH1, CH4, DEV1.
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AP7, AB4, AB14, AS1. Design Bulletin No.2 'Shopfronts'.
PPG24 'Planning and Noise' (dept of the Environment 1994).
PPS6 'Planning for Town Centres' (ODPM 2005).
PPS1 'Delivering Sustainable Development' (ODPM 2005)

Planning Assessment

The main relevant planning concerns are the effect on the amenities of nearby residences and on the character of the Conservation Area.

The premises are located within Shoreham town centre where Local Plan policies AS1 and AB21 apply. AS1 states that permission will be granted provided there will be no loss of amenity to nearby residents, and development is of a scale and design, including construction materials, appropriate for the locality. AB21 reinforces policy AS1 in that new shopfronts should be of appropriate design and materials which respect the character of both the Conservation Area and the building.

PPG24 'Planning and Noise' emphasises that where it is not possible to achieve a separation of land uses, LPA's should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise through the use of conditions.

A noise abatement notice which limits the opening of the doors up until 19:00hrs has been served on the premises on 6th September 2006 due to complaints received from residents in the locality of the property, during the summer months when the doors were open into the evening time and the Bar was busy. However since the noise abatement notice has been served complaints have not been made and the conditions of the notice appear to have been adhered to.

Certainly the use of the premises appears to be more as a café and bar/restaurant than a delicatessen (although the applicant's agent has stated deli style food is available over the bar). The character of the premises changes through the day from being a café serving coffee, sandwiches and cake etc. in the mornings and at lunchtime, and then in the evening the bar is more appealing to a younger more exuberant customer.

The noise associated to this evening trade appears to be exacerbated due to the folding doors having been open before the noise abatement notice was served, but the EHO does raise additional concerns that even when the doors are closed that the noise attenuation would still not be sufficient to prevent the noise from the bar being a nuisance to local residents. No evidence has been provided by the applicant to suggest that the current doors are as acoustically robust as the original sealed plate glass window.

The residences in the locality who are most affected by the issue of noise from the premises are those which are above shops in East Street. The dwellings in New Road to the rear of the premises originally had concerns regarding noise from the rear yard of the establishment, but these have been addressed by condition No.3 of the approved change of use application (SU/189/05) preventing use of this space by customers.

The location of residential accommodation in this area of the town centre, close to other commercial premises would expect to have an element of high ambient noise during the daytime associated with the comings and goings in the busy shopping street, and noise from both standing and moving traffic on the A259 which has a junction close by.

Although there is obviously noise nuisance associated with the proposed bi-folding doors when open in the evenings, it is considered that the level of noise associated with the relevant daytime activity is not sufficient to be out of the ordinary for this location, and it is considered that it would be unreasonable to refuse the application on the basis of the night time noise, which since the noise abatement notice has been served appears to have been significantly reduced.

A temporary permission of 9 months which limits the use of the doors until 7pm and would allow for further assessment of the management of the doors and the attenuation of the closed doors, is considered would be reasonable given the sensitive nature of the mixed tenure of the area.

With regard to the proposals effect on the character and appearance of the conservation area it is noted that the premises had folding doors in 1983. The design and materials used match those of the existing front doors to the property and do not detract from the nature of the conservation area.

The use of the doors during the day would not be associated with people standing in groups and drinking alcohol as in the evenings, but rather people sitting having lunch or coffee and this is considered to add to the vibrant nature of the town centre.

Recommendation

APPROVE for reason that :-
The proposed development preserves the character and appearance of the Conservation Area and, subject to compliance with the conditions, can take place without resulting in unacceptable detriment to the amenities of neighbouring properties. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1,AP7,AB4, AS1, AB21) and the adopted West Sussex Structure Plan (LOC1, NE9, CH1,CH4, DEV1).

1. The bi-folding doors hereby permitted shall be removed and the front of the building restored to its former condition (with non-openable windows), or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 31st August 2007.
   Reason: *To enable the Local Planning Authority to review the special circumstances under which this permission is granted.*
2. The bi-folding doors shall be kept ~~locked~~ closed from 19:00 hrs until 09:00 hrs.
   Reason: *In the interests of residential amenity and to comply with policy AP7 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*

Case Officer: [redacted]
Date: 04.01.07

[redacted]

Head of Planning and Community: [redacted]
Date: 4 01 07

In consultation with the Chair of the Planning and Regulatory Committee: [redacted]
Date: 4/01/07