
Site Address: 50-52 Creek Road, Hayling Island
Proposal: Retention and replacement of plant/machinery
(extraction/refrigeration/ventilation units) to the rear (east) elevation of 50-52 Creek
Road Convenience Store. (Part retrospective application.)
Application No: APP/15/01218 Expiry Date: 28/12/2015
Applicant: Ms S Swan Team: Team 1
Agent: Mr P White Case Officer: Emma Chisnall
Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

50-52 Creek Road is a convenience store which requires the use of three fans to support air-conditioning and refrigeration. The fans are currently in place at the rear of the store and it is noted that two of the fans have been in use longer than the newer, larger refrigeration fan.

The use of the area is mainly residential with the convenience store located along Creek Road in between the housing.

The store is on slightly sloped ground to the east and is screened by 2m high fencing around the east and south elevation. To the south elevation there is parking available which provides distance between the store and the houses along Kittiwake Row whose rear elevations face towards to the store. To the east elevation there is open space currently used for an existing storage container which then leads onto residential housing.

2 Planning History

APP/15/01216 Erection of flat roof brick store to rear of 50-52 Creek Road.
Removal of existing container on completion of the works and formation of 2No.
parking bays to rear of shop. Permitted Jan 2016.

3 Proposal

Retention of plant/machinery (extraction/refrigeration/ventilation units) to the rear (east) elevation of 50-52 Creek Road Convenience Store. (Retrospective application)
Two of the fans have been in place for longer and are currently used for air-conditioning. Due to this they are not functioning constantly and are only active when needed. The third newer and larger fan is used for refrigeration and is therefore required to be operational all day and night but only when needed which results with the fan coming into operation at unsociable hours.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Havant Borough Council Design Guide Dec 2011

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health Manager, Community Group Comment:

Conditioning the use of the Air Conditioning to that of the operating times should be fine in this case. However, in relation to the new replacement fan, operated as and when required, the applicant must ensure that the noise emitted from it does not increase the background noise level (at it's quietest) in any way and should aim for better (maximum noise level at 1 meter from the nearest noise sensitive premises to be at -5dB).

Comment: A condition will be included to control operation times for the two air conditioning units. A second condition will be used to ensure the new replacement refrigeration fan operates in accordance with British Standard BS4142-2014 at 1 metre from the nearest noise sensitive premises. A third condition will be written to ensure the existing refrigeration fan is replaced within 1 month of permission being granted.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 9

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3

Noise of fans, in particular the third larger fan which is used for refrigeration.

Should be limited hours for fans.

Concern over nighttime noise disturbance.

Impact of store separate application.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character of the area

- (iii) Impact upon residential amenity
- (iv) Noise

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The three fans are required to provide refrigeration and air conditioning for the convenience store that is providing a local service to residents.

(ii) Impact upon the character of the area

Visually the fans do not detract from the character of the area due to their position on the store and as they are located to the rear of the store they are not viewable from the streetscene. They are moderate in size and also well screened from the fencing around the curtilage due to their size.

(iii) Impact upon residential amenity

The fans currently impact the amenity of the neighbours with the noise generated from them during the day and at night. Concern has been raised from three separate neighbours in regards to amenity being lost due to the consistency that the fans are run at unsociable hours. It is considered that the proposal can be made acceptable by the imposition of suitable planning conditions. Two of the fans provide air conditioning that is only required during limited hours (this being established in negotiation with the operator of the shop). The larger fan provides for refrigeration and needs to be operated at night. The existing unit results in unacceptable noise disturbance to residents particularly at night. Details of a replacement refrigeration unit have been provided with more suitable noise outputs.

Conditions are proposed to limit the operation times of the two existing air conditioning units. In addition a condition is required to ensure the replacement of the existing refrigeration unit with a more suitable model. Finally a condition in relation to noise limits close to adjacent residential properties is required. With this combination of conditions it is considered following detailed consultation with the Councils Environmental Health department that an acceptable noise regime can be achieved.

Apart from the noise, the fans do not impact the residential amenity of the immediate neighbours.

(iv) Noise

The refrigeration fan has been proposed to be replaced with a Sigilus Condensing Unit which should help to ensure that noise levels do not exceed the British Standard BS4142-2014 at 1 metre from the nearest noise sensitive premises. This should ensure immediate neighbours are no longer disturbed during unsociable hours.

8 Conclusion

It is considered that subject to suitable conditions to restrict noise emissions, planning permission can be recommended.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/01218 subject to the following conditions:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan, Floor Plan, Side Elevation and Photograph: Drawing No Planning/001
Supporting Document Showing the Proposed Replacement Refrigeration Fan: Sigilus Condensing Unit PDF(MDF-NF-1 034 that has a noise reading of 29db at 10m) Received by Email on 26/01/2016
Reason: - To ensure provision of a satisfactory development.
- 2 The two air-conditioning units shall not be in operation excepting when the shop is open to the public and only from Monday-Sunday between 09:00 hours and 19:00 hours.
Reason: In the interests of protecting the local residents from unreasonable nighttime noise levels which would be detrimental to the residential amenities of the occupiers of neighbouring dwellings and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core strategy) 2011 and the National Planning Policy framework.
- 3 Noise resulting from the replacement refrigeration unit/fan shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-2014 at 1 metre from the nearest noise sensitive premises.
Reason: To protect the occupants of nearby residential properties from noise and vibration nuisance having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The existing refrigeration unit/fan shall be replaced with a Sigilus Condensing Unit, model MDF-NF-1 034. The existing unit shall be replaced within 1 month of the date of this planning permission unless a revised time scale has been agreed in writing by the Local Planning Authority.
Reason: To protect the occupants of nearby residential properties from noise and vibration nuisance having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.