

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

7 August 2013

**AUTHOR/S:** Planning and New Communities Director

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### **S/0757/13/FL– LONGSTANTON**

**Provision of refrigeration plant and AC condensers, attenuated enclosure for plant and AC condenser, honeycomb brickwork wall, autodoor and shop fronts, roller shutters, satellite dishes, anti-ram bollards, ATM and mechanical extract vents (alterations and additions to building approved as part of planning application S/1463/10/F), Land adj to Nelson Crescent, Longstanton for The Co-operative Group**

**Recommendation: Delegated Approval**

**Date for Determination: 6 June 2013**

#### **Notes:**

**This Application has been reported to the Planning Committee for determination as the officer recommendation of delegated approval is contrary to the recommendation of refusal from the Parish Council**

**To be presented to the Committee by Paul Sexton**

#### **Site and Proposal**

1. This full application, as amended by a revised Acoustic Assessment received 15 July 2013, proposes refrigeration plant, air conditioning and associated attenuated enclosure, honeycomb brickwork wall, autodoor and shop fronts, roller shutters, satellite dishes, anti ram-raid bollards, ATM and mechanical extract vents for the proposed convenience store approved under application S/1463/10.
2. The site is currently an area of disused grassland to the west of High Street, Longstanton, immediately to the north of Nelson Crescent.
3. To the west of the site are the side and rear gardens of existing houses in Nelson Crescent and Collingwood Drive. To the north the site abuts a surfaced public footpath, which links High Street to the Home Farm development to the west, beyond which are the gardens of houses in Collingwood Drive and High Street, and a pumping station. To the south of the site, on the other side of the entrance to Nelson Crescent, is a large area of public open space, provided as part of the Home Farm development. To the east of the site, on the other side of High Street, is a planted boundary which forms the rear gardens of properties in Brookfield Drive.
4. The convenience store will be located at the south east corner of the site
5. The proposed refrigeration plant and air conditioning units are to be located on the rear (east) facing elevation of the building within the service yard, which it is proposed to enclose by an additional section of honeycomb brickwork 2.2m high. The refrigeration plant is 3.3m high, and the air conditioning unit 1.2m high. The two mechanical extract vents are also to be located in this area.

6. An auto sliding door is proposed in the north facing side elevation towards the car park, with the other openings in the east elevation and south east corner being polyester powder coated aluminium shop front sections. The shop fronts and door will be fitted with part perforated steel roller shutters, which will allow vision into the store when in use, whilst providing security. The roller shutter boxes will be incorporated into the fascia sections above each window so as not to be visible.
7. An ATM is to be installed to the side of the sliding door and 4 one metre high anti ram-raid bollards are to be sited on the pathway 1.5m in front of the door and ATM. Two satellite dishes, to provide necessary data transfer required as part of a modern retail operation, are to be located at the rear on the flat roof area above the first floor of Unit 1.
8. The application is accompanied by a Design and Access Statement and Acoustic Assessment.

### **History**

9. **S/1463/10/F** – Erection of convenience store and four commercial units (Classes A1, A2, A3, A5 or D1), with six flats above, the erection of four new dwellings with associated stores, garages and parking areas, and formation of access - Approved

### **Planning Policy**

10. National Planning Policy Framework 2012
11. **South Cambridgeshire LDF Core Strategy DPD 2007**  
ST/6 Group Villages
12. **Local Development Framework Development Control Policies 2007:**  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/7 Development Frameworks  
SF/2 – Applications for New Retail Development  
SF/4 – Retailing in Villages  
NE/15 – Noise  
NE/16 – Emissions  
CH/9 – Shop Fronts
13. South Cambridgeshire LDF Supplementary Planning Documents  
District Design Guide SPD – adopted March 2010

### **Consultation by South Cambridgeshire District Council as Local Planning Authority**

14. **Longstanton Parish Council** recommends refusal on the grounds that the noise levels exceed the required limits in the report.
15. The **Environmental Health Officer** comments that the site is extremely near to existing residential properties and care is needed in approving this application so as not to generate unreasonable levels of noise so as to result in noise nuisance. Whilst the noise report originally submitted with the application is comprehensive in respect of general noise criteria to be used and the sources and propagation of sound, the type of equipment to be used was not known when the report was written and

therefore an updated report was requested with specific plant and equipment details included. This should include suspected levels at the façades of noise sensitive properties. The report concluded that all plant should not exceed a free field sound pressure level of 28dB(A) at 10m, which equates to a sound power level of the plant being 56dB(A). The Arctic Circle refrigeration data sheet states 43/37dB(A) at 10m, which equates to 71/65 dB(A) sound power level and 49/43dB(A) sound pressure level at the nearest façade (5m distance). This is in excess of the 35dB(A) limit suggested as being suitable. It was not possible to comment on the effectiveness of the acoustic enclosure proposed as there was no indication as to the level of attenuation this is likely to offer.

The updated report, whilst substantially the same, differs in that it contains site specific information and data. The Environmental Health Officer agrees with the findings of the updated report and the levels predicted. It is recommended that a condition is attached to any consent requiring a post installation noise test and report to be submitted to ensure that the levels quoted in the submitted noise report are actually being achieved.

In addition it is requested that conditions are included restricting hours of operation of power driven machinery during the construction process, requiring details of any external lighting, restricting hours of delivery, and informatives relating to the use of driven pile foundations, bonfires and burning of waste and minimising potential for disturbance.

16. The **Local Highway Authority** has no objection subject to conditions requiring that no part of any structure should overhang or encroach under or upon the public highway and that no gate/door/ground floor window shall open outwards over the public highway. In addition it requests a condition requiring the submission of a traffic management plan

#### **Representations by Members of the Public**

17. Letters have been received from the occupiers of Nos 6, 8, 16, 24 and 26 Nelson Crescent, objecting specifically to the refrigeration plant and AC condensers, on the following grounds:
  - a. This is a quiet residential area next to the village green which is quiet during the day and virtually silent at night, when there is little passing traffic since the bypass opened. The installation of electrical equipment operating 24 hours a day is therefore completely unreasonable in this setting.
  - b. The submitted details quite clearly exceed the recommended output by some margin.
  - c. If permission is given for this equipment will it be automatically refused for the other units as the maximum sound threshold will have been exceeded?
  - d. Concern that the Co-op has put a 'coming soon' billboard in the land as if planning permission will be ushered through.

One letter objects on the grounds that there is no need for more retail units in the area, the lack of car parking resulting in cars parking on surrounding roads, litter and youths congregating with alcohol being sold, and the houses being out of character.

Three letters have been received from residents of properties in Stokes Close, Stevensons Road and Thatchers Wood supporting the proposal, stating that the additional facilities, Co-op and cash machine are welcomed, and that the Parish Council is in the minority in objecting. This area was always earmarked for this type of development

### **Material Planning Considerations**

18. The principle of the development of this site by the erection of a convenience store, four commercial units and residential development has been accepted by the extant planning consent granted in 2011 (S/1463/10). The key issues for Members to consider therefore relate to the specific items proposed by this application in terms of impact on residential amenity and visual impact. Material representations have only been received in respect of the refrigeration plant and AC condensers, and therefore whilst Members are considering the whole application specific attention should be paid to these aspects.

#### *Residential amenity*

19. In granting consent for the convenience store and commercial units in 2011 it would have been accepted that there would be a need to install associated plant and machinery to support the approved uses, however in recognition of the close proximity of residential properties, conditions were attached to that consent requiring details of such works to be submitted for approval, and an informative included pointing out the need to ensure that existing background levels were not exceeded by more than 3bD(A), . The informatives also set out the information that should be submitted with any assessment. The condition also sought to have regard to the cumulative impact of equipment installed on the units
20. Rather than submitting an application for approval of these works for this unit under the condition of the earlier consent a separate planning application has been submitted, however this does not negate the need to discharge conditions. The application needs careful assessment to ensure that the amenity of nearby residents will not be adversely affected, and that the ability to find appropriate occupiers of the other units is not prejudiced by consent given for any works to the convenience store.
21. The nearest residential dwellings to the proposed refrigeration plant and air conditioning condensers will be the new properties within the proposed development area, however there are existing residential properties in Nelson Crescent and Collingwood Drive, the boundaries of which will be within 25 metres of the proposed equipment. The refrigeration unit will operate 24/7, however the air conditioning units will only operate during trading hours.
22. The revised acoustic report has been accepted by the Environmental Health Officer. It states that without any attenuation the proposed plant would produce levels of approximately 52dB(A) at the nearest noise sensitive location during the day and 44dB(A) at night. The acoustic enclosure will attenuate sound levels so that they comply with the recommendations of 35dB(A) in the report.
23. Officers have asked the Environmental Health Officers to confirm that these levels will be at those required by the conditions and informatives attached to the 2011 consent, and that the installation of the proposed equipment will not compromise the cumulative should any equipment be required by other units in the approved development. Officers will update Members on this point at the meeting.

24. A condition requiring post installation testing/monitoring can be included in any consent, however this should include the provision to require further mitigation work if necessary. Other conditions suggested by the Environmental Health Officer are included in the existing consent for the site. A condition can be included which restricts the use of the air conditioning condensers to trading hours only.

*Visual impact*

25. Officers are of the view that the proposed refrigeration plant and air conditioning condensers will not have an adverse visual impact as they will be site behind a 2.2m high wall, which although part of this application, has already been agreed as a non-material amendment to the existing consent. The two satellite dishes, whilst visible from the rear, will not have a material adverse impact on visual amenity.
26. The proposed auto door, shop fronts and roller shutters are acceptable. There are no objections to the incorporation of the ATM and the 4 one metre high bollards

*Other matters*

27. The condition requested by the Local Highway Authority regarding no encroachment onto the public highway can be included in any consent. The requirement for a Traffic Management Plan is a condition of the 2011 consent.

*Conclusion*

28. Whilst the installation of the plant and machinery is required to support the proposed occupier of the premises, for a retail use permitted by the 2011 consent, it is important to ensure that the amenities of the occupiers of nearby residential properties are suitably protected. The further comments of the Environmental Health Officer will be reported and these will hopefully confirm that the proposed acoustic work will achieve the protection sought by condition so the 2011 consent.

**Recommendation**

29. That subject to the further comments of the Environmental Health Officer that delegated powers be given to approve the application subject to conditions

3 year time limit

Approved plans

Post installation testing/monitoring and further remediation works as required

Restrict operation of AC condensers to trading hours of premises only

No encroachment onto the public highway

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0757/13/FL and S/1463/10

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