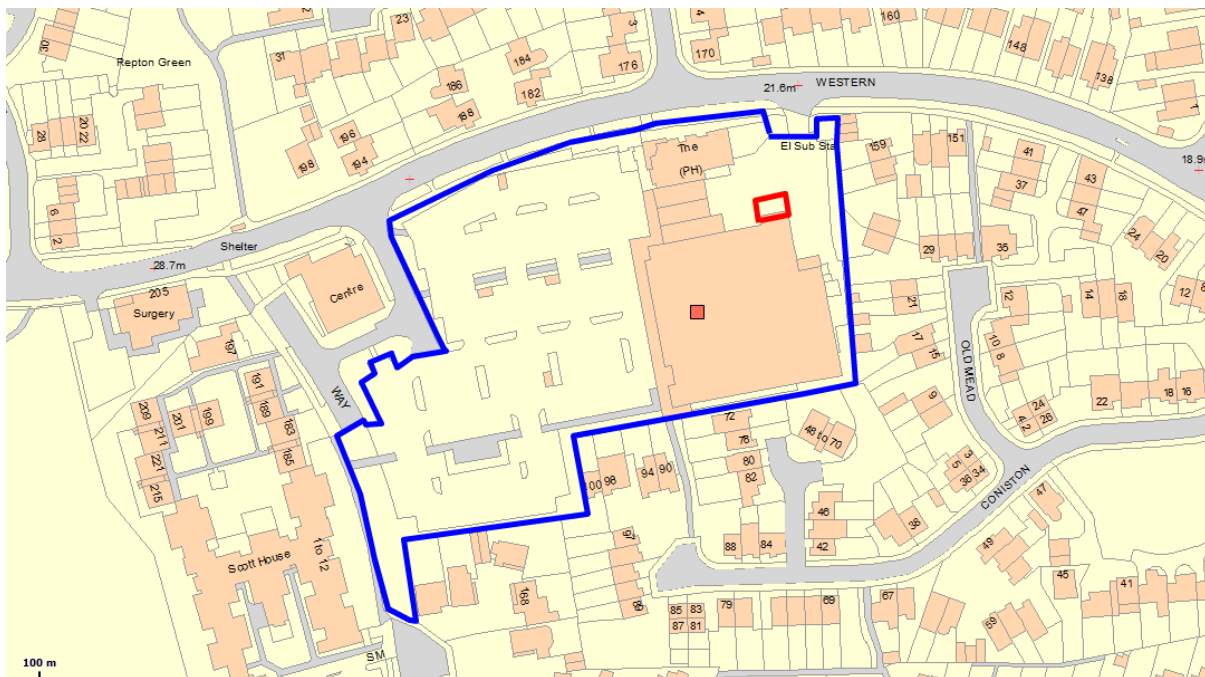


<b>Reference:</b>	20/00580/FUL	
<b>Ward:</b>	St Laurence	
<b>Proposal:</b>	Install external refrigeration plant to North elevation	
<b>Address:</b>	Morrisons, Western Approaches, Eastwood, Essex, SS2 6SH	
<b>Applicant:</b>	WM Morrisons	
<b>Agent:</b>	Darton B3	
<b>Consultation Expiry:</b>	28.04.2020	
<b>Expiry Date:</b>	08.06.2020	
<b>Case Officer:</b>	Scott Davison	
<b>Plan Nos:</b>	20016, 20017, 90001B, 90002, 90003 & 90004 Noise Impact Assessment by Acoustic Control Ltd Reference: B5253 2020-05-04 R.& Plant Specification in the email from Darton B3 dated 1 <sup>st</sup> May 2020	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b> subject to conditions	



## **1 Site and Surroundings**

- 1.1 The application site is a single storey building on the southern side of Western Approaches and also accessed from this road. There is a car park to the west of the store and the service area for the unit is to the rear (north) of the building and accessed directly from Western Approaches. There are various items of plant located externally on the roof of the store and in the service yard. There are a number of commercial units adjacent to the Morrison's supermarket including a public house. The areas surrounding the application site are residential with houses to the east in Old Mead and along Western Approaches.
- 1.2 The application property is not listed and is not located within a conservation area or within a Frontage Of Townscape Merit or within a Town Centre Shopping Frontage. It is not subject to any specific planning designations.

## **2 The Proposal**

- 2.1 Planning permission is sought to install external refrigeration plant to north elevation of the building within the rear service yard. The proposal is comprised of the following:

Installation of 1 No. fridge pack & 1 No. gas cooler

Erection of refrigeration plant compound comprised of new palisade fencing and gates with new timber acoustic cladding fixed and Armco barriers

- 2.2 The proposal would result in the removal of an existing rear projection to the north elevation of the building and the removal of existing plant within it would be removed. The applicant has explained that new regulations require that by 2025, all refrigerators should be run on CO2 rather than a carbon emissive gas (which is currently the case). A container sited adjacent to the rear used for the storage of fireworks would also be removed.

## **3 Relevant Planning History**

- 3.1 Install one internally illuminated fascia sign to front elevation- Granted (18/00284/ADV).
- 3.2 Change of use from betting offices (sui generis) to café (Class C3) - Prior Approval Granted (17/00231/PA3COU).
- 3.3 Install two internally illuminated fascia signs and one internally illuminated totem sign- Granted (17/00252/ADV).
- 3.4 Use Betting shop (Class Sui Generis) as Cafe (Class A3) (Lawful Development Certificate-Proposed) - Refused Certificate of Lawfulness (16/02266/CLP).
- 3.5 Use vacant retail unit (Class A1) as betting office (Class A2)- Permitted (04/00326/FUL)

## **4 Representation Summary**

### **Public Consultation**

- 4.1 Councillor Flewitt has called the application in for consideration by the Development Control Committee.
- 4.2 A site notice was displayed and 14 neighbours were notified in writing. No letters of representation have been received.

### **Environmental Health**

- 4.3 No objections subject to conditions relating to noise.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy) KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)
- 5.3 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM3 (Efficient and Effective Use of Land) & DM15 (Sustainable Transport Management)
- 5.4 The Design & Townscape Guide, 2009.
- 5.5 CIL Charging Schedule 2015

## **6 Planning Considerations**

- 6.1 The main considerations are in relation to the principle of development, design and impact on the character of the area, traffic and transportation and the impact on residential amenity.

## **7 Appraisal**

### **Principle of Development**

- 7.1 The principle of the development is assessed against the NPPF, Core Strategy policies KP1, KP2 and CP4; Development Management Document Policies DM1, DM3 and the Design and Townscape Guide. Given that the proposed development will replace existing units, it accords in principle with all the aforementioned policies, thus no objection is raised subject to the material planning considerations detailed below.

## **Design, Impact on the Character of the area**

- 7.2 The proposed external refrigeration plant will be located to the north elevation of the building and contained within an external compound which would project some 6.5m from the rear of the building and would be some 9.2m wide and 3m high. The new plant and equipment would be contained within the compound and would not be any higher than the fencing. An existing flat roof brick built rear projection some 8.2m wide, 5.2m high and 2.8m deep would be removed as a result of the development as would a shipping container (3m wide x 2.5m x 6m) which is used for the storage of fireworks.
- 7.3 The compound would have a larger footprint than the existing rear projection and container but would not be set any closer to the northern or eastern boundaries of the site than structures to be removed. In terms of impact on the character and appearance of the streetscene, the container and rear projection on the northern elevation of the building are visible in limited views from Western Approaches from the entrance to the service yard. The compound would be visible from dwellings to the east of the site in Oldmead. Although the proposed compound would have greater site coverage than the existing facilities it would not be set any closer to the eastern boundary of the site and sufficiently removed from the northern boundary of the site. It is considered that proposed development would be seen in the context of the service yard and would not result in any material harm to the character and appearance of the building or the wider streetscene.
- 7.4 In summary it is considered that the proposed development would not harm the visual amenities, character or appearance of the surrounding area by virtue of scale, form or appearance and is acceptable and compliant with development plan policy in the above regards.

## **Traffic and Transport Issues**

- 7.5 The site is located in a rear service area which contains existing containers and associated equipment used by the Supermarket in their daily operations. Given that the proposed development would be located in a similar location to the facilities to be removed and is away from Western Approaches, it is not considered that it would result in any adverse impact on the functioning of the highway or pedestrian pavement. The proposal is therefore acceptable and policy compliant in the above regards.

## **Impact on neighbouring amenity**

- 7.6 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 7.7 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting. Policy DM1 requires new development to, *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”*

- 7.8 The Design and Townscape Guide also states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”.
- 7.9 The proposed development is for the installation of new refrigeration / air-conditioning plant and a surrounding compound. The proposed development would be located on the rear (north) elevation and an existing materially higher projection would be removed. The nearest residential properties are some 30m to the east of the site and the proposed development would not be any closer towards the eastern boundary of the site. It is not considered that the proposed development would give rise to any detrimental physical impact on nearby premises in terms of an undue sense of enclosure or a loss of outlook.
- 7.10 The Environmental Health (EH) consultation response notes that
- “there is already existing plant at the site and we do not have any records of complaints from the nearby dwellings” .and “the proposed plant appears to be more moderns [sic] and the plans show an acoustic fencing surround” . However EH consider that the development could lead to heightened aware of equipment from nearby occupiers and although no objections are raised, due to the limits of the information submitted in support of the application further information is required with regard to noise generation and conditions are requested to limit noise from the plant and assess it when installed.
- 7.11 Subject to conditions, the proposed development is considered acceptable and policy compliant in the above regards.

### **Community Infrastructure Levy CIL Charging Schedule 2015**

- 7.12 The proposed development would not create any additional floorspace at the application site and therefore is not CIL liable.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable and the proposal would not cause harm to the character or appearance of the application building or the wider surrounding area. It is considered that the development would not cause material harm to the amenities of neighbouring residents or the safety of the highway. Therefore, it is recommended that planning permission is granted.

**9 Recommendation**

**9.1 Members are recommended to: GRANT PLANNING PERMISSION subject to the following conditions:**

**01 The development hereby permitted shall begin not later than three years from the date of this decision.**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**

**02 The development hereby permitted shall be carried out solely in accordance with the following approved plans: 20016, 20017, 90001B, 90002, 90003 & 90004 and the Plant Specification set out in the email from Darton B3 dated 1st May 2020**

**Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.**

**03 Noise from plant and equipment including extract ventilation shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90, 15minutes from the boundary of the nearest residential property. Background noise levels shall be established for the following periods:**

- Daytime 0700 to 1900**
- Evening 1900 to 2300**
- Night 2300 to 0700**

**In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 at the boundary of the nearest residential properties. To demonstrate compliance prior to operation a post completion noise survey must be been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. r**

**Reason: In order to protect the amenities of occupiers of the development and surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**

## **Informatives**

**01. You are advised that as the proposed works to your property creates no new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**

**02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**

**03 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.**

**04 If construction works are to be considered outside of normal hours especially overnight it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant should contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.**

**05 The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2006, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.**