

Recommendation Report for Planning Permission**REF NO:** R/225/13/**LOCATION:** Sainsburys Supermarkets Ltd, Unit C
New Road
Rustington Littlehampton**PROPOSAL:** Installation of transformer, generator, substation, sprinkler tank and pump house at ground floor level along with rooftop condenser units.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application is for the installation of various plant and machinery · 6 Condenser packs on the roof; · A transformer and generator to the south eastern boundary on the ground floor, enclosed by a hit and miss timber fence; · Sprinkler tank and pump house with pallisade fencing; · Electricity Substation
SITE AREA	2.34ha
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat but a lower level than the main road by upto 2 metres.
TREES	There are a number of trees along the southern and western boundaries that will not be affected by the proposals.
BOUNDARY TREATMENT	Northern boundary is marked by a 1.5 - 4 metre tall retaining wall with the A259 beyond. Eastern boundary is marked by a variety of trees of up to 6 metres in height, beyond which is Darlington Court a residential care home. The majority of the southern boundary is distinguished by a 3 - 3.5 metre high closed board fence. The western boundary is marked by the site access road, beyond which is the rest of Rustington Retail Park.
SITE CHARACTERISTICS	The site is occupied by a Sainsbury's superstore. The area to the south of the site is a residential road with a number of caravans and chalets which are occupied year round.
CHARACTER OF LOCALITY	The area is an out of town centre retail park with

residential properties to the south and east of the site. The A259 a dual carriageway A road, which is part of West Sussex County Council Local Transport Plan 3 "Strategic Route Network", is to the north of the site.

The southern end of the site is a residential estate with a number of caravan and chalet properties along Dinsdale Field and brick built properties along Burmill Mews. The removal of a number of trees along the southern boundary of the site ensures that the superstore under construction is immediately visible from these properties on Dinsdale Field.

The area to the north of the site is open agricultural fields which gives the site a semi-rural character along the northern road frontage.

RELEVANT SITE HISTORY

R/59/12/	Demolition of existing foodstore. Construction of A1 Class retail foodstore, service yard, covered customer car park and landscaping improvements.	Approved Cond + S106 01-11-2012
R/34/13/DOC	Application to discharge conditions 5,12,13,17,20 and 21 imposed under planning application R/59/12	DOC Part Approved 07-06-2013
R/140/13/	Installation of transformer and generator at ground floor level along with rooftop air handling units and condenser units.	Refused 19-08-2013
R/144/13/NMA	Application for a non-material amendment following grant of planning permission R/59/12 - amended plans	Refused 02-09-2013

Application R/140/13/ sought permission for a number of plant and machinery throughout the site.

REPRESENTATIONS

Representations received:

Rustington Parish Council

Angmering Parish Council

Rustington Parish Council - Object

- The proposed generator, considered together with the Plant Noise Assessment, being located in such close proximity to the residential property listed therein, would adversely affect the amenities and quiet enjoyment of the occupiers of those properties to an unacceptable degree.

Angmering Parish Council - Object

- Design, appearance and layout
- Impact on appearance of area
- Effect on level of daylight and privacy of existing property
- Planning history of site.

15 Letters of Objection

- Original application for the installation of the sprinkler tank was refused and officers report stated that it was not considered that landscaping, screening, or minor design changes could mollify the proposal to such an extent as to make it acceptable in planning terms.
- The screening that has been erected bear out this statement. The screening erected is ugly, overbearing and offensive and has an extremely adverse effect on the environment. I consider that the original refusal for the installation of the tank should stand.
- Applicants should install 2 or more smaller tanks located elsewhere within the boundaries of their site.
- There is a low frequency humming noise coming from these units that comes on intermittently during the night, every night and is waking us up.
- Have complained to the environmental health department and the police have records.

Comments on Representations received:

The local resident's concerns have been noted and will be taken into account when considering the application in the conclusions section below. The various letters received referring to the low frequency humming do not make clear which of the various proposed plant or equipment they suspect is causing the noise.

The comments from Angmering Parish Council require clarification as they do not make clear what aspects of the scheme relate to the various points they raise.

CONSULTATIONS

Engineers (Fluvial Flooding)
Engineering Services Manager
Environmental Health

Consultations responses received:

Arun District Council Environmental Health:

Chapter 5 of issue 3 is an assessment of the key (noise) effects of roof top plant with the plant area enclosed with a 3.2m barrier, predicted noise levels at residential receptors are contained in Table 5.1. A similar assessment is made in Chapter 5 (& Table 5.1) of issue 4, for a revised plant layout both at ground floor and roof level. A comparison of the two tables indicates the impact of noise from the revised plant layout to be significantly worse than the impact of noise from roof top plant enclosed by a barrier. The difference appears particularly significant at night, and it is notable at receptor location R8, Dinsdale Field North, where the predicted night time noise rating may render plant noise audible within residential premises necessitating further works to mitigate the effects.

The report now indicates no difference between daytime and nighttime noise produced by the plant. I would again seek clarification in respect of the background survey, which was carried out in January 2012 when ambient noise levels around the site were dominated by road noise. Due to the noise barrier provided by the new store ambient noise levels in the vicinity residential premises adjacent to the southern facade may decrease, background levels measured at monitoring location ST3 may be more representative. Consequently residents sensitivity to noise arising from the development may be enhanced, and the BS 4142 score increased.

Notwithstanding the above the report concludes that plant noise from the proposed development is predicted to be significantly below January 2012 levels at all receptor locations.

Comments on Consultation responses:

No comments.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

Class A road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN34	Air Pollution
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 States:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that it would have a harmful effect on the character of the area and the surrounding street scene which is contrary to Policy GEN7 of the Arun District Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council has recently published the Draft Arun Local Plan and is therefore a material consideration in the determination of this planning application. It remains subject to publication of a pre-submission Plan, formal public consultation, resolution of objections, examination and the formal adoption process as a whole, and is therefore of very limited weight in terms of the decision making process at this stage.

CONCLUSIONS

The site is subject to planning permission (ref. R/59/12) which permitted the demolition of the

existing foodstore, and construction of a new class A1 retail foodstore, service yard, covered car park and landscaping.

This application seeks permission for various plant machinery. It is proposed to install:

- A) 6 x Condenser packs on the roof (on rooftop on south and east of new building);
- B) A transformer and generator to the south eastern boundary on the ground floor, enclosed by a hit and miss timber fence;
- C) Sprinkler tank and pump house (at north east corner of site);
- D) Substation (northern boundary of the site)

Each of the proposed plant and machinery will be considered in turn below.

- A) 6 x Condenser packs on the roof (on rooftop on south and east of new building);

The proposed condensers are approximately 1.2 metres tall and will be grey metal in appearance. The proposals are located on the eastern end of the flat roof section to the rear and east of the site

Noise Impact Assessment

Section 123 of the NPPF states that planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

The applicants submitted a detailed Noise Impact Assessment. This was considered by Arun District Councils Senior Environmental Health Officer.

The Environmental Health Officer's response highlights that confirms that noise from proposed plant will be below the lowest measured existing background "target levels" derived from BS 4142 at the nearest existing residential receptors, subject to the provision of noise attenuation measures proposed within the report.

Visual Amenity

The condenser units are located on the eastern end of the flat roof section to the rear and east of the site, and are not immediately visible from the surrounding public realm and as such is not likely to have a significant impact on visual amenity and the character of the area.

B) TRANSFORMER AND GENERATOR

A transformer and generator is proposed in the south eastern boundary on the ground floor, enclosed by a hit and miss timber fence.

The proposed transformer and generator are immediately visible from a number of adjacent residential curtilages along Burmill Court and Angmering Way. The proposed transformer and generator are proposed to be housed in a hit and miss timber fence enclosure measuring 2.8 metres tall, 14.75 metres long and 4.6 metres wide.

It is not considered that the proposed transformer and generator will be visible from a number of residences and given the size and scale of the proposal will have an unacceptable impact on the character of area.

A number of local residents have expressed concerns through their letters of representation that the generator and transformer will generate significant amounts of noise. It is located in close proximity to a number of residences along Angmering Way.

The transformer and generator are proposed as back up energy supplies for when there are electricity cuts and as such their use will be limited and short term. The applicants have submitted a noise assessment that identifies that noise levels will be within a reasonable range and will not have a materially adverse impact when it is operational.

It is therefore considered that the transformer and generator are compliant with Policy GEN7 in terms of visual amenity and that they are not likely to be contrary to policy GEN32 in terms of the noise impact of the proposal.

C) SPRINKLER TANK AND PUMP HOUSE

Sprinkler tank and pump house (at north east corner of site);

This aspect of the proposal was previously refused due to the impact of the metal tank on the character and appearance of the area and as it was out of character and harmful on the street scene.

The proposed sprinkler tank and pump house occupies a very prominent position at the north east corner of the site relative to the public realm. The sprinkler tank was also visible from nearby properties and residences in the adjacent Darlington Court.

The sprinkler tank measures approximately 6.4 metres tall. It is untreated grey galvanised steel, giving the structure an industrial appearance.

Following refusal of planning permission R/140/12 the applicants erected a wooden palisade screening surrounding the proposed sprinkler tank. The palisade fence on plan is trapezoid in shape and measures approximately 6.5 metres tall, and 10 metres in width when fronting onto the A259 "New Road". The applicants highlights that the palisade fencing matches the wood cladding used in the retail store and that this contributes to conformity.

The proposed wooden palisade fence takes up a significantly greater area surrounding the sprinkler tank than shown on the proposed plans. The fencing appears uneven in height and is untreated wood which leaves the wooden fence appearing to be temporary in nature.

Overall, it is considered that the proposed screening is of poor quality design, relates poorly to the redeveloped store, and remains visually prominent.

In conclusion, it is considered that the sprinkler tank with fencing is visually incongruous and out of place in the local street scene. It is of significant scale and is not sufficiently screened from the accessible public realm. The sprinkler tank damages the established character of the area in contrast with policy GEN7 of the Arun Local Plan 2003 and is therefore recommended for refusal.

D) ELECTRICITY SUBSTATION

Substation (northern boundary of the site)

The proposed electricity substation is located within the site boundary and is not immediately visible from public areas. It is acceptable in design and appearance and will not have any appreciable impact on the character and appearance of the area. The substation is therefore considered acceptable.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal neutral impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

REFUSE

- 1 The proposed sprinkler tank and pump house is located in a prominent position adjacent to a main thoroughfare. By reason of its scale, bulk and finish it will result in a form of development that will have a significantly adverse impact on the visual amenities of the location and character of the area contrary to Policy GEN7 of the Arun District Local Plan

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and paragraph 17 of the National Planning.