

Application No.
P/16/0149

Date
17th May 2016

Determining Authority
MTCBC

Proposed Development

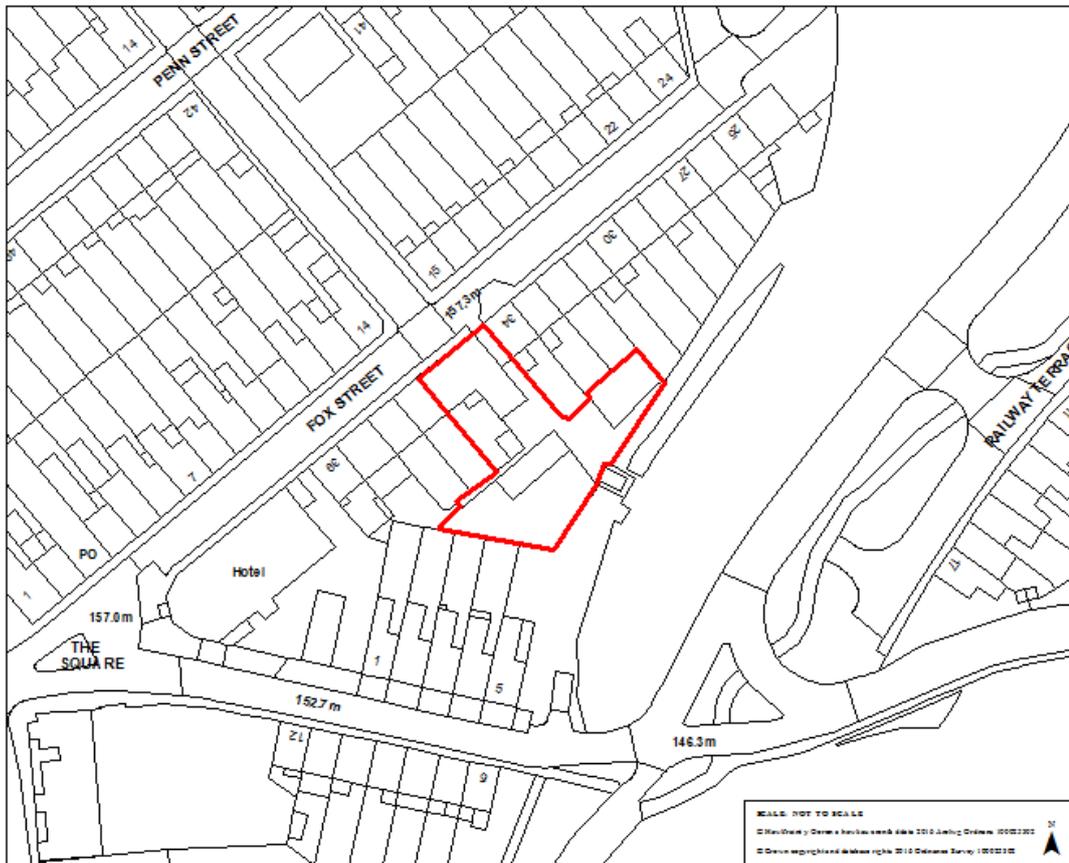
Location

Name & Address of Applicant/Agent

Installation of external refrigeration/air conditioning unit and acoustic barrier and replacement of rear security doors

35 Fox Street
Treharris
CF46 5HE

The Co-operative Group
c/o Wellsfield Associates
F.a.o. Mr D Reade
66 High Road
Hockley
SS5 4TA



Councillor Moran has requested that this application be reported to Committee to consider the noise impact on neighbouring residents.

APPLICATION SITE

The application site relates to a two-storey, terraced commercial property (occupied by the Co-operative general store) located within the settlement of Treharris and within the Treharris Conservation Area. The site is bound by the highway of Fox Street to the front (northwest), dwellings to the northeast and rear (southeast), and a vacant terraced property to the southwest.

PROPOSED DEVELOPMENT

This application seeks full planning permission to install a refrigeration/air-conditioning unit in the rear yard of the premises and to install replacement security doors in the rear elevation of the property and the side elevation of a rear annexe. An existing refrigeration unit is currently sited in the rear yard which has been present for in excess of 4 years.

The proposed unit would be installed to the rear of the property on a concrete plinth and adjacent to the existing unit. It would be rectangular in shape and would measure 2.8m long, 1.2m wide and 1.6m high. An acoustic barrier would be attached to the rear elevation of the property and would extend along the side and rear of the existing and proposed refrigeration/air-conditioning units. This barrier, which would be sited between the units and the dwelling to the northeast (34 Fox Street) and constructed from Plastisol panels, would measure 2.2 metres high. This part of the proposal was submitted as an amendment to the original application in an attempt to overcome concerns raised by neighbouring residents in respect of noise and disturbance.

The proposed security doors would replace existing doors (three) and would be of steel construction.

The application has been supported by an acoustic assessment report.

PLANNING HISTORY

P/16/0216	Erection of advertisement comprising of an internally illuminated fascia logo sign; an internally illuminated property sign; two non-illuminated wall mounted signs Currently being determined
P/08/0459	Installation of new shop-front Granted planning permission 27.01.09
P/08/0369	Installation of new signage Granted advertisement consent 17.10.08

CONSULTATION

Design, Heritage & Conservation Officer	No objection
Environmental Health Manager	No objection
Engineering & Traffic Group Leader	No objection

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties, and a notice was displayed in the vicinity of the site.

Following this publicity exercise, two letters of representation, from the occupiers of neighbouring dwellings, were received in regards to the original proposal, and one letter was received regarding the amended plans. The main points of objection are summarised as follows:

- Neighbouring dwellings already experience a high degree of noise from the existing refrigeration unit, which is constantly in operation and also from lorries unloading stock to the store at 7am every morning.
- The windows of neighbouring dwellings need to be kept closed to reduce the amount of noise.
- An additional, larger refrigeration unit would greatly increase the amount of noise experienced.
- The installation of an additional, larger refrigeration unit would affect the ability of residents to enjoy their gardens, which are in close proximity to the rear of the store (2m to the nearest adjoining garden).
- The application site is located in a primarily residential area, which was the case when the shop was first opened, and therefore any noise from the property should be kept to a minimum.

POLICY CONTEXT

National Policy

Planning Policy Wales (PPW) – Edition 8, January 2016

Sections 4.11.9 – 4.11.12 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context. Regard should be given to the appropriate scale, appearance, landscaping and the quality of building design, as well as its accessibility

Section 6.5.17 points out that *‘Should any proposed development conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the grant of planning permission’*.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:-

TAN 11 - Noise provides advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business.

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Local Policy

Merthyr Tydfil Local Development Plan (LDP) 2006-2021:

Policy BW4 – Settlement boundaries/location constraints

Policy BW6 – Townscape and built heritage

Policy BW7 – Sustainable design and placemaking

Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design

PLANNING CONSIDERATIONS

The main issues to consider when assessing this application relate to whether the installation of the refrigeration/air conditioning unit would have an acceptable impact on the amenity of surrounding residents in terms of noise and disturbance. The impact of the development on the character and appearance of the Treharris Conservation Area and the existing property are also important considerations.

The scale of the proposed refrigeration/air conditioning unit is relatively modest and it would be hidden behind a 2.2 metre high acoustic barrier. Additionally, both the unit and barrier would be sited to the rear of the main building, and to the side of a rear annexe, in the enclosed rear yard of the property. They are therefore significantly screened from the surrounding area. The acoustic barrier would only be partially visible from the upstairs windows of the adjoining dwelling of 34 Fox Street. The boundary wall and hedge between the application site and number 34 would otherwise screen the development. Similarly, the three replacement doors are located to the rear of the property and would not be visible from the surrounding area. Nevertheless, the doors are considered to be of an appropriate design and would be constructed of an appropriate material. It is noted that the Design, Heritage and Conservation Officer has not objected to the proposal. As such, the proposed developments are considered acceptable and would preserve the character and appearance of the conservation area. In this respect the proposal complies with policies BW6 and BW7 of the LDP.

Regard has also been had for the potential impact of the proposed development on the amenities of the surrounding residents. In this respect, it is noted that the refrigeration/air conditioning unit would be sited 2.5m away from the shared boundary with the adjoining dwelling, 34 Fox Street. Given this close proximity, the proposed unit (combined with the existing unit) has the potential to have a detrimental impact on neighbouring residents in terms of noise and disturbance. The acoustic barrier would enclose the units on two sides (with a third side being somewhat enclosed by the rear annex of the building) and would project 0.6m above the units. The agent has also advised that the existing unit (which is currently in operation 24 hours a day), would be switched off at 10.00pm. Given the acoustic barrier and the fact the existing unit would be switched off over-night, the Environmental Health Manager is satisfied that the noise produced by both the proposed and existing units would not result in any significant impact on neighbouring residents in terms of noise and disturbance. It is considered necessary to attach suitably-worded conditions to any permission granted, ensuring that the acoustic barrier remains in place at all times and that the existing refrigeration unit is switched off over-night (10pm-6am). Members should note that the existing unit emits a greater amount of noise than the unit proposed and is not required to operate outside of opening hours.

Given their scale and siting, it is not considered that the refrigeration/air conditioning unit, acoustic barrier or the replacement doors, would have any impact on the amenities of surrounding residents in terms of loss of light, loss of privacy or overbearing impact.

Therefore, it is considered that the proposed development would have an acceptable impact on the amenities of the adjoining residents and complies with Policy BW7 of the Merthyr Tydfil Local Development Plan.

The proposal would also not have any impact on highway or pedestrian safety. It is noted that the Engineering and Traffic Group Leader has not objected to the proposal in this respect.

With regard to the objection raised concerning the noise and disturbance from delivery vehicles, this is not a matter that can be considered under this application. Indeed, in terms of this premises, it cannot be controlled under planning legislation.

In conclusion, based on the information submitted, the proposal is visually acceptable and would not result in a significant loss of residential amenity as a result of the noise emitted from the proposed refrigeration/air conditioning unit. Members will be aware that if planning permission is granted and the development constructed, any objections from neighbouring residents concerning noise and disturbance can be controlled under Environmental Health legislation.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

3111.01 (Block & Site Location Plans); Plant Selection Report & Plant Selection Report Addendum received on 17th May 2016; 3111.03a (Proposed Details); and 14664/100 (G.A. of Acoustic Screen) received on 22nd July 2016.

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. **Prior to** the proposed air-conditioning/refrigeration unit hereby approved being brought into beneficial use, the proposed acoustic barrier shall be installed in accordance with the details shown on approved plans 3111.03a & 14664/100. The acoustic barrier shall be retained as such thereafter.

Reason - In the interests of residential amenity in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

4. The existing refrigeration unit, shown on approved plans 3111.02 (labelled Refrigeration plant unit) and 3111.03a, shall not operate between the hours of 10.00pm (2200) and 6.30am (0630).

Reason - In the interests of residential amenity in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.
